

**The Cabinet**

**19<sup>th</sup> October, 2016 at 3.30 pm**  
**at the Sandwell Council House, Oldbury**

**Present:** Councillor Eling (Chair);  
Councillors Carmichael, Gill, Hackett, D Hosell,  
Khatun, Marshall, Moore, Shackleton and Trow.

**In attendance:** Councillors Ahmed, Crompton, Y Davies, Gavan,  
P Hughes, S Jones and Underhill.

161/16 **Declarations of Interest**

Councillor Khatun declared a non-pecuniary interest in relation to Minute No. 169/16 (Grant Funding for Voluntary Sector Advice Provision 2017/2018 - 2019/2020 (Key Decision Ref. No. CCS13)) on that basis that she worked for Bangladeshi Women's Association.

Councillor Ahmed also declared a non-pecuniary interest in relation to Minute No. 169/16 (Grant Funding for Voluntary Sector Advice Provision 2017/2018 - 2019/2020 (Key Decision Ref. No. CCS13)) in relation to Smethwick Pakistani Muslim Association.

162/16 **Minutes**

**Resolved** that the minutes of the meeting held on 21<sup>st</sup> September, 2016 be confirmed as a correct record.

**Strategic Items**

163/16

**Formation of a Children’s Trust to deliver Children’s Social Care Services in Sandwell (Key Decision Ref. No. CS083)**

The Cabinet Member for Children’s Services reported that on 6<sup>th</sup> October 2016, the Government announced its decision to introduce a trust to run Sandwell’s children’s social care services.

Following recommendations made by the government appointed commissioner, Eleanor Brazil, Edward Timpson MP, Minister for Vulnerable Children, had decided that the way to achieve the level and pace of required improvement was to remove operational control of children’s social care services from the Council for a period of time in the form of a Children’s Trust. The statutory responsibility for children’s services would however, remain with the Council.

The Council had held extensive discussions with the Department for Education about the future of the service and made representations to the Minister. Whilst the Council did not agree that the setting up of the trust was the best solution to improve services, the Council did share the desire with the Minister to see rapid and sustained improvement in children’s social care and was committed to working jointly with the Department for Education to achieve the best possible outcomes for vulnerable children and young people in Sandwell.

The Secretary of State had appointed Malcolm Newsam as Commissioner for children’s services in Sandwell. The Commissioner’s main responsibilities included but were not limited to:

- overseeing the improvements the Council needed to make in relation to its children’s social care functions;
- working with the Council on setting up a new body to deliver high quality children’s social care services.

The Statutory Direction set out the requirement of the Council to develop a Memorandum of Understanding in agreement with the Commissioner to be signed by 1<sup>st</sup> December 2016. This would include:

## The Cabinet – 19<sup>th</sup> October, 2016

- the Council's proposed arrangements for transferring its children's social care services to a Trust;
- proposed arrangements for monitoring progress and reviewing the improvement plan.

The Commissioner would report to the Minister on the Memorandum of Understanding in mid-November 2016. A further report on the Memorandum of Understanding and the associated risks and mitigations would be considered by the Cabinet in November 2016.

In response to a number of questions raised by the Chair of the Children's Services and Education Scrutiny Board, the Cabinet Member for Children's Services confirmed that:-

- the time line for setting up the trust would be outlined within the Memorandum of Understanding and would be dependent upon the trust structure, signing of all the legal agreements, the recruitment of key personnel and the setting up of the board. It was anticipated that this would be undertaken within 6-12 months although the authority would be working to ensure that the work required was done as efficiently as possible to minimise inappropriate delays;
- support to staff would continue during the period of setting up the Trust and then running it. Staff would continue to be reassured that this was no risk to them and an opportunity to drive forward with the agenda. The support through managers and maintaining good working conditions were all part of the improvement journey and these would remain key to ensuring morale of staff was maintained;
- the Commissioner was appointed by the Government and was currently present two days per week in Sandwell;
- a Governance framework was in place to monitor the improvement plan and service performance during the period of the development of the Trust which would run parallel with the Trust programme. Once a Trust was formed, there would be a clear performance accountability structure that would be monitored by the authority. The authority did not lose its statutory responsibility and therefore would need to ensure robust monitoring arrangements.

## The Cabinet – 19<sup>th</sup> October, 2016

The Cabinet Member and the Leader of the Council were continuing to meet the Commissioner every fortnight and were focussed on Council improvements to ensure that the day to day improvements were ongoing whilst setting up the Trust.

In response to questions raised by the Chair of the Community Safety, Highways and Environment Scrutiny Board and the Chair of Health and Adult Social Care Scrutiny Board, the Leader of the Council confirmed that:-

- Ofsted would decide when they would next inspect the Council with the Council having no notice of such an inspection. When the Government had made its formal announcement in relation to the Trust, Ofsted had also published its quarterly report which had congratulated the authority on making improvements to children's social care services;
- Sandwell had taken the view that the Trust would not be a good model and it would be better to implement a separate organisation. However, if the Government did impose an expensive children's Trust model upon the Council, the Leader had assured the Minister Edward Timpson that they would be discussing how the Government would resource such a model.

The Leader of the Council clarified that in view of the short timeframe from when the formal Trust announcement was made to the publishing of the Children's Services report, very little information was known to the Council on what the Trust should look like and costings etc. More details would be included in the Memorandum of Understanding. However, the Leader would be meeting with the Minister Edward Timpson again once the scope of the Trust was known. In the meantime, discussions were ongoing on making improvements to children's social care.

### **Resolved:-**

- (1) that the Statutory Direction by the Secretary of State be received and that the commitment to work jointly with the Department for Education to achieve the best possible outcomes for vulnerable children and young people in Sandwell be endorsed;

## The Cabinet – 19<sup>th</sup> October, 2016

- (2) that the Chief Executive submit a further report on the Memorandum of Understanding for the Children's Trust to Cabinet in November 2016.

164/16

### **Advice, Investment, Market Development (AIM) for the Black Country European Regional Development Fund Project (Key Decision Ref. No. REI1010)**

The Cabinet Member for Core Council Services sought approval for the Council to become a partner alongside the four Black Country local authorities, in submitting a European Regional Development Fund funding application for Advice, Investment, Market Development for the Black Country programme for the sum of £4.2m.

The programme would provide an increased pool of navigators/account managers to engage and support small and medium sized businesses to access specialist support to help them grow.

