

The Cabinet

16th November, 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,
P Hughes, S Jones and Underhill.

In attendance: Claire Parker (Interim Independent Chair of
Sandwell Safeguarding Children Board).

181/16 **Declarations of Interest**

Councillor Underhill declared a personal interest in relation to Minute No. 187/16 (Flood Risk Management Service Delivery Arrangements (Key Decision Ref. No. HE051)) on the basis she had recently been a victim of flooding and intended to raise a question under this agenda item.

Councillor P Hughes declared a pecuniary interest in relation to Minute No. 194/16 (Action Taken on a Matter of Urgency – Sub-Station, Phoenix Collegiate, Clarkes Lane, West Bromwich) on the basis that he was a Director of the Sandwell Land and Property Board. Whilst Councillor P Hughes would raise a question under this agenda item, in view of his interest, he would leave the room and not participate in the discussion.

The Chief Executive also declared a pecuniary interest in relation to Minute No. 194/16 (Action Taken on a Matter of Urgency – Sub-Station, Phoenix Collegiate, Clarkes Lane, West Bromwich) on the basis that he was a Director of the Sandwell Land and Property Board.

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182/16 Minutes

Resolved that the minutes of the meeting held on 19th October, 2016 be confirmed as a correct record.

Business Item

183/16 Sandwell Safeguarding Children Board - Annual Report 2015-2016

Claire Parker, the Interim Independent Chair of the Sandwell Safeguarding Children Board, presented the Sandwell Safeguarding Children Board's Annual Report 2015-2016. The Working Together to Safeguard Children 2015 Regulation required the Board to publish an annual report detailing the effectiveness of child safeguarding in Sandwell.

The report also detailed the major challenges that Sandwell had faced in the past twelve months, the challenges that still remained as well as details of the effectiveness of multi-agency safeguarding arrangements in Sandwell.

A recent peer review of the Sandwell Safeguarding Children Board had found that the Board was now meeting its statutory requirements (having been judged inadequate by OFSTED in February 2015) and was providing authoritative and constructive challenge to the local authority and partner agencies.

There were now a number of key issues to be addressed if improvements in safeguarding were to be achieved, as follows:-

- to ensure that there was a stronger connection between the Board's strategic activity and improved frontline practice in safeguarding. This applied particularly to the Board's audit and performance management activity;

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- to ensure consistent and appropriate application of thresholds, as professionals across partner agencies needed to improve the assessment of changing need and risk and improve information sharing and better casework recording. The quality of practice would be improved through the adoption of a shared practice model to inform assessment, planning and engagement with children and families. It was essential to implement 'Signs of Safety' as a shared practice model, with effective training, supervision and support for professionals in the local authority and partner agencies;
- to agree future service delivery arrangements for Children's Services to ensure greater clarity for service leaders and staff, for partner agencies and for the role of the Board itself.

The Board was assured that effective arrangements were in place for responding to key safeguarding risks including early help, child sexual exploitation (abuse), neglect, domestic abuse, mental health of children and young people and that there was consistently good practice across safeguarding services.

The Cabinet Member for Children's Services placed on record his appreciation to the Interim Chair, Claire Parker, the former Chair, John Harris, and the work of all members of the Sandwell Safeguarding Children Board in making improvements in safeguarding over the past two years.

In response to a question raised by the Chair of the Children's Services and Education Scrutiny Board relating to the membership of the Sandwell Safeguarding Board and whether it was ideal, the Interim Chair of the Board responded that whilst the size of the Board had grown to incorporate different partner agencies and voluntary sector organisations, all members contributed to making the work of the Board meaningful and effective.

Resolved that the Sandwell Safeguarding Children Board Annual Report 2015-16 be received.

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Strategic Items

184/16

Quarter 2 Financial Monitoring 2016/17 (Key Decision Ref. No. LR14)

The Leader of the Council presented details of the Council's financial position for the 2016-17 financial year. Services were currently on track to deliver the £24m of savings agreed by the Council on 8th March 2016 and were projected to deliver further surpluses by the end of the year which demonstrated the continued success of the Council's multi-year planning process. Details were also submitted on the Council's Housing Revenue Account.

