

The Cabinet

23rd March, 2016 at 3.00 pm
at the Sandwell Council House, Oldbury

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

Apologies: Councillors Y Davies and Hackett;
Councillors Ahmed and L Horton.

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

46/16

Minutes

Resolved that the minutes of the meeting held on 9th March, 2016 be confirmed as a correct record.

Strategic Items

47/16

Formation of a New Partnership Board to oversee the Management of the CONTEST Strategy (Including PREVENT) in Sandwell (Key Decision Ref. No.TNS039)

The Leader of the Council and portfolio holder for Town and Neighbourhood Services sought approval to form a partnership CONTEST Board to oversee the strategic direction of the four elements of the Government's national Counter Terrorism Strategy.

CONTEST would deal with all forms of terrorism and was based around four main areas of work intended to enable authorities to reduce the threats and vulnerabilities faced in relation to terrorism.

The CONTEST strategy would strengthen working arrangements in their delivery within Sandwell and its partners for the benefit of community safety and safeguarding and was based on delivering the following four strands of activity:-

The Cabinet – 23rd March, 2016

- **Pursue:** the investigation and disruption of terrorist attacks;
- **Prevent:** work to stop people becoming terrorists or supporting terrorism and extremism;
- **Protect:** improving our protective security to stop a terrorist attack; and
- **Prepare:** working to minimise the impact of an attack and to recover from it as quickly as possible.

Prevent, Protect and Prepare were the responsibility of local authorities working with partners. The Police were responsible for Pursue which mainly covered Policing activity led by the Counter Terrorism Unit.

Sandwell currently had a PREVENT Partnership Delivery Group that reported to the PREVENT Strategic Advisory Board. This Board was accountable to the Safer Sandwell Partnership (Police and Crime Board). The Partnership Resilience group had responsibility for Protect and Prepare. This work also necessitated close partnership with Police, Fire Service and other partners, and needed to be included within the formal governance structure within the Safer Sandwell Partnership.

Working at a strategic level across the four strands of activity there was clearly greater value in having one strategic board covering all of the issues within CONTEST rather than managing the individual elements separately.

The proposal sought to strengthen working arrangements between strands of work to deliver all four strands of activity (the 4 Ps) within the local authority structure and to ensure clear accountability to the Council and its partners for delivery of work in this important area of community safety and safeguarding.

It was proposed that a CONTEST board would primarily report within the Safer Sandwell Partnership whilst strengthening links with both Children and Adult safeguarding boards and the Health and Wellbeing Board.

In response to a number of questions from the Chair of Children's Service and Education Scrutiny Board and the Chair of the Housing Scrutiny Board, the Leader of the Council reported that:-

The Cabinet – 23rd March, 2016

- all schools were required to implement the PREVENT duty regardless of their school status, for example, an Academy. WRAP training would be provided to all school free of charge and half of schools had already received this training. Schools were motivated to take PREVENT seriously as it was seen by Ofsted as a key element of safeguarding and they were required to demonstrate they were implementing the duty during inspections;
- secondary schools were represented on the partnership board and once the Board was up and running, representation for primary schools would be looked at;
- whilst the Government had recently announced all schools would become academies by 2020, the responsibility to do so rested with the authority with diminishing resources;
- it was unlikely that representation on the boards would be offered to specific religious groups. The Leader emphasised that religion in Sandwell was based on individual choice and no one particular faith was advocating terrorism.

Resolved:-

- (1) that a CONTEST Board be established to oversee the management of the CONTEST strategy in Sandwell in accordance with the terms of reference of the Board as now submitted;
- (2) that the Leader of the Council and a Cabinet Member be nominated to represent the Council on the CONTEST Board;
- (3) that the existing Prevent Partnership Delivery Group and the Resilience Board become accountable to the new CONTEST Board;
- (4) that the current Prevent Strategic Advisory Board be dissolved with immediate effect.

Co-operative working with Sandwell and West Birmingham Hospitals NHS Trust (Key Decision Ref. No. ASCH018)

The Deputy Leader and Cabinet Member for Finance and Resources, in the absence of the Cabinet Member for Adult Social Care and Health, sought approval to establish co-operative working arrangements with Sandwell and West Birmingham Hospitals NHS Trust.

The partnership arrangements would enable greater opportunities to improve life expectancy in Sandwell by ensuring common objectives were sought, such as securing value for money and improving the quality of the service provided.