Sandwell was a delivery partner to the programme and would contribute up to £259,359 over the life of the programme via salary match contributions.

Over its lifetime, the programme aimed to deliver 2,000 new business enquiries, 1000 outputs for diagnostic and brokerage support, 460 outputs for "business assists" in addition to 230 new jobs, 120 referrals to national schemes, 120 new products and 60 small/medium sized enterprises interacting with the knowledge base.

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

#### **Resolved:-**

- (1) that the Council agree to Sandwell being a named partner in the European Regional Development Fund Advice, Investment, Market Development for the Black Country project (AIM);

[ILO: UNCLASSIFIED]

## The Cabinet – 19<sup>th</sup> October, 2016

- (2) That, in connection with resolution (1) above, the following action points identified within the appraisal report be implemented to reduce any risk to the Council:
- ensure that the final Grant Funding Agreement with Wolverhampton City Council is reviewed by both Legal Services and Strategic Finance prior to signing;
  - clarify who would provide state aid advice to companies and the associated clawback risks;
  - ensure that a corporate compliant risk register is developed for the Sandwell element of the project;
  - in the event that clawback is sought from Sandwell MBC, funding will be required from within Regeneration and Economy's existing revenue resources;
  - ensure robust management and monitoring procedures are in place to produce ERDF compliant claims and reduce the risk of clawback from the Council due to administrative errors;
- (3) that, subject to successful resolution of (2) above, the Director - Regeneration and Economy enter into a Grant Funding Agreement with Wolverhampton City Council as the accountable body for the European Regional Development Fund Advice, Investment, Market Development for the Black Country project (AIM) for the Black Country programme.

### 165/116 Corporate Procurement Activity – Contract Award Report October 2016 (Key Decision Ref. No. CCS11)

The Cabinet Member for Core Council Services sought approval to award four corporate contracts, in accordance with the Council's Procurement and Contract Procedure Rules, as follows:-

#### **Advertising Services**

Approval was sought to access the new Eastern Shires Purchasing Organisation Framework 3A Advertising Services in order to provide swift access to suppliers for a range of advertising requirements.

## The Cabinet – 19<sup>th</sup> October, 2016

This would include recruitment and resourcing related services and public/statutory notice and classified advertising. Depending on the individual requirements, direct awards or further competitions would be required under this framework agreement.

It was proposed to access the framework from 24<sup>th</sup> October 2016 for an initial period of two years, with an option to extend for a further period or periods up to a total of two years.

### **Agency Staffing**

Whilst the Council's drive was to reduce reliance upon agency workers, where it was necessary to employ temporary staffing these were accessed through the Agency Staffing Services Framework Agreement procured and managed by Birmingham City Council. The Council would be carrying out a tendering exercise to develop its own Framework Agreement which would be available to other public sector organisations at a charge. A further report would be submitted to award the contracts following the procurement exercise.

Approval was now sought to continue to access Birmingham City Council's Agency Staffing Services Framework Agreement until January 2017, to secure the best overall value for money in the interim, whilst the Council's own Framework Agreement was procured and in place by 1<sup>st</sup> February 2017.

### **The Supply of Electricity**

The Council currently participated in the Electricity Supply Framework arranged and managed by Eastern Shires Purchasing Organisation. The Organisation had recently undertaken an OJEU compliant tender for renewal of the Framework with effect from 24<sup>th</sup> October 2016 for four years. In order to take advantage of the prices secured by Eastern Shires Purchasing Organisation and negate the need for a separate procurement process, a new Access Agreement was required for completion to enable the Council to switch supplier from Scottish & Southern Electricity to Total Gas & Power Ltd. It was therefore proposed that the Council entered into the access agreement for Eastern Shires Purchasing Organisation Framework 191B/C Electricity for four years.

## The Cabinet – 19<sup>th</sup> October, 2016

### **Physiotherapy Services**

The Corporate Procurement Service carried out an OJEU compliant procurement process to secure provision of physiotherapy services, which formed part of the Council's Occupational Health offer. The requirement sought a daily rate for carrying out on average twelve appointments per day, Monday to Friday. This contract would be for two years from 1<sup>st</sup> November 2016, with the option to extend for a further one year.

It was now proposed that IPRS Health Ltd be awarded the contract which would represent a saving of around 15% based on the current daily rate.

### **Resolved:-**

- (1) that access to the Eastern Shires Purchasing Organisation Framework 3A Advertising Services be approved for two years from 24<sup>th</sup> October 2016 with the option of extending for a further two years, and for services across the Council to place 'call off' orders as and when required;
- (2) that the use of Birmingham City Council's Agency Staffing Services Framework Agreement be continued until January 2017 whilst the Council's own Framework Agreement is procured and in place for 1<sup>st</sup> February 2017;
- (3) that the award of the electricity supply contract to Total Gas and Power Ltd under the Eastern Shires Purchasing Organisation Framework 191B/C be approved, and complete the necessary Assess Agreement to enable services to call off from this Framework for a four-year period from 24<sup>th</sup> October 2016;
- (4) that IPRS Health Ltd be awarded the contract for Physiotherapy Services for the period of 1<sup>st</sup> November 2016 to 31<sup>st</sup> October 2018 with an option to extend for a further one year up to 31<sup>st</sup> October 2019;



## The Cabinet – 19<sup>th</sup> October, 2016

- (5) that the Council enter into, sign and seal, the necessary agreements and associated documents required in order to execute the identified contracts and framework agreements.

166/16

### **Award of Framework Agreements for Black Country Minor Works, The Supply of Plant Hire and Access to Eastern Shires Purchasing Organisation 256 Framework Agreement (Key Decision Ref. No. HE048)**

The Cabinet Member for Highways and Environment sought approval to award three contracts, in accordance with the Council's Procurement and Contract Procedure Rules, as follows:-

#### **Black Country Framework Agreement for Minor Works**

The Framework Agreement was required for the provision of highways, transportation and minor civil engineering construction works including minor highway works, public realm enhancements, work on bridges and highway structures, traffic management work, transport related projects and other public infrastructure work. The total cost of works procured by participants over the potential life of the Framework Agreement was estimated to be between £10m and £50m.

The total cost of work procured by the Council over the potential life of the Framework Agreement was approximately between £12m and £16m.