At a service level, excluding Public Health, the Council was reporting a forecast year end surplus of £6.643m from within the following service areas:-

- Assistant Chief Executive – surplus of £2.519m
- Adult Social Care Services – surplus of £2.193m
- Children's Services – surplus of £0.203m
- Regeneration and Economy – surplus of £1.098m
- Neighbourhoods – surplus of £0.630m.

When taking into account the projected surplus on central items of £3.004m, the utilisation of centrally earmarked balances of £1.370m and the ring-fencing of unutilised Public Health Grant of £1.314m, the Council was showing an overall forecast surplus for the year against general balances of £8.277m.

Approval was now sought to the following virements within Directorates:-

- **Assistant Chief Executive and Corporate Management**
a transfer of £0.052m had been actioned from the Assistant Chief Executive Directorate to Corporate Management in relation to Combined Authority Expenditure.
- **Central Items (Assistant Chief Executive) and Assistant Chief Executive**
a transfer of £0.025m had been actioned from Central Items (Assistant Chief Executive) to Assistant Chief Executive target budget in relation to Facing the Future;

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- **Corporate Management and Adult Social Care**
a transfer of £0.086m had been actioned from Corporate Management to Adult Social Care in relation to the Combined Authority Operating Officer post;
- **Children's and Public Health and Regulatory Services**
a transfer of £0.040m had been actioned from Children's to Public Health and Regulatory Services in relation to New Initiatives.

Details of virements between Directorates above £0.200m or representing 1% of Gross Service Expenditure were also submitted.

At present, the forecast year end position for the financing of capital was to break even.

As at period 6, there had been no adjustments to the Council's Revenue Support Grant, Retained Business Rates or Business Rates Top Up allocations. Therefore, the forecast position for the year was to break even.

Balances earmarked moving into 2016/17 and future years, included carry forwards specific to individual directorates of £9.412m, central items of £1.412m, and ring fenced public health grant of £2.017m. In addition, there were balances carried forward from previous years of £8.803m which included £3.385m for Public Health and £1.322m for central items. There was also £12.800m set aside for revenue contributions to capital, which included funding of the Council's ICT strategy together with funding to support other capital projects.

The total estimated expenditure for 2016/17 was £118.533m compared to an approved budget of £118.533m. Therefore, the capital programme was expected to break even by the year end. As at period 6, the following capital virements had been actioned:-

Children's Services

A transfer of £0.174m had been actioned between Thematic Allocations to fund the refurbishment of The Hollies.

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Revolving Capital Fund

The fund had been set up to meet asset management and land disposal objectives. However, there had been problems in utilising the fund as the nature of the work required to develop land ready for sale was not deemed to be capital expenditure and not funded through the normal capital process. It was therefore proposed that the remaining capital budget of £1.322m be removed from the capital programme and the revenue resources set aside to fund it would be re-designated to a land regeneration fund within earmarked balances. By doing this, the resources could be freed up to fund both the revenue and capital costs of preparing sites for sale and make it easier for schemes to move forward.

It was noted that the Chief Finance Officer had approved an application to the Black Country Local Enterprise Partnership for funding of £90,365 from the Regional Growth Fund to enable feasibility studies on the regeneration of Bull Street, West Bromwich to be undertaken.

The Council submitted its application for acceptance of the multi-year funding settlement to DCLG on 13th October 2016. The submission was supported by a range of key documents including the Directorate business plans 2016/17 to 2019/20 together with the Council's Budget Report incorporating its medium term financial strategy. The Council had received acknowledgement of its submission and awaited confirmation of acceptance which was due shortly.

On 9th November 2016, the Budget and Corporate Scrutiny Board had considered the proposals and the Chair of the Housing Scrutiny Board, on behalf of the Board, reported the findings as follows:-

- the Board was pleased to see surpluses in many service areas to keep towards achieving the Council's planned £24m savings;
- the Council's Waste Partnership was able to achieve a surplus despite neighbouring authorities having to reduce the number of refuse a number of collections;
- a number of large scale closures of neighbouring libraries was taking place;
- the Planned Leaver's Register and the Jobs Promise Scheme continued to make further savings;

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- the Board was mindful of the risk relating to the Children's Trust and felt that the existing budget for Children's Services should be sufficient for the Trust with no additional monies being sought afterwards;
- an update was sought on the risks relating to the impact of business rate collection to the Housing Revenue Account.