To progress co-operative working, the Council would enter into a contract with the Trust. This would allow the local authority to enter into a contract without competition, where the contract was with another contracting authority and co-operation was established to ensure public services were provided with the aim of achieving common objectives.

The contract would be for a period of three years from 1st October 2016 with an option to extend for two further years subject to performance and review. The form of contract would be a service contract that specified the nature of co-operative working between both parties and would include separate schedules for each service. Each schedule would contain service specific information including the service specification, quality standards, key performance indicators, financial arrangements and any 'Payment By Results' terms. The schedules would also contain operational details of the co-operative working arrangements specific to each service.

The contract would make the provision for services to be added or removed as required, with differing expiry dates which would sustain future developments of the service. Key performance indicators would be attached to payments by a results mechanism which would mitigate risks to the performance of the service. Co-operative working arrangements would be monitored quarterly and subject to a three year review to ensure effectiveness.

An equality impact assessment was not required for this proposal.

The Cabinet – 23rd March, 2016

In response to a question raised by the Chair of the Health and Adult Social Care Scrutiny Board, the Deputy Leader and Cabinet Member for Finance and Resources confirmed that the co-operative working performance would be monitored by the relevant health scrutiny bodies and the Health and Wellbeing Board.

Resolved:-

- (1) that the Director - Public Health be authorised to award a contract to Sandwell and West Birmingham Hospitals NHS Trust for the following services:-

Service	Current Annual Value*	Proposed Contract Period for each Service
Health Visiting	£5,812,000	1 October 2016 – 30 September 2019 with an option to extend for a further 2 years.
Family Nurse Partnership	£508,000	1 October 2016 – 31 March 2018 with an option to extend for up to a further 3.5 years.
Family Nurse Partnership additional investment	£287,400	1 October 2016 – 31 March 2017 with an option to extend for up to a further 4.5 years.
Breastfeeding Support	£67,000	1 October 2016 – 30 September 2019 with an option to extend for up 2 years.
Genito Urinary Medicine	£701,000	1 October 2016 – 31 March 2018 with an option to extend for up to a further 3.5 years.
Contraception and Sexual Health Service	£918,000	1 October 2016 – 31 March 2018 with an option to extend for up to a further 3.5 years.

The Cabinet – 23rd March, 2016

Infection Prevention Services	£42,000	1 October 2016 – 31 March 2017 with the option to extend for up to a further 2.5 years.
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**Service financial values shall be agreed on an annual basis taking into account performance, service demand and financial settlements for Public Health.*

- (2) that the Director – Governance enters into a contract for the services listed and periods specified with Sandwell and West Birmingham Hospitals NHS Trust, as set out in resolution (1) above, on terms agreed with the Director - Public Health;
- (3) that any necessary exemptions be made to the Council's Procurement and Contract Procedure Rules to enable the proposed actions to proceed.

49/16

Black Country Growth Opportunities Local Delivery (GOLD) in Key Sectors (Key Decision Ref. No. RE1013)

The Deputy Leader and Cabinet Member for Finance and Resources sought approval to the submission of a European Regional Development Funding application for Black Country Growth Opportunities: Local Delivery (GOLD) totalling a sum of £5,293,151.

The programme would provide up to 50% grant support up to a maximum of £25,000 (£15,000 capital limit) for small medium enterprises which would support growth projects.

Sandwell was a partner to the programme and would contribute up to £48,000 over the life of the programme via salary match contributions.

The programme aimed to support over 180 Black Country small medium enterprises which would enable access to grants, creating 100 jobs and enabling over £4 million of private sector investment.

A full appraisal had been undertaken by the Strategic Finance and a number of risks and action points were recommended to mitigate those risks identified.

[ILO: UNCLASSIFIED]

The Cabinet – 23rd March, 2016

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

- a number of key stakeholders on the Transformational GOLD Project Board would be made up of private sector business advisors and local authority representatives with the arrangement for the operation of the programme at a Black Country level. The Council would be entering into this arrangement with Wolverhampton City Council as the accountable body in order to draw down resources;
- in the unlikely event that there was clawback required, this would rest with Wolverhampton City Council although the liability would be shared across the four Black Country boroughs. However, all authorities would ensure that processes would be put in place to prevent this from occurring.