The Framework Agreement comprised of three Lots and was for a three year period commencing 1<sup>st</sup> November 2016 with the option to extend for an additional one year subject to satisfactory performance.

Tender offers were scored by a team of officers representing Sandwell MBC, Dudley MBC, Walsall MBC, Wolverhampton CC and Transport for West Midlands (formerly Centro).

## The Cabinet – 19<sup>th</sup> October, 2016

### **The Supply of Plant Hire**

Approval was sought to award the Framework Agreement for the supply of plant hire to supply a range of compressors, rollers, plate vibrators, excavators, tippers and other specialist items to meet the Council's Highway Services plant hire requirements. The Council was the lead authority for this Framework Agreement on behalf of the other members of the Black Country Purchasing Consortium.

The total cost of plant hire procured over the life of the Framework Agreement by the Council was approximately £280,000 and was for a four year period commencing 1<sup>st</sup> November 2016 subject to satisfactory performance.

### **Highway Electrical Connections provided by Independent Connection Providers**

Approval was sought to access the new Eastern Shires Purchasing Organisation Framework Agreement for Highway Electrical Connections provided by Independent Connection Providers. The requirement covered the provision of services for unmetered street lighting connections by suppliers known as Independent Connections Providers. The Council currently did not have any contractual arrangements in place for this due to the fact that the market for this requirement was, until recently, incontestable. However, the market had been opened up to competition by OFGEM through their Competition in Connections ruling.

The total amount of expenditure over the potential life of the Framework Agreement by the Council was approximately £320,000 and was for a two year period commencing 7<sup>th</sup> September 2016 with an option to extend for a further period up to a total of two years.

### **Resolved:-**

- (1) that the Black Country Framework Agreement for Minor Works be approved for the period 1<sup>st</sup> November 2016 to 31<sup>st</sup> October 2019 with an option to extend for an additional twelve months until 31<sup>st</sup> October 2020 subject to satisfactory performance of the contractors as follows:-

**The Cabinet – 19<sup>th</sup> October, 2016**

Contractor for Lot 1 – Highway And Related Civil Works Up To £100,000	Contractor for Lot 2 – Highway And Related Civil Works From £100,001 To £500,000	Contractor for Lot 3 – Highway And Related Civil Works £500,001+
Bridge Construction	Aggregate Industries UK Ltd	Aggregate Industries UK Ltd
Forkers Ltd	Bridge Construction	Dawnus Construction Holdings Ltd
G N Groundworks Ltd	Dawnus Construction Holdings Ltd	Fitzgerald Contractors Ltd
Haystoun Construction Ltd	Fitzgerald Contractors Ltd	Jackson Civil Engineering Group Ltd
R W Services Contractors Ltd	Jackson Civil Engineering Group Ltd	
Stave-Con Ltd	McPhillips Wellington Ltd	
Stourbridge Paving Company Ltd	Stave-Con Ltd	

- (2) that the Framework Agreement for The Supply of Plant Hire be approved for the period 1<sup>st</sup> November 2016 to 31<sup>st</sup> October 2020 subject to satisfactory performance of the contractors as follows:
- Ashtead Plant Hire Co Ltd
  - Clee Hill Plant Ltd
  - GAP Group Ltd
  - Hawk Plant Hire Ltd
  - MAC Surfacing Ltd
  - WHC Hire Services Ltd

**The Cabinet – 19<sup>th</sup> October, 2016**

- (3) that the new Eastern Shires Purchasing Organisation 256 Highway Electrical Connections provided by Independent Connection Providers Framework Agreement be accessed for the period 1<sup>st</sup> November 2016 to 31<sup>st</sup> August 2018, with an option to extend for a further period or periods up to a total of two years taking the contract term through to 31<sup>st</sup> August 2020 as follows:-

<b>Contractors</b>	<b>Area 5- Western Power Distribution (East Midlands) plc</b>	<b>Area 6- Western Power Distribution (West Midlands) plc</b>	<b>Area 9- SP Manweb plc (SP Energy Networks covering Merseyside, Cheshire, North Wales and North Shropshire</b>
<b>Cable Test Ltd</b>	Lots 1 & 2	Lots 1 & 2	
<b>Centre Great</b>	Lots 1 & 2	Lots 1 & 2	Lots 1 & 2
<b>Electrical Testing Ltd</b>	Lots 1 & 2	Lots 1 & 2	Lots 1 & 2
<b>E.ON Energy Solutions Ltd</b>	Lots 1 & 2	Lots 1 & 2	
<b>Harlaxton Eng. Services</b>	Lots 1 & 2	Lots 1 & 2	
<b>Jones Lighting Ltd</b>			Lots 1 & 2
<b>Linbrooke Services Ltd</b>			Lot 1
<b>Ringway Infrast. Services</b>	Lots 1 & 2	Lots 1 & 2	Lots 1 & 2
<b>Volker Highways Ltd</b>	Lots 1 & 2	Lots 1 & 2	

- (4) that the Council execute any documents necessary to give effect to resolution (1), (2) and (3) above.

## The Cabinet – 19<sup>th</sup> October, 2016

167/16

### Future Delivery of Residential Services at Fountain Court, Smethwick (Key Decision Ref. No. SC08)

The Cabinet Member for Social Care reported that on 18<sup>th</sup> May 2016, the Cabinet approved a twelve week formal consultation process on the future of Fountain Court, Smethwick, a Council run 16 bedded residential care home for older people with dementia in Smethwick (see Minute No. 78/16).

Members now received details of the consultation process with users of the service, their carers/families, staff, staff representatives, local communities and other stakeholders, the analysis of the feedback received and proposals for the future of Fountain Court.

The views on the following three options for the future of Fountain Court, alongside the responses to the consultation were as follows:-

#### **Option 1 – ‘Stay as is’**

This was the preferred option for family members, staff and survey respondents. However, it would result in the Council not achieving the savings for 2016-2017. The operating cost of Fountain Court was almost twice that of the local market rate for residential care and, as such, this option did not provide value for money.

#### **Option 2 – ‘For Fountain Court to close with current residents supported to move to suitable alternative placements within the independent sector’**

This was the least preferred option by both families and staff when discussed at the face to face meetings. It was, however, the second preference of the public survey. Best practice and the expressed preference of families and staff were to keep friendship groups together which would help mitigate the impact of a move from Fountain Court. Under this option, it was likely that the residents would be placed in different care homes across the borough. Dispersing the residents across multiple different care homes may be detrimental to the continued health and well-being of this vulnerable group, as well as their families. Dispersing the residents would also mean that the Fountain Court staff would likely be supported under the Council’s job promise rather than a TUPE transfer.