The Chair of the Housing Scrutiny Board and the Chair of the Health and Adult Social Care Scrutiny Board also sought clarification on whether:-

- the Council would be back on target for achieving the Council tax collection rate;
- why the Housing Revenue Account capital programme was reprofiled;
- whether virement was required for the two additional Cabinet Member Special Responsibility Allowances created in May 2016.

In response, the Leader of the Council confirmed that:-

- Sandwell continued to maintain a weekly refuse collection and had no intention of changing this gold star service. The Council had reduced the tonnages it sent to landfill and was working with residents to reduce how much waste was thrown away by utilising recycling and composting, etc;
- the current Jobs Promise was due to come to an end in March 2017, however, officers were looking to extend these schemes in order to reduce or avoid redundancy. As the Government had placed a cap of £98,000 on the pension contribution, the authority would need to assess the impact on the Planned Leavers Scheme;
- a further report would be submitted to the Cabinet in December on the Children's Trust. The Council would continue to be responsible for children's social care and, as such, would be holding the Children's Trust to account. Whilst it was anticipated that there may be additional costs associated with the setting up of the Trust, the Leader had indicated to the Minister for Vulnerable Children that if a model for the Trust was directed by the government, the cost of the model would need to be resourced by them;

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- as part of the fees and charges report, the Council would need to look at increasing charges for services in order to balance off the losses anticipated as a result of rent reductions imposed by the Government;
- a significant review of the Housing Revenue Account would be undertaken which would include re-profiles and new programmes to be brought forward, including new builds and off-plan properties. Work would also be undertaken on the refresh and reprofile of capital available;
- a review of the Single Persons Discounts by Revenues and Benefits had revealed that a number of people who had been claiming a single person discount were in fact not qualified to receive a discount. This had resulted in the overall collectable debt increasing. However, performance of the collection rate had revealed that that it was back to normal now and the Leader was confident that it would continue to run as normal;
- there was not a requirement to undertake virement of resources for the two additional Cabinet Member posts as the members budget was sufficient to cover the cost of the additional Special Responsibility Allowance.

Resolved:-

- (1) that details of the Medium Term Financial Strategy being on track and no budget pressures requiring action outside of normal budget management processes be received;
- (2) that the financial monitoring position of the Housing Revenue Account for the period ending September 2016 be received;
- (3) that the following virements be approved:
 - a) £0.052m has been actioned from Assistant Chief Executive to Corporate Management in relation to Combined Authority;
 - b) £0.025m has been actioned from Central Items (Assistant Chief Executive) to Assistant Chief Executive in relation to Facing the Future;

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- c) £0.086m has been actioned from Corporate Management to Adult Social Care in relation to the Combined Authority Operating Officer post;
 - d) £0.040m has been actioned from Children's to Public Health and Regulatory Services in relation to New Initiatives;
 - e) £0.829m has been actioned from Assistant Chief Executive to Central Items (Assistant Chief Executive) in relation to transfer of Templink budget;
 - f) £0.445m has been actioned from Assistant Chief Executive to Central Items (Assistant Chief Executive) in relation to the insurance budget;
 - g) £0.100m between Children's Directorate; Improvement budget and Children's Social Care budget in relation to the budget for Directorates Office;
 - h) £0.307m between Children's Directorate; Care Management and Early Help in relation to transfer of Family Solutions Team;
 - i) £0.300m between Public Health and Regulatory Services Directorate; Uncommitted Resources, Public Health Management and Cycling Infrastructure in relation to a new budget for cycling infrastructures;
 - j) £0.174m between Children's Directorate to fund the refurbishment of The Hollies;
 - k) the capital budget of £1.322m for the Revolving Capital Fund be removed from the capital programme and that the revenue resources set aside to fund it be re-designated to a Land Regeneration Fund within the Council's earmarked balances;
- (4) that the use of the additional specific grants of £0.079m received within Assistant Chief Executive for Individual Electoral Registration funding, be approved;
- (5) that the external funding bid below £0.100m for Bull Street, West Bromwich (Local Growth Fund) of £0.090m be approved;