Resolved:-

- (1) that the submission of the European Regional Development Funding Black Country Growth Opportunities: Local Delivery (GOLD) in Key Sectors funding application naming Sandwell as a partner be approved;
- (2) that the following action points identified within the appraisal report be implemented to reduce any risk to the Council:-
 - ensure that the legal agreement with grant recipients transfers the risk for non-delivery of outputs to the small medium enterprises in order to mitigate the risk of clawback of European Regional Development funding from the Council;
 - in the event that clawback is sought from Sandwell MBC, funding will be required from within Regeneration and Economy's existing resources;

The Cabinet – 23rd March, 2016

- ensure robust management and monitoring procedures are in place to produce European Regional Development compliant claims and reduce the risk of clawback from the Council due to administrative errors;
- (3) that subject to resolution (2) above, the Director-Regeneration and Economy, in conjunction with the Director - Governance, enter into a service level agreement with Wolverhampton City Council as the accountable body for the Black Country Growth Opportunities: Local Delivery (GOLD) in key sectors programme.

50/16

Landscape Design and Architectural Building Design and Contract Supervision Services for the Restoration of West Smethwick Park (Key Decision Ref. No. RE1018)

The Deputy Leader and Cabinet Member for Finance and Resources sought approval for landscape design and contract supervision services for the restoration of West Smethwick Park.

The park had been identified for regeneration and subsequently the application was approved at round one by the Heritage Lottery Fund.

It was proposed to appoint a multi-disciplinary design team that would work in partnership with the Council to develop restoration proposals for West Smethwick Park.

In accordance with Procurement and Contract Procedure Rules, tenders were invited. The most economically advantageous bid of £385,000 for the design and delivery project stage was received from the Council's in-house team from Urban Design and Building Services.

The procurement process was a contractual obligation that Heritage Lottery placed upon the Council. This was part of the approved process used as a tried and tested formula for all Lottery contracts. This process was also followed by all local authorities in order to comply with lottery contractual obligations.

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The Cabinet – 23rd March, 2016

In response to a question raised by the Chair of the Housing Scrutiny Board, in the absence of the Chair of the Leisure, Culture and the Third Sector Scrutiny Board, the Deputy Leader and Cabinet Member for Finance and Resources confirmed that this was not the first time the Council's in-house team had been awarded a Heritage Lottery Fund contract. A strong point was the community element in the development of bids, however, the cost and quality of work elements had clearly been met.

Resolved:-

- (1) that the Director – Neighbourhoods to award the contract for Landscape Design and Architectural Building Design and Supervision Services for West Smethwick Park to Sandwell Council Urban Design and Building Services for phase 1 up to £385,000;
- (2) that the Director – Governance enter into an appropriate contract with Urban Design and Building Services for Landscape Design and Architectural Building Design and Supervision Services to Sandwell Council Urban Design and Building Services for phase 1;
- (3) that in connection with resolution (1) above, the Director – Neighbourhoods report back to Cabinet on phase 2 of the applications proposed works and sources of funding.

51/16

High Rise Refurbishment Works to Nelson House, Tipton (Key Decision Ref. No. RE1018)

The Cabinet Member for Regeneration and Economic Investment sought approval to award the contract in relation to external and minor internal high rise refurbishment works to Nelson House, Tipton.

In accordance with Procurement and Contract Procedure Rules, tenders were sought via the Homes and Communities Agency framework agreement for contractors with suitable experience with high rise refurbishment.

Lovell Partnerships Ltd offered the most economically advantageous tender scoring at a cost of £2,389,240.

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The Cabinet – 23rd March, 2016

In response to a question raised by the Chair of the Housing Scrutiny Board, the Cabinet Member confirmed that the provisions of the Public Services (Social Value) Act 2013 had been met and were monitored and delivered through a series of indicators which sought to provide added social value outside of the physical environment to people's homes.

Resolved:-

- (1) that the Director - Neighbourhoods award the contract for the High Rise Refurbishment Works of Nelson House, Tipton to Lovell Partnerships Limited in the sum of £2,389,240;
- (2) that the Director – Governance enter into an appropriate contract with Lovell Partnerships Ltd for the high rise refurbishment works to Nelson House, Tipton.

52/16

Local Transport Settlement 2016/17 – Sandwell Allocation (Key Decision Ref. No. REI017)

The Cabinet Member for Regeneration and Economic Investment provided details of the Local Transport Settlement 2016/17 which outlined the local transport resources allocated to the authority for the period 2018/19 to 2020/21 and sought approval to the minor works and maintenance programme for 2016/17.