#### **Option 3 – ‘For Fountain Court to close with the transfer of residents and staff to an alternative residential home with a new provider within the independent sector’**

[ILO: UNCLASSIFIED]

## The Cabinet – 19<sup>th</sup> October, 2016

This was an option that residents' families and staff were prepared to consider as an alternative to remaining 'as is'. This option was also supported by attendees at the stakeholder event but not supported by respondents of the public survey.

Here the staff would relocate with the residents and relationships would be maintained. The high standards of care and support provided would continue. The Council could achieve its budget strategy and demonstrate increased value for money if the service were provided at a cost equivalent to the market rate for this type of care.

This approach would require a suitable provider with the ability to enable a TUPE transfer with capacity to offer 16 alternative beds within a single location.

Having considered the feedback received through the formal consultation process, members were minded to implement Option 3 as it would deliver value for money, maintain the consistency and quality of care to the 16 residents in Fountain Court, provide continuity of employment for staff and support the delivery of the Adult Social Care budget strategy.

An equality impact assessment had been undertaken and the adverse or negative impacts which had been identified were associated with regard to age and disability. Mitigating actions had been specified where appropriate.

Consultation with trades unions commenced in December 2015 and had continued throughout the consultation period with trade union representation at all staff face to face meetings.

In response to recent media interest regarding Fountain Court, the Leader of the Council reported that it was unfortunate that residents had not been made aware of the proposals prior to the meeting, particularly if it had caused distress to families. The Director – Adult Social Care, Health and Wellbeing would be meeting with staff and relatives to discuss the implications of the decision now taken.

The Leader did however confirm that Sandwell Community Caring Trust was a not for profit making organisation with an excellent track record of care and new facilities.

## The Cabinet – 19<sup>th</sup> October, 2016

The offer made by them was deemed to be the best standard of care available through a local organisation who was genuinely interested in the care of local people.

### **Resolved:-**

- (1) that Fountain Court, Smethwick be decommissioned and the current residents and staff be transferred to Sandwell Community Caring Trust, an alternative care home provider from the independent sector;
- (2) that in connection with resolution (1) above, the Director - Adult Social Care, Health and Wellbeing be authorised to:–
  - (a) commence a robust process of engagement with residents, family members, staff and unions on the proposed future plans for the re-provision of Fountain Court starting in October 2016;
  - (b) commence immediate negotiations with Sandwell Community Caring Trust, an existing contractual provider of care services, regarding the re-provision of Fountain Court and the use of the current block purchase arrangement to transfer the service from Fountain Court to a new build facility by September 2018;
  - (c) in the event that negotiations are successful, make arrangements for Sandwell Community Caring Trust to take over management arrangements and responsibility for the service at Fountain Court, prior to transfer to the new build facility to help support a smooth and successful transition period and be complete prior to September 2017 subject to;
    - the statutory consultation process with all relevant employees and unions with regard to implementation of the TUPE process;
    - successful application to Care Quality Commission to re-register the service in the name of the new provider;

[ILO: UNCLASSIFIED]

## The Cabinet – 19<sup>th</sup> October, 2016

- agreement on transitional funding arrangements agreed with Sandwell Community Caring Trust;
  - completion of Care Act compliant individual assessments of need;
- (d) that, subject to resolution (2)(b) above, in the event that the transfer of the service is not achievable, the Director - Adult Social Care, Health and Wellbeing submit a further report detailing alternative options to the Cabinet;
- (3) that the Director - Adult Social Care, Health and Wellbeing submit a further report to Cabinet in September 2017 on the potential options for the future use of the Fountain Court, Smethwick building.

168/16

### **Locality Based Family Services Grant Programme 2017- 2020** **(Key Decision Ref. No CS081)**

The Cabinet Member for Children's Services sought approval to design and commission a new grant programme to support the delivery of independent play services projects in April 2017. There was no reduction proposed for this grant and, consequently, funding would remain at current levels for the new grant programme to be awarded to voluntary sector organisations to support delivery.

It was proposed that, in future, play services commissioned via the Voluntary Sector Support Budget would reflect the Locality Based Universal Offer model based on a six town approach. The grant would be split into six town based amounts. Voluntary sector organisations would be able to bid for as many of these lots, depending on their capacity to provide services and the approach would be as follows:-

- (i) the model would target children and young people between the ages 6yrs – 12yrs (16yrs for those with Special Educational Need or a Disability);
- (ii) the model, in line with the Council's commitment to providing positive recreational, play and leisure activities should be: free to use; free to choose; open access;

[ILO: UNCLASSIFIED]



## The Cabinet – 19<sup>th</sup> October, 2016

- (iii) the model would offer grants to organisations that could offer a minimum of 3 x 2.5 afterschool sessions in term time per week and 3 x 5 hr holiday sessions per week during school holidays across the geographical area but not necessarily in the same neighbourhood;
- (iv) the model would link closely with partner organisations to ensure that those in greatest need were targeted to access provision;
- (v) there would be a minimum financial allocation per town with additional premiums allocated to specific areas to reflect levels of deprivation and population count and play services sufficiency;
- (vi) specific quality measures would be written within the application process to ensure value for money, transparency and the commissioning of services that were fit for purpose, these would include successful organisations evidencing:
  - a proven track record in consistently meeting service industry standards and regulatory body requirements.
  - the ability to provide a stand-alone service that was not integrated with paid for services to avoid confusion for parents/carers or children;
  - an understanding of the impact quality play based provision has on the wellbeing of children and young people and how it provides a safe place in some instances for our most vulnerable;
  - a robust knowledge of safeguarding issues and practices, at a national and local level, that underpins their provision;
  - the commitment to meeting with any of the other successful organisations four times a year and the commissioning team to ensure service delivery met the ever changing needs of the neighbourhoods it supported.

By taking this approach the authority would achieve a greater coordination of services at a local level that provided flexibility at the point of delivery, maximisation of resources and supported the Early Help model.