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- (6) that the following carry forwards be re-profiled to future years:
- a) £2.000m for Assistant Chief Executive into 2017/18;
 - b) £0.148m for Children's into 2017/18;
 - c) £1.098m for Regeneration and Economy into 2017/18;
 - d) £0.630m for Neighbourhoods into 2017/18;
 - e) £1.314m for Public Health into 2018/19;
 - f) £2.000m for Adult Social Care into 2018/19;
 - g) £1.263m for Housing Revenue Account into 2017/18;
- (7) that a sum of £0.315m of the overall surplus from Central Items be carried forward to earmarked balances in 2017/18 for the purpose of Wednesbury Health Centre;
- (8) that the following revenue contribution to capital outlay be approved:
- a) £0.021m (Assistant Chief Executive) for purchase of excavator and trailer;
 - b) £0.055m (Children's Services) towards refurbishment of The Hollies;
 - c) £1.267m (Housing Revenue Account) towards financing the capital programme costs.

185/16

Cost recovery for requested Food Hygiene Rating Scheme re-inspections (Key Decision Ref. No. PHP10)

The Cabinet Member for Public Health and Protection sought approval to charge a fee for Food Hygiene Rating Scheme re-inspections. This was a national scheme operated by the Food Standards Agency to help consumers choose where they could eat out or shop for food by giving them information about the hygiene standards in restaurants, takeaways and food shops.

Ratings were awarded by local authority officers who adhered to a brand standard issued by the Food Standards Agency to ensure a consistent approach was taken to scoring.

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Those food businesses who did not score highly could request a re-inspection once they had taken action to improve standards and after approximately three months had elapsed from the last inspection. The authority must then carry out the inspection within a further three months.

Whilst in Sandwell there had only been six requests for re-inspections in 2015-16, it was envisaged that this could increase if the display of Food Hygiene Rating Scheme scores were to become mandatory.

Sandwell was currently undertaking these re-inspections without charge; however, the authority had been selected by the Food Standards Agency to be one of their pilot local authorities for the early adoption of the cost recovery for re-inspections requested by food business operators. The Food Standard Agency's intention was to collect and review information from early adopters and this would inform the wider roll-out of cost recovery, anticipated to take place in early 2017.

A full cost recovery modelling exercise had been undertaken which indicated that the average cost of undertaking a re-inspection was £150.

Resolved:-

- (1) that the Council cooperates with the Food Standards Agency in the early adoption of charges for requested re-inspections under the Food Hygiene Rating Scheme;
- (2) that where a food business operator requests the re-inspection under the Food Hygiene Rating Scheme, a charge of £150 be made and that this charge shall come into effect on 1st December 2016.

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186/16

Fixed Penalty Notices for Fly-tipping Offences (Key Decision Ref. No. PHP08)

The Cabinet Member for Public Health and Protection reported that on 9th May 2016, The Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016 came into force which allowed a waste collection authority in England to issue a fixed penalty notice for a contravention of section 33(1)(a) of the Environmental Protection Act 1990 as an alternative to prosecution.

The regulations allowed the authority to set a fine of not less than £150 and not more than £400. There was also provision for reducing the penalty to not less than £120 if it was paid within ten days of the date of the fixed penalty notice.

Approval was therefore sought to set the fine at £400 to reflect the importance attached by the Council to discourage fly tipping with fixed penalty notices, as a useful alternative to prosecution.

Under the Council's Enforcement Policy, a panel of senior officers reviewed all offence reports, having regard to the Crown Prosecution Services' Regulators Code. It would determine which of a range of sanctions was most appropriate in the circumstances. In cases where a fixed penalty notice was not paid within the specified time, prosecution would be recommended, subject to it meeting the public interest test and the evidence being sufficient to provide a realistic prospect of conviction.

Within the Scheme of Delegations to Officers, the Director - Adult Social Care, Health and Wellbeing was responsible for the enforcement of fly tipping offences under section 33 of the Act, with officers in Environmental Health being authorised to act under that provision. In order to increase the number of officers able to issue fixed penalty notices under the new regulations, it was proposed that this delegation be extended to the Director – Neighbourhood Services to enable officers in Sandwell Patrolling Services to be authorised to issue fixed penalty notices for fly tipping.