Nationally, the amount of Integrated Transport Block funding allocated to local authorities for this period had reduced from £320m in 2013/14 to £258m for 2015/16 and subsequent years. The reduction was due to the Government's decision from 2015/16 onwards to top slice £200m annually from the national pot which was allocated to the Local Growth Fund.

The impact of this reduction had been a reduction in the ability to fund minor schemes.

[ILO: UNCLASSIFIED]

The Cabinet – 23rd March, 2016

Nationally, £578m had been set aside for incentive fund schemes, to help reward local highway authorities who demonstrated they were delivering value for money in carrying out efficiency improvements using modern asset management principles. Each local highway authority in England was invited to complete a self-assessment questionnaire, in order to establish the share of the incentive fund they would be eligible for in 2016/17.

The purpose of the fund was to allow bids for major projects that would have a real impact on improving local highway infrastructure and were unaffordable through the normal needs element of the Highway Maintenance Block Funding capital allocations.

In response to a question raised by the Chair of the Jobs, Economy and Enterprise Scrutiny Board, in the absence of the Chair of the Community Safety, Highways and Environment Scrutiny Board, the Cabinet Member confirmed that:-

- the 2016/17 figure for Integrated Transport Block (the minor works programme) was the same as the 2015/16 allocation;
- the figure for maintenance was more complex with the 'needs based allocation to Sandwell for 2016/17 being reduced by 8.3% due to the Government's move towards an element of competitive bidding for maintenance funding;
- the West Midlands had been successful in its bid to the Challenge Fund in 2015 for £39.9m for 2015/16 to 2017/18. Sandwell received £7.299m of which £3.23m was in 2016/17. Overall, Sandwell's maintenance funding for 2016/17 had increased by approximately 10.5% on the 2015/16 figure.

Resolved:-

- (1) that the details of the allocation of resources for Integrated Transport and Local Highway Maintenance Block funding, as approved by the West Midlands Integrated Transport Authority on 27th January 2016, be received;

The Cabinet – 23rd March, 2016

- (2) that the following programme of minor works, highways, bridges and street lighting maintenance works for 2016/17 be approved:-

Minor Works Programme	Funds 2016/17 £'000s
Major Schemes - design and land in advance	83
Local Area Safety Schemes	115
Local Safety Schemes	150
Safer Routes to School	125
Vulnerable Users	250
Demand Management	100
Traffic Calming	100
Major Route Signing	60
Named Schemes Over £250k.	500
Total	1483

Maintenance Programme	Funds 2016/17 £'000s
Carriageway Maintenance – Needs based	1742
Carriageway Maintenance – Incentive Fund*	160-178
Carriageway Maintenance – Challenge Fund	3230
Bridges	300
Street Lighting Programme	900
Total*	6332 - 6350

* Figures given show a range. The Actual figure will depend on the outcome of the self-assessment for the Incentive Fund element.

53/16

Purchase of ORACLE Software Licenses (Key Decision Ref. No. FR046)

The Deputy Leader and Cabinet Member for Finance and Resources sought approval for the renewal of two contracts: Oracle E-Business Suite Software Licenses and Oracle – Reporting Software Licenses.

[ILO: UNCLASSIFIED]

The Cabinet – 23rd March, 2016

Oracle Reporting Software Licenses underpinned Oracle E-Business Suite reporting and would therefore be essential for continued license compliancy and ongoing reporting functionality used in the current software configuration.

In accordance with the Council's Procurement and Contract Procedure Rule, an exemption was sought on the basis that the contracts were socialist in nature.

Resolved:-

- (1) that the Assistant Chief Executive award:-
 - a) Oracle E-Business Suite Software Licences in the sum of £314,270 from Oracle Corporation Limited for a one year period from 11th April 2016 to 10th April 2017;
 - b) Oracle Reporting Software Licenses in the sum of £81,673 from Oracle Corporation Limited for a one year period from 28th April 2016 to 27th April 2017;
- (2) that in connection with resolution (1) above, any exemptions be made to the Council's Procurement and Contract Procedure Rules to enable the action proposed to proceed.

Business Items

54/16

Implementation of the National Living Wage on 1st April 2016

The Deputy Leader and Cabinet Member for Finance and Resources provided details of the requirement to implement the National Living Wage on 1st April 2016.