## The Cabinet – 19<sup>th</sup> October, 2016

It was proposed to undertake an application process for the provision of the newly designed play offer for a three year grant funding programme to commence April 2017 – March 2020 and the Director - Education would be authorised to award grants on successful bidding and selection.

The proposed allocation of £331,033 was ring fenced to provide grant funding to the voluntary sector to support the Council in delivery of services and this would not change with the re-commissioning of this grant.

An equality impact assessment was not required for this proposal.

In response to a question raised by the Chair of the Housing Scrutiny Board relating to the allocation of resources across all six towns, the Cabinet Member for Children's Services reported that some towns had different populations and different levels of need and therefore a model had been created that allowed for a service to be delivered in each area which was also able to provide a service to meet higher needs in some areas.

### **Resolved:-**

- (1) that the Director - Education undertakes a commissioning process to provide grant funding to voluntary sector play services via the Voluntary Sector Support Budget, to commence April 2017 – March 2020 with a total budget of £331,033;
- (2) that, in connection with resolution(1) above, following the appropriate commissioning processes, the Director - Education be authorised to enter into grant arrangements based on successful bidding and selection for the provision of play services for a three year period.

**Grant funding for voluntary sector advice provision 2017/2018 - 2019/2020 (Key Decision Ref. No. CCS13)**

The Cabinet Member for Core Council Services reported that, in 2013, extensive work was carried out with voluntary sector advice providers (primarily Citizens Advice, Sandwell Consortium and Smethwick Pakistani Muslim Association) to re-shape advice provision in Sandwell. A three year grant funding arrangement was put in place with effect from April 2014 and this would end on 31<sup>st</sup> March 2017.

Details were now provided of the key outcomes delivered by advice providers and to seek approval to a further three year period of grant funding with effect from April 2017, which would provide a stable funding base for providers to continue to develop and deliver high quality free advice provision in Sandwell.

The outcomes for local people would be continued access to high quality free advice about a range of issues including: welfare benefits, debt, housing, employment, immigration, consumer and family matters. Proactive work by voluntary sector advice providers delivered approximately £8 million pa in confirmed welfare benefit gains for local people.

In response to a question raised by the Chair of the Housing Scrutiny Board relating to the Smethwick Pakistani Muslim Association and whether this service was being provided borough-wide, the Cabinet Member for Core Council Services confirmed that, as with all funded advice providers, this service was available for all members of the community in Sandwell and not restricted to a particular ethnicity or area. Inevitably, however, given its location and links to the Pakistani community in Smethwick, a high proportion of service users were Pakistani.

**Resolved:-**

- (1) that the following grants to voluntary organisations be approved for the period 1<sup>st</sup> April 2017 – 31<sup>st</sup> March 2020:

## The Cabinet – 19<sup>th</sup> October, 2016

<b>Organisation/ service</b>	<b>2017/18 £ pa</b>	<b>2018/19 £ pa</b>	<b>2019/20 £ pa</b>
Citizens Advice (generalist open door)	468,693	468,693	468,693
Citizens Advice (debt service)	87,814	87,814	87,814
Citizens Advice (phone service)	31,270	31,270	31,270
Citizens Advice (homeless prevention mortgage debt advice)	35,000	35,000	35,000
Sandwell Consortium (generalist open door)	234,112	234,112	234,112
Sandwell Consortium (advice in children's centres)	97,680	97,680	97,680
Smethwick Pakistani Muslim Association (generalist open door)	30,645	30,645	30,645
Targeted outreach/take up of benefits	20,000	20,000	20,000
Training	9,000	9,000	9,000
Service development (including bid writing)	9,924	9,924	9,924
Volunteer involvement	5,000	5,000	5,000
<b>Total</b>	<b>1,029,138</b>	<b>1,029,138</b>	<b>1,029,138</b>

[ILO: UNCLASSIFIED]

## The Cabinet – 19<sup>th</sup> October, 2016

- (2) that an allocation of £43,924 pa be retained within the voluntary sector support budget for the period 1<sup>st</sup> April 2017 – 31<sup>st</sup> March 2020 for the purpose of training, volunteer involvement, service development, targeted outreach and proactive take up work by advice providers.

(Councillors Ahmed and Khatun left the meeting only during consideration of this item and subsequently did not participate in any discussion)

170/16

### **Future Options STAR and Fast Response Service (Key Decision Ref. No. SC11)**

The Cabinet Member for Social Care sought approval to commence consultation on the redesign of the Council's domiciliary care services STAR (short term assessment and reablement service) and Fast Response.

STAR and Fast Response were regulated services, registered with the Care Quality Commission and were based at the Independent Living Centre, Smethwick.

STAR was a borough-wide service that provided care and reablement support to people in their own home for up to a maximum of six weeks, free of charge. Fast Response was also a borough wide service that could respond quickly to a crisis situation. The service was short term lasting for a maximum of six days and was also provided free of charge.

The cost of both the STAR and Fast Response was £3.4m with 134 employed staff based in STAR Fast Response. Both of these services were funded through the Better Care Fund via a section 75 agreement.

Both STAR and Fast Response were widely recognised by partner agencies as valuable and essential services which facilitated discharges from hospital to home in a timely manner.

## The Cabinet – 19<sup>th</sup> October, 2016

However, due to the need for Adult Social Care and Health to further improve with the speed of hospital discharges continuing to grow, the Council needed to remodel the service to make it more efficient, effective and able to respond quickly with a primary focus not only on hospital discharge but also on hospital avoidance. The Council was required to develop STAR and Fast response into a modern and flexible home support service, responding to any current and future demand or surge in workload.

It had therefore become necessary to engage the STAR and Fast response workforce around how, as an interim measure, they could support an increase in the capacity and efficiency of the service. Specifically this related to seeking expressions of interest around voluntary increased weekend working and increasing assessment capacity within the service.

Currently there were constraints on the ability to make improvements to the service because of issues with work rotas and work practices. This redesign would specifically focus on implementing more efficient ways of working in STAR and Fast Response in relation to staff terms and conditions, including rotas, seven day working, lone working, management structure and requirements to drive. It was anticipated that this redesign of the service would provide increased capacity for additional prevention interventions.

Initial discussions with trades unions had commenced on 22<sup>nd</sup> September 2016 and formal discussions would be held with unions on 25<sup>th</sup> October 2016.

The consultation with staff and stakeholders around a future service model would be undertaken through an initial 30 day period. A further report would be submitted to the Cabinet in December 2016 detailing the outcome of this consultation, a proposed new service model and the implications for the workforce.