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In response to a question raised by the Chair of Community Safety, Highways and Environment, Scrutiny Board, the Cabinet Member for Public Health and Protection confirmed that officers carried out an initial investigation to judge whether there was sufficient evidence to proceed with an investigation. Cases with eye witnesses or CCTV evidence were more likely to succeed. Where a case was deemed to have sufficient information, these were discussed with a manager who would deem whether the Council should proceed with the case.

Resolved:-

- (1) that, with effect from 1st December 2016, the introduction of a Fixed Penalty Notice of £400 for small scale fly tipping incidents, as set out in the Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016, be approved;
- (2) that the Scheme of Delegations to Officers, as set out in Part 3 (Responsibility of Functions) of the Council's Constitution, be amended so as to include the following delegation to the Director – Neighbourhood Services:

Fly tipping

To act and authorise others to act on behalf of the Council under Section 33 of the Environment Protection Act 1990.

187/16

Flood Risk Management Service Delivery Arrangements (Key Decision Ref. No. HE051)

The Cabinet Member for Highways and Environment sought approval to enter into service delivery arrangements with the Black Country authorities and Staffordshire County Council to assist with flood risk management duties.

The Flood and Water Management Act 2010 established the Council as a Lead Local Flood Authority with specific duties and obligations relating to flooding. The role included responsibilities in relation to surface water, groundwater and ordinary watercourses.

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Staffordshire County Council had a well-resourced Flood Risk Management Team and had been providing flood risk management support to Walsall Council since May 2015.

Staffordshire County Council was proposing to expand its existing Flood Risk Management Team to enable an integrated Flood Risk Management service to be provided across Staffordshire, Wolverhampton, Walsall and Sandwell.

It was now proposed to enter into a three year Service Level Agreement, at a fixed annual cost for a defined level of resources to support delivery of the participating Black Country councils' flood risk management functions.

The Council's share of the cost of the support service staff resource was approximately £43,086 for 2017/18, £42,725 for 2018/19 and £43,404 for 2019/20.

The cost of the support service arrangements would be met from within the existing Land Drainage target revenue budget.

An equality impact assessment was not required for this proposal.

In response to a question raised by the Chair of Children's Services and Education Scrutiny Board relating to whether teaming up with other authorities would ensure we were able to deal with flooding problems caused by extreme weather conditions and whether an investigation into the flooding of June 2016 had been investigated and published, the Cabinet Member for Highways and Environment clarified that the role of joint working would enable better discharge of the Council's duties as Lead Local Flood Authority to manage the Flood Risk Strategy and to manage the likelihood and impact of flooding and helping citizens to manage their own risk. On completion of investigations, a flood report would be published to help assist in managing the likelihood and impact of flooding.

Resolved:-

- (1) that, in so far as it relates to Sandwell Council, support service delivery arrangements between the Black Country authorities and Staffordshire County Council, in respect of flood risk management functions, are approved;

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- (2) that, subject to resolution (1) above, the necessary exemptions are granted from the Council's Procurement and Contract Procedure Rules to enter the support service delivery arrangements between the Black Country authorities and Staffordshire County Council, in respect of flood risk management functions;
- (3) that in connection with resolution (1) above, the Council enters into any necessary legal agreement, service level agreement or memorandum of understanding with the other Black Country authorities and Staffordshire County Council.

188/16

Microchipping of Dogs Regulations 2015 (Key Decision Ref. No. PHP09)

The Cabinet Member for Public Health and Protection reported that on 6th April 2016, The Microchipping of Dogs Regulations 2015 came into force in England and under these regulations, the keeper of any dog older than eight weeks must ensure that the dog was microchipped.

It was a summary offence (level 4, up to £2,500) for a keeper to fail to comply with a notice served under the regulations. As such, the offence did not apply until the keeper had failed to comply with a notice requiring them to microchip the dog within 21 days. An authorised officer may also, therefore, after expiry of the notice, check without consent whether the dog had been microchipped and arrange for the dog to be microchipped and recover the costs from the keeper of doing so.

