

## The Cabinet

**22<sup>nd</sup> March, 2017 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.

### 53/17 **Declarations of Interests**

In relation to Minute No. 63/17 below (Voluntary Sector Arts Organisations: Grant Support (Key Decision Ref. No. SMBC16110)) Councillor Trow declared a pecuniary interest on the basis that he was formerly the Director of Black Country Touring and his son was cast to appear in a forthcoming production.

In relation to Minute No. 54/17 below (Review of Guidelines and Review of Private Hire and Hackney Carriage Policy (Key Decision Ref. No. SMBC1606)) Councillor Ahmed declared a pecuniary interest on the basis that he was taxi driver for a Birmingham firm.

### **Strategic Items**

### 54/17 **Review of Guidelines and Review of Private Hire and Hackney Carriage Policy (Key Decision Ref. No. SMBC1606)**

The Cabinet Member for Public Health and Protection reported that on 7<sup>th</sup> December 2016, the Cabinet considered a report on a review of private hire and hackney carriage licensing in Sandwell. The Cabinet resolved that a further report be presented proposing further changes to the private hire and hackney carriage licensing policy (see Minute No. 210/16).

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The taxi licensing regime in Sandwell was administered by the Taxi Licensing Office within Governance Services. A private hire driver was required to hold a private hire driver's licence and a private hire vehicle licence.

In addition, the driver must only accept bookings made through the operator (the base). The operator was required to hold a private hire operator's licence. A hackney carriage driver was required to hold both a hackney carriage driver's licence and vehicle licence. A hackney carriage did not have to operate through a base and was free to pick up passengers from the street, without a booking. Matters were referred to the Council's Licensing (Miscellaneous) Committee for determination in such circumstances where drivers were in breach of their licence conditions or had committed an offence during the lifetime of their licence.

The licensing regime's primary function was to protect the public. The proposed changes in the revised Handbook were principally to further support what was in place to protect the public.

It was now proposed to make a number of revisions to the policy as follows and to undertake consultation with Sandwell Private Hire and Hackney Carriage licence holders, all Private Hire Operators and all prospective applicants for any such licence on the revised private hire and hackney carriage licensing policy:-

- **Child Sexual Exploitation (CSE) Awareness and Safeguarding Training**

The proposals recommended that all applicants for a Private Hire or Hackney Carriage Drivers licence and existing holders of a licence receive CSE Awareness and Safeguarding Training provided by the Council's appointed training provider, free of charge. Should an applicant or licence holder fail to attend an appointment to receive the training, they would be required to pay a fee to attend a further training session. The Safeguarding training would cover issues such as CSE, Adult Safeguarding and raising awareness of crimes that the driver may witness or be the victim of. High profile CSE cases in other areas of the country involved some sexually exploited children being driven around the borough by taxi drivers who may or may not have been aware of or involved in the sexual exploitation of the children. This training course would raise awareness of the warning signs that taxi drivers could look out

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for in order to raise the alarm if they had any concerns that a child may be at risk;

- **Equality and Disability Awareness Training**

The proposals recommended that all applicants for a Private Hire or Hackney Carriage Drivers licence and existing holders of a licence receive Equality and Disability Awareness Training provided by the Council's appointed training provider. New applicants and existing applicants would be required to successfully complete the training and assessment prior to a licence being granted. Existing licence holders would be required to successfully complete the training and assessment prior to their licence being renewed or within twelve months, whichever was sooner.

Existing applicants and new applicants would be required to pay a fee to the Council's appointed training provider in order to receive the training. The fee had initially been set at £20. The training would be provided free of charge to existing licence holders. Should an applicant or licence holder fail to attend an appointment to receive the training or fail to successfully complete the assessment at the end of the training, they would be required to pay a fee to attend a further training session. The training would cover the law and advice on carrying assistance dogs, assisting wheelchair users and ensuring the wheelchair was securely transported in the vehicle and language or words that may offend people with disabilities;

- **Knowledge Test**

The current verbal knowledge test required the applicant for a driver's licence to answer ten questions based on the law and the conditions attached to the licence. The applicant must answer eight questions correctly in order to pass the test and must pass the test within three attempts or the application was refused under delegated authority. The current knowledge test did not contain any arithmetic, Highway Code, or location questions and would appear to be weak when compared to knowledge tests conducted by other authorities.

The proposed Suitability Assessment and new Hackney Carriage Drivers Knowledge test would ensure that new applicants for a licence must be able to demonstrate skills and knowledge of the following matters:-

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- the Law;
- policy and licence conditions;
- good command of the English language;
- basic maths skills (fares);
- knowledge of Highway Code;
- vehicle maintenance;
- customer service;
- knowledge of the area.

An equality impact assessment was not required for this proposal.