An initial equality impact assessment had been undertaken and any adverse or negative impacts had been identified with mitigating actions specified where appropriate.

## The Cabinet – 19<sup>th</sup> October, 2016

### **Resolved:-**

- (1) that in order to deliver a future operating model that supports improved hospital avoidance, hospital discharge and improve the flow through the health and social care system, the Director - Adult Social Care, Health and Wellbeing be authorised to consult the affected workforce and stakeholders on the redesign of STAR (short term assessment and reablement service) and Fast Response Service;
- (2) that, in connection with resolution (1) above, the Director - Adult Social Care, Health and Wellbeing submit a further report to the Cabinet in December that describes the outcome of the consultation, the proposed new service model and the implications for the workforce on the redesign of STAR (short term assessment and reablement service) and Fast Response Service;
- (3) that the Director – Adult Social Care, Health and Wellbeing agree with trade unions interim measures for voluntary increased weekend working and increasing assessment capacity within the service with immediate implementation to provide additional capacity over the winter period.

171/16

### **Model Local Authority/Schools' Pay Policy 2016/17 (Key Decision Ref No CS079)**

The Cabinet Member for Children's Services presented the proposed Model School's Pay Policy and the Unattached Teachers' Pay Policy for 2016/17.

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

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

[ILO: UNCLASSIFIED]

## The Cabinet – 19<sup>th</sup> October, 2016

From this, the Council prepared Model Pay Policies:-

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

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

The September 2016 pay award had been agreed nationally and the recommendation for Sandwell, in keeping with regional comparators for all teachers, was a 1% uplift had been applied to all pay ranges in the national pay framework, including allowances.

The Pay Policy reflected these new ranges.

An equality impact assessment was not required for this proposal.

### **Resolved:-**

- (1) that the September 2016 Pay Award for teachers in schools and unattached teachers employed by the Council but who do not work in a school location be approved and applied to local authority Community Schools as follows:
  - a 1% uplift be applied to all pay ranges in the national pay framework, including allowances;
- (2) that the Unattached Teachers' Pay Policy 2016/17, now submitted, be approved and implemented by the Council with effect from 1<sup>st</sup> September 2016;
- (3) that the Model Schools' Pay Policy 2016/17, now submitted, be approved and recommended to the Governing Bodies of Schools in Sandwell for adoption and implementation with effect from 1<sup>st</sup> September 2016.



## The Cabinet – 19<sup>th</sup> October, 2016

172/16

### Provision of Domestic Ironmongery (Key Decision Ref. No. HG25)

The Cabinet Member for Housing sought approval to award a contract for the provision of Domestic Ironmongery to Roway Lane Supplies Section, for a period of two years, from 1<sup>st</sup> November 2016 to 31<sup>st</sup> October 2018.

In accordance with the Council's Procurement and Contract Procedure Rules, CBS (Midlands) Ltd submitted the best value tender, based on price and quality.

The anticipated value of the contract was £356,600 (£178,300 per annum) for a period of two years.

An equality impact assessment was not required for this proposal.

#### **Resolved:-**

- (1) that the Interim Director – Neighbourhood Services award the contract for the provision of Domestic Ironmongery to CBS (Midlands) Ltd in the sum of £356,600 (£178,300 per annum) for the period 1<sup>st</sup> November 2016 to 31<sup>st</sup> October 2018;
- (2) that in connection with resolution (1) above, the Council enter into an appropriate contract with CBS (Midlands) Ltd for the provision of Domestic Ironmongery.

173/16

### Provision of Plastering Repairs to Council Properties (Key Decision Ref. No. HG02)

The Cabinet Member for Housing sought approval to award a contract for the provision of plastering repairs to Council properties for a contract period of two years, from 1<sup>st</sup> November 2016 to 31<sup>st</sup> October 2018.

In accordance with the Council's Procurement and Contract procedure Rules, Axis Europe, Hindley Contractors Limited and Bryant Electrical Midlands submitted the best value tenders.

## The Cabinet – 19<sup>th</sup> October, 2016

The anticipated value of the contract was £800,000 (£400,000 per annum) for a period of two years.

An equality impact assessment was not required for this proposal.

### **Resolved:-**

- (1) that the Interim Director – Neighbourhood Services award the contract for the provision of plastering repairs to Council properties to Axis Europe, Hindley Contractors Limited and Bryant Electrical Midlands in the sum of £800,000 (£400,000 per annum) for the period 1<sup>st</sup> November 2016 to 31<sup>st</sup> October 2018;
- (2) that in connection with resolution (1) above, the Council enter into an appropriate contract with Axis Europe, Hindley Contractors Limited and Bryant Electrical Midlands.

174/16

### **M5 Junction 1 – Bid for scheme development funding (Key Decision Ref. No. REI1038)**

The Cabinet Member for Regeneration and Economic Investment reported that in April 2016, the Government announced that it was inviting bids for schemes from the £475m Local Major Transport schemes fund. The funding threshold was related to individual Local Enterprise Partnership's (LEPs) annual Local Growth Fund allocations, the Black Country LEP figure being schemes costing a minimum of £59m.

Bids were also invited for funding towards the cost of developing such schemes to Outline Business Case stage. The deadline for bids was 28<sup>th</sup> July 2016.

The bidding guidance stipulated that bids should be submitted to the Department for Transport by LEPs with the support of the relevant local authority in whose area the scheme was located.

[ILO: UNCLASSIFIED]

## The Cabinet – 19<sup>th</sup> October, 2016

A key transport project identified in the Black Country Core Strategy and the LEP's Strategic Economic Plan within Sandwell was improvements to Birchley Island and M5 Junction 1. As there were currently no funds available to develop proposals for improvements at M5 Junction 1, a joint bid to the Local Majors fund for scheme development costs for M5 Junction 1 had been submitted. This would enable a feasibility study to be carried out to assess options for an improvement, recommend a preferred option and produce an Outline Business Case. The total estimated cost of this work was £295k of which the bid to DfT was £220k, the balance being funded, as a local contribution, from the Council's Integrated Transport Block allocations for 2016/17 and 2017/18 (£25k and £50k respectively).

Whilst the overall amount being bid for was above the threshold delegated to the Chief Finance Officer, in consultation with the Leader of the Council, and in order to comply with the short timescales to submit bids for funding, the Council submitted a bid to the Department for Transport Large Local Majors Fund.