The Council may authorise any person to act for the purpose of enforcing the Regulations, which was currently delegated to the Director - Adult Social Care, Health and Wellbeing. However, in order to increase the number of officers available to enforce these regulations, it was proposed that the delegation be extended to the Director - Neighbourhood Services to enable officers within Sandwell Patrolling Services to issue notices.

In response to a question raised by the Chair of the Housing Scrutiny Board, the Cabinet Member for Public Health and Protection confirmed that the role of wardens in the proposal was to be both responsive and proactive in tackling issues in communities.

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Officers would monitor demand levels and keep under review resource requirements to ensure that the Council fulfilled its statutory obligations.

Resolved that the Scheme of Delegations to Officers, as set out in Part 3 (Responsibility of Functions) of the Council's Constitution, be amended so as to include the following delegation to the Director – Neighbourhood Services:

Microchipping of Dogs

To act and authorise others to act on his/her behalf under the provisions of the Animal Welfare Act 2006 together with any regulations or orders made thereunder.

189/16

Provision of Plumbing Materials (Key Decision Ref. No. HG21)

The Cabinet Member for Housing sought approval to award a contract for the provision of plumbing materials to Roway Lane supplies section, for a contract period of three years, from 1st December 2016 to 30th November 2019.

In accordance with the Council's Procurement and Contract Procedure Rules, Carvers (Wolverhampton) Ltd submitted the best value tender, based on price, quality and material inspection. The anticipated value of the contract was £957,129 (£319,043 per annum) for a period of three years.

An equality impact assessment was not required for this proposal.

Resolved:-

- (1) that the Director - Neighbourhood Services award the contract for the provision of plumbing materials to Carvers (Wolverhampton) Ltd in the sum of £957,129 (£319,043 per annum) for the period 1st December 2016 to 30th November 2019;
- (2) that in connection with resolution (1) above, the Council enter into an appropriate contract with Carvers (Wolverhampton) Ltd for the provision of plumbing materials.

[ILO: UNCLASSIFIED]

Local Authority/Schools' Model Disciplinary Policy and Guidance (Key Decision Ref. No. CS071)

The Cabinet Member for Children's Services sought approval to revise the Disciplinary Procedure for School Based Staff and the Disciplinary Procedures for Voluntary Aided and Foundation School Based Employees with the following key changes:-

- certain inclusions such as the under-performance of non-teaching staff and exclusions such as head teachers with presently no alternative policy in place - the former would be addressed through a new policy and the latter had been included within the revisions;
- setting out statutory right to be accompanied in accordance with the Advisory Conciliation and Arbitration Service Code of Practice which recommended this be a fellow worker or a recognised trade union representative only. This right to be accompanied had been clarified to include any suspension, investigation interview, disciplinary hearing and appeal hearing as appropriate;
- removal of potential disciplinary outcomes where there was reference to withholding increments, an excessive range of sanctions including relegation to a lower grade which could be difficult to rationalise in a modern employment policy;
- greater clarity in terms of the investigation process reducing the likelihood of challenge and/or this being open to interpretation;
- discretion for governing bodies to make decisions on potential disciplinary cases but only if this was agreed in advance and confirmed in writing by the relevant governing body.

The revised Policy and Guidance met current legislative requirements and Advisory Conciliation and Arbitration Service recommended good practice. Whilst there was no requirement for employers to consult on Guidance issued in association with any Policy, changes had been made to both documents to reflect feedback during the consultation process with trade unions.

An equality impact assessment was not required for this proposal.

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Resolved that, the Schools' Model Disciplinary Policy and Schools' Model Disciplinary Policy Guidance be approved and recommended to governing bodies of schools in Sandwell.

Business Items

191/16

Council's Use of Regulation of Investigatory Powers Act 2000 and the setting of Council's RIPA Corporate Guidelines and Policy

The Cabinet Member for Public Health and Protection reported that the Regulation of Investigatory Powers Act 2000 specified the circumstances in which a local authority may carry out covert surveillance, which may otherwise constitute a breach of the Human Rights Act 1998.

Activities which may be carried out by a local authority, provided it complied with the Regulation of Investigatory Powers Act 2000, included:-

- covert surveillance in the course of a specific operation;
- the use of covert human intelligent sources, such as agents, informants and undercover officers.