In response to questions raised by the Chair of the Children's and Education Scrutiny Board and the Chair of the Housing Scrutiny Board, the Cabinet Member for Public Health and Protection confirmed that:-

- the proposed policy would make it a requirement that both new and existing drivers undertook CSE Awareness and Safeguarding Training and also Equality and Disability Training. If a driver failed to attend a course, the licence holder would not have their licence renewed and would be unable to work until they had attended the training course and completed it;
- the only reason a taxi driver could refuse to carry an assistance dog was if they held a medical exemption certificate. Any driver who did refuse to carry an assistance dog without a valid medical exemption certificate was committing an offence under the Equality Act and the Council would investigate the matter and, if necessary, prosecute the driver;
- in relation to a review of drivers with serious convictions, these would be reviewed on implementation and would require either the Committee sitting for the full day on three or four occasions, or additional Committees would need to be scheduled. The drivers with less serious offences would be reviewed on renewal. Most of these matters would be dealt with over a twelve month period as most drivers had a twelve month licence.

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### **Resolved:-**

- (1) that the revised Private Hire and Hackney Carriage Licensing Policy, as now submitted, be approved as a basis for consultation;
- (2) that in connection with Resolution (1) above, the Licensing Manager be requested to notify all Sandwell Private Hire and Hackney Carriage licence holders, all Private Hire Operators and all prospective applicants for any such licence, in writing about the proposal and to make consultation documents available for inspection on the Council's website for the consultation period 6<sup>th</sup> April 2017 to 12<sup>th</sup> May 2017;
- (3) that in connection with Resolution (1) above, a further report be submitted to Cabinet following the outcome of the consultation;
- (4) that the Licensing Manager be requested to submit a further report on the feasibility of introducing CCTV in private hire and hackney carriage vehicles;
- (5) that the Director responsible for Taxi Licensing, in consultation with the Cabinet Member for Public Health and Protection be authorised to make minor and administrative amendments to the policy as and when they arise.

(Councillor Ahmed left the room during consideration of this item and took no part in the discussion)

55/17

### **Construction of a temporary transit site (Key Decision Ref. No. SMBC1696)**

The Cabinet Member for Regeneration and Economic Investment sought approval to establish and operate a temporary transit site in Sandwell as part of a package of measures to tackle the issue of unauthorised encampments. The proposal was strongly supported by West Midlands Police, who had requested the Council provide a transit site, due to the unprecedented growth in unauthorised encampments over recent years, which was taking up large amounts of time and money for both the Council and the Police.

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Under Section 62 of the Criminal Justice and Public Order Act, unauthorised encampments could be dealt with in as little as 24 hours, compared to up to two weeks, to secure an eviction through the court. In the event that a group refused to move to the transit site, the Police would have the power to exclude them from the borough on threat of arrest if they returned to Sandwell within three months.

Groups would have to pay rent to stay temporarily on the transit site and only groups camping unlawfully on Council land within Sandwell could be moved to the site. Sandwell would be the first Council in the Birmingham/Black Country conurbation to have a transit site.

Those relocated from unlawful encampments to the transit site would be charged £80 per caravan per week, as well as a security deposit of £250 for each group. They would also have to sign an agreement and adhere to clear rules on behaviour and littering.

The total cost of constructing a transit site was estimated to be £195k. This would be financed from the Regeneration and Economy target budget. The capital investment would enable the Council and the Police to effectively and jointly tackle this serious problem. The work was expected to take around eight weeks to complete and would be undertaken by contractors appointed under the West Midlands civil engineering term framework contract.

To identify and evaluate potential locations for a transit site, an option analysis/appraisal was undertaken. From this process, a clear preference emerged for a site at Boulton Road, Smethwick. The site was 0.67 hectares in area and was formerly developed with Council flats and maisonettes. The land had remained vacant pending the emergence of viable redevelopment plans for the wider Black Patch and North Smethwick areas. By its nature this temporary use, for a period of three years, would have no impact on the site's availability as part of an eventual redevelopment strategy.

An application for temporary planning consent would be submitted to the Planning Committee. Approval would be sought to use the land as a transit site for three years. This use would be reviewed at the end of two full years of operation, based on actual levels of occupancy and monitoring of costs and revenues arising from operation of the site.

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An indicative layout had been prepared, which demonstrated that this site should be capable of accommodating up to 34 caravans.

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

An equality impact assessment was not required for this proposal.

In response to questions raised by the Chair of the Leisure, Culture and the Third Sector Scrutiny Board, the Chair of the Community Safety, Highways and Environment Scrutiny Board, the Chair of the Jobs, Economy and Enterprise Scrutiny Board and the Chair of the Housing Scrutiny Board, the Cabinet Member for Regeneration and Economic Investment confirmed that:-

- a rental charge would be sought before access to the transit site was granted and any group would need to sign a 'Licence to Occupy', which set out terms and conditions for occupying the site, including expected levels of behaviour;
- the Police would be able to use Section 62 of the Criminal Justice and Public Order Act to escort the group out of the borough. If they returned to Sandwell within three months, the Police would have legal powers to arrest them;
- the planning application would follow the normal statutory process and local residents and businesses would be consulted and given the opportunity to comment on the proposal;
- Sandwell residents were aware of the severe adverse impacts on their communities arising from unauthorised encampments. As such, the Council might anticipate potential objectors to take a more balanced view towards the establishment of a highly-regulated and effectively-policed temporary transit site;
- the transit site initiative was an example of partnership working between the Council and the West Midlands Police, both of whom had expended considerable resources in attempting to tackle the issues around unauthorised encampments in