A full appraisal had been undertaken by Strategic Finance. Some risks had been identified as a result of the appraisal and action points recommended to mitigate these risks.

It was anticipated that a decision on the bid for development funding would be announced around the time of the Chancellor's 2016 Autumn Statement. If successful, feasibility work would commence early in 2017 with a view to being in a position to submit the Outline Business Case in spring 2018.

### **Resolved:-**

- (1) that the action taken by the Interim Director - Resources to submit a bid by the Black Country Local Enterprise Partnership to the Department for Transport Large Local Majors Fund for improvements to the M5 Junction 1, be endorsed;
- (2) that in connection with resolution (1) above, the following action points identified within the Strategic Finance appraisal report be implemented to reduce any risk to the Council:

## **The Cabinet – 19<sup>th</sup> October, 2016**

- obtain detailed cost estimates to ensure that the production of the Outline Business Case can be managed within the available resources;
- determine the detailed project management arrangements, with the identification of roles and responsibilities of individual officers;
- produce a detailed project plan to include responsible officers, milestones and timescales that can be used as an effective monitoring tool;
- review the Risk Register to ensure that the level of risk is accurately assessed, with sufficient mitigating actions to reduce any risk to the Council;
- ensure that the Outline Business Case is produced in a timely manner to meet future funding application deadlines and to maximise the chance of securing future funding for the implementation of the proposed scheme;
- ensure compliance with funder's terms, conditions and monitoring requirements.

175/16

### **Provision of the Electrical Repairs and Cyclical Maintenance (Key Decision Ref. No. HG04)**

The Cabinet Member for Housing sought approval to award a contract for the provision of the electrical repairs and cyclical maintenance for a period of three years, from 1<sup>st</sup> November 2016 to 31<sup>st</sup> October 2019.

In accordance with the Council's Procurement and Contract Procedure Rules, Newey Electrical and C & S Electrical Installations Ltd submitted the best value tenders.

The anticipated value of the contract was approximately £1,800,000 (£600,000 per annum) for a period of three years.

An equality impact assessment was not required for this proposal.

## The Cabinet – 19<sup>th</sup> October, 2016

In response to a question raised by the Chair of the Housing Scrutiny Board relating to what social value benefits the Council was achieving from these contracts and whether any apprenticeship opportunities been had offered where this was appropriate, the Cabinet Member for Housing confirmed that C&S was a Wednesbury based company and during their last contract period with the Council, they had taken on one apprentice from Sandwell. Within the duration of this contract, if they required additional resources, they would source apprentices from within Sandwell. C&S and Newey Electrical also supported the apprentices employed by the Council.

### **Resolved:-**

- (1) that the Interim Director – Neighbourhood Services award the contract for the provision of the Electrical Repairs and Cyclical Maintenance to Council properties to Newey Electrical and C & S Electrical Installations Ltd in the sum of £1,800,000 (£600,000 per annum) for the period 1<sup>st</sup> November 2016 to 31<sup>st</sup> October 2019;
- (2) that in connection with resolution (1) above, the Council enter into an appropriate contract with Newey Electrical and C & S Electrical Installations Ltd.

176/16

### **Recommendations arising from Land and Asset Management Committee at its meeting on 15 September 2016 (Key Decision Ref. Nos. LAM024 and LAM025)**

The Chair of the Land and Asset Management Committee presented the recommendations of the Committee from its meeting held on 15<sup>th</sup> October, 2016 relating to the following matters:-

- land at Mill Street, Great Bridge, Tipton;
- proposed freehold disposal – former Hateley Heath Training Centre, 64-66 Clarkes Lane, West Bromwich.

### **Resolved:-**

- (1) that in respect of the disposal of the freehold interest in land at Mill Street, Great Bridge:-

[ILO: UNCLASSIFIED]

## The Cabinet – 19<sup>th</sup> October, 2016

- (a) Decision No. 36/09, taken by the Cabinet Member for Regeneration and Transport on 18<sup>th</sup> June 2009, be not proceeded with in so far as it relates to the disposal of the freehold interest off land at Mill Street to one of the Council's preferred partners;
  - (b) the Council be authorised to dispose of the freehold interest in approximately 1095 m2 of land off Mill Street, Great Bridge shown, for identification purposes only, edged black on the plan attached to Mar City Homes Ltd on terms and conditions to be agreed by the Director - Regeneration and Economy;
  - (c) in the event that Mar City Homes Limited fail to complete acquisition of the land as outlined in (b) above or if terms of disposal cannot be agreed, the Council be authorised to dispose of the land on terms and conditions to be agreed by the Director - Regeneration and Economy;
  - (d) that the Council enter into or execute under seal, if necessary any other related documentation in connection with the disposal of the site on terms and conditions to be agreed by the Director - Regeneration and Economy;
- (2) that, in respect of disposal of the freehold reversionary interest in the former Hateley Heath Training Centre, 64-66 Clarkes Lane, West Bromwich:-
- (a) subject to settlement of any outstanding Estate Management issue(s), the Council be authorised to dispose of the freehold reversionary interest in 64-66 Clarkes Lane, West Bromwich, shown, for identification purposes only, edged black on the attached plan to the existing lessee together with any small area of adjoining land deemed appropriate for inclusion in the sale and otherwise on terms and conditions to be agreed by the Director - Regeneration and Economy;

## **The Cabinet – 19<sup>th</sup> October, 2016**

- (b) in the event that the existing lessee does not wish to proceed and/or terms and conditions of sale cannot be agreed within prescribed deadlines the Council be authorised to dispose of the freehold interest on the open market subject to the lease on terms and conditions to be agreed by the Director - Regeneration and Economy;
- (c) the Council enter into or execute under seal, if necessary, any other related documentation in connection with the disposal of the land referred to in (a) and (b) above on terms and conditions to be agreed by the Director - Regeneration and Economy;
- (d) following completion of the sale referred to in (a) and/or (b) the Interim Director - Resources, in consultation with the Director - Regeneration and Economy, make arrangements for target budget adjustments.

### **Business Items**

177/16 **Infection Prevention in Care Homes - Commissioning the service through Co-operative working**

The Cabinet Member for Public Health and Protection reported that on 4<sup>th</sup> August 2015, the Cabinet approved the development of co-operative working with Sandwell and West Birmingham Hospitals NHS Trust for the purpose of achieving shared objectives for health and social care (see Minute No. 132/15).