The introduction of the National Living Wage would impact on Council employees paid spinal column points 6 or 7 within Pay Band A. To accommodate this requirement and as a contingency measure, it was proposed that a new temporary paid spinal column point should be created of £13,891 per annum, i.e. £7.20 per hour and paid (pro-rata) to all employees on either paid spinal column point 6 or paid spinal column point 7 from 1st April 2016.

[ILO: UNCLASSIFIED]

The Cabinet – 23rd March, 2016

These temporary paid spinal column points would be payable until such time that the pay award for 2016/18 for employees on NJC terms and conditions of employment was settled, nationally.

In view of the amount of the 2016/18 pay offer already made by the employers' side, it was inevitable that once the award was finally settled, the hourly rates of pay applicable to employees on paid spinal column points 6 and 7 would be compliant with the National Living Wage and therefore the temporary paid spinal column points would no longer be required from this date. Employees paid the temporary spinal column points would then be assimilated on to the appropriate SCP on the new pay spine and any back pay due, (i.e. between £7.20 and their new appropriate hourly rate) would be paid as soon as possible thereafter.

Although legislation only required employers to pay the National Living Wage to employees aged 25 years and over, the Council would apply the new rates of pay to all employees on Pay Band A who were paid less than £7.20 per hour. This would ensure the Council was consistent with its principles on Single Status and the Equality Act 2010.

If the NJC pay award was agreed before 1st April 2016, the Council would apply the new hourly rates of pay from the date of implementation. These rates would be compliant with the requirements of the National Living Wage.

The £21 local award paid annually to employees on all spinal column points up to and including point 12 would continue to be paid on top of the nationally determined rates to employees on these particular salary points.

Resolved that two temporary spinal column points be created of £13,891 per annum, i.e. £7.20 per hour and paid (pro-rata) to all employees on either spinal column point 6 or spinal column point 7 in order to facilitate payment of the National Living Wage to affected employees from 1st April 2016.

The Cabinet – 23rd March, 2016

55/16 **Decisions Taken by the Cabinet Member for Highways and Environment on 16th February, 2016**

The decisions of the Cabinet Member for Highways and Environment on 16th February 2016 were received.

No questions were asked of the Cabinet Member.

56/16 **Minutes of the Meeting of the Cabinet Petitions Committee held on 24th February, 2016**

The minutes of the meeting of the Cabinet Petitions Committee held on 24th February 2016 were received.

No questions were asked of the Cabinet Members.

57/16 **Notes of the Black Country Executive Joint Committee on 20th January, 2016**

The notes of the Black Country Executive Joint Committee meeting held on 20th January, 2016 were received.

No questions were asked of the Leader.

58/16 **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).

Strategic Item

59/16

Advertising and Sponsorship Agent for Roundabouts and Boundary Signs (Key Decision Ref. No HE043)

The Cabinet Member for Highways and Environment sought approval for an advertising and sponsorship agent for roundabouts and boundary signs in Sandwell.

The Council was looking at income/generation opportunities presented through the ownership of its public estate, built assets and highway infrastructure. It was committed to develop a strategic approach to maximising income across all these assets.

Target income from certain forms of advertising and sponsorship could be difficult to predict with any degree of accuracy. However, it was believed that long term whole portfolio targets, pursued realistically, would yield around £1 per head of population in the borough, giving a total target yield of £300,000 - 350,000pa when all contracts were fully operational.

Income potential varied depending upon the range of formats that councils would be able to realistically offer the market. The most lucrative on an individual site location basis would be large format digital signs adjacent to major highways or in other prime locations. Billboards, illuminated revolving panel signs and street furniture offered moderate income potential, whereas roundabouts, boundary signs and suitable lighting columns, offered modest income. Officers would be working to develop income streams across the whole range of these opportunities.

Following the procurement process, it was recommended to award a contract to Marketing Force Ltd for 5 years, with three x 12 month extension options at the Council's discretion subject to satisfactory performance and meeting key performance targets.

The Cabinet – 23rd March, 2016

Resolved:-

- (1) that the Director – Regeneration and Economy be authorised to award the Advertising and Sponsorship Agent for Roundabouts and Boundary Signs Contract to Marketing Force Ltd for a 5 year period from 2nd May 2016 to 30th April 2021, with the option to extend for 3 x 12 month periods until 30th April 2024, subject to continued satisfactory performance;
- (2) that in connection with resolution (1) above, the Director – Governance execute any documents necessary with Marking Force Ltd for the Advertising and Sponsorship Agent for Roundabouts and Boundary Signs contract.

(Meeting ended at 3.53 pm)

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