Details of the Council's use of the Regulation of Investigatory Powers Act 2000 from 1st April 2015 up to 31st March 2016 were now submitted.

The Council had a detailed Corporate Guidelines and Policy on the Act and a list of officers of the Council that could authorise Regulation of Investigatory Powers Act activities.

With effect from 10th December 2014, the Home Office published the Regulation of Investigatory Powers (Covert Surveillance and Property Interference: Code of Practice) Order 2014 and the Regulation of Investigatory Powers (Covert Human Intelligence Sources: Code of Practice) Order 2014 together with Codes of Practice. Approval was now sought to the revised Corporate Guidelines and Policy.

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Resolved:-

- (1) that details of the Council's use of the Regulation of Investigatory Powers Act 2000 from 1st April 2015 up to 31st March 2016 be received;
- (2) that the Council's revised Regulation of Investigatory Powers Act Corporate Guidelines and Policy be approved.

192/16

Decisions of the Cabinet Member for Highways and Environment taken on 28th July, 4th and 25th August and 6th October, 2016

The decisions of the Cabinet Member for Highways and Environment taken on 28th July, 4th and 25th July and 6th October, 2016 were received.

No questions were asked of the Cabinet Member for Highways and Environment.

Resolved that further to Minute No. 205/15, the car parking charges scheme at West Bromwich Street, Oldbury be amended to include a season ticket for use on three nominated days of the week, at a charge of £144 for an annual permit or £14.40 for a monthly permit.

193/16

Minutes of the Cabinet Petitions Committee held on 5th October, 2016

The minutes of the Cabinet Petitions Committee meeting held on 5th October, 2016 were received.

194/16

Action Taken on a Matter of Urgency – Sub-Station, Phoenix Collegiate, Clarkes Lane, West Bromwich

The Leader of the Council presented details of an urgent action taken by the Director – Regeneration and Economy, in consultation with the Leader of the Council, in relation to granting Western Power Limited a lease for the siting of a sub-station for a term of 99 years at a peppercorn rent in respect of a parcel of land within the demise of Phoenix Collegiate, Clarkes Lane, West Bromwich.

Phoenix Collegiate was, however, a Foundation Trust School and as such was responsible for determining all matters relating to the school including, amongst other things, the terms and conditions for use of any part of the school demise by a third party. The school had agreed the terms of the proposed sub-station but as a result of the legalities regarding transfer of the site to the Trust not being resolved, the Council as, existing lessee, was the legal body who needed to grant the lease.

The freehold of the site vested with Sandwell Land and Property who had confirmed that, as landlord, it had no objection to the grant of an under lease to Western Power.

The course of action was urgent as the sub-station needed to be installed by the end of this month so as to provide electricity to the new build part of the school. If the lease was not agreed and/or granted, it would result in the opening of the school being delayed and not ready for pupil use.

The Chair of the Housing Scrutiny Board raised a question relating to whether all schools with land leased through the Council should be written to advising them of their responsibilities and warning them against late submissions which was resulting in the matter being treated unnecessarily as matters of urgency.

(At this point in the meeting, Councillor P Hughes and the Chief Executive left the room)

In response, the Leader of the Council confirmed that on this occasion, the action had been signed off by the Council and the Sandwell Land and Property Board although in future, it was expected that such issues would only be considered as planned decisions rather than urgent actions unless it was an exceptional issue.

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Resolved that details of the urgent action taken by the Director – Regeneration and Economy in relation to:-

- a) granting Western Power Limited a lease for the siting of a sub-station for a term of 99 years at a peppercorn rent in respect of a parcel of land within the demise of Phoenix Collegiate, Clarkes Lane, West Bromwich, subject to the sub-station being used for the provision of an electricity supply to the school only and otherwise on terms and conditions to be agreed by the Director — Regeneration and Economy;
- b) the Director — Regeneration and Economy advising Western Power Limited that the grant of the lease on the terms outlined in resolution (a) above is without prejudice to any existing and/or future leases it has with the Council and that any new leases will be in accordance with existing policy i.e. at market rent to include five year rent reviews;

be received.

(Meeting ended at 4.38 pm)

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