On 23<sup>rd</sup> March 2016, the Cabinet approved a contract for co-operative working with Sandwell and West Birmingham Hospitals NHS Trust which commenced on 1<sup>st</sup> October 2016 and allowed for inclusion of further services by agreement of the parties (see Minute No. 48/16).

The contracted services under co-operative working included Infection Prevention Services.

## The Cabinet – 19<sup>th</sup> October, 2016

As a further development of co-operative working within the area of infection prevention and control, it was proposed that the Council enter into contract with Sandwell and West Birmingham Hospital NHS Trust for the provision of an Infection Prevention in Care Homes service pursuant to the existing co-operative working arrangements. This would enable both organisations to develop seamless infection prevention control advice that would improve the service to both care home residents and the wider health and social care economy.

It was proposed that the contract for this service would be from 1<sup>st</sup> November 2016 to 31<sup>st</sup> March 2019, with an option to extend for up to a further six months. The total contract value would not exceed £230,000. The service financial value would be agreed on an annual basis taking into account performance, service demand and financial settlements for Public Health.

### **Resolved:-**

- (1) that the Director - Public Health agree contractual arrangements with Sandwell and West Birmingham Hospitals NHS Trust for the provision of an Infection Prevention in Care Homes service from 1<sup>st</sup> November 2016 to 31<sup>st</sup> March 2019, with an option to extend for up to a further six months pursuant to the existing contractual arrangements for co-operative working;
- (2) that in connection with resolution (1) above, the Council executes any documentation necessary to include the service for the provision of Infection Prevention in Care Homes within the contract for co-operative working with Sandwell and West Birmingham Hospitals NHS Trust on terms agreed with the Director - Public Health for the period specified;
- (3) that in connection with resolution (1) above, any necessary exemptions be made to the Council's Procurement and Contract Procedure Rules to enable the proposed actions to proceed.



**Anti-Poverty Action Plan**

The Cabinet Member for Core Council Services provided details of the progress made on the anti-poverty action plan and the range of indicators that would be used to track poverty in Sandwell.

The anti-poverty action plan was developed in partnership with voluntary and community groups and had been updated to reflect the progress made on a range of additional activities that agencies would carry out, over and above the range of on-going work to address poverty in Sandwell. This additional activity helped to raise the profile of and bring further momentum and capacity to anti-poverty work.

Poverty in Sandwell was likely to grow in the near future, primarily as a result of the impact of welfare reform. Changes to the government's benefit cap were likely to hit families very hard. The back drop to this was:

- in the UK relative poverty had fallen slightly from 22% in 2009/10 to 21% in 2014/15;
- in Sandwell, between 2009 and 2014, employment rates and weekly earnings had both increased, with employment for 16-64 year olds rising from 60% in 2009/10 to 67% in 2015/16, and the median gross weekly full-time earnings increasing from £414.6 (2009) to £434.5 (2014). However, Sandwell figures remained consistently worse than the figures for the West Midlands region and England (in England the employment rate was 73.9% in 2014 and the median gross weekly full-time earnings was £523.60 in 2014);
- in 2013 27% of children in Sandwell were living in low income families (21,585 dependent children under the age of 20, showing a slight reduction from a peak of 23,980 in 2009 – although the trend was slightly improving this was still a very significant problem);
- 21.6% of Sandwell households were workless compared with 15.8% for England (2014 data);
- 32,700 Sandwell families (both in work and out of work) received working tax credit and/or child tax credit (2014-2015 data);
- 7,155 people in Sandwell were claiming either Job Seekers Allowance or Universal Credit (July 2016).

## The Cabinet – 19<sup>th</sup> October, 2016

In relation to employment prospects, work would continue to ensure that as many local people as possible benefitted from any developments by providing them with the right pre-employment support. The ESF funded Building Better Opportunities programme and the Impact Programme (youth employment and training support) would start to make an impact with effect from autumn 2016 onwards.

### **Resolved:-**

- (1) that the updated Anti-Poverty Action Plan be received;
- (2) that the indicators to track poverty in Sandwell be received.

179/16

### **Extension of Contract for Young People’s Contraception and Sexual Health Service**

The Cabinet Member for Public Health and Protection reported that the Young People’s Contraception and Sexual Health Service in Sandwell was provided by Brook Young People and was awarded on 1<sup>st</sup> April 2014 for three years, with provision for the contract to be extended for an additional year. The maximum contract value under this authority was £1,200,000 (see Decision No. 4/14 and 16/14 of the Cabinet Member for Health and Wellbeing).

The three year initial contract period would end on 31 March 2017. The model for providing sexual health services in Sandwell was currently being reviewed to inform future commissioning from April 2018, with the potential for developing a more integrated service model.

To align the end date for this service contract with the timescale for future commissioning against any new sexual health service model from April 2018, it was proposed to extend the contract for the one year permitted under the current authority from 1<sup>st</sup> April 2017 to 31<sup>st</sup> March 2018.

During the initial contract period the contract was varied to increase service capacity due to service demand. The variation brought the value of the initial contract period to £1,022,763 which was within the approved maximum contract value of £1,200,000.

[ILO: UNCLASSIFIED]

## The Cabinet – 19<sup>th</sup> October, 2016

The value of the additional year from 1 April 2017 to 31 March 2018 would be £403,817 bringing the total contract value to £1,426,580.

To enable the extension to proceed, it was proposed that the total value of the contract be increased by £226,580. This would enable the current service contract to be extended as varied and maintain the service provision for a further twelve months.

The Cabinet Member for Public Health and Protection sought approval to the proposals.

### **Resolved:-**

- (1) that the contract with Brook Young People for the provision of a young people's contraception and sexual health service be extended until 31<sup>st</sup> March 2018 increasing the contract value by £226,580;
- (2) that in connection with resolution (1) above, the Council execute any agreement necessary to extend the contract with Brook Young People for the provision of a young people's contraception and sexual health service.

180/16

### **Decisions of the Black Country Executive Joint Committee held on 7<sup>th</sup> September, 2016**

The decisions of the Black Country Executive Joint Committee held on 7<sup>th</sup> September, 2016 were received.

(Meeting ended at 4.16 pm)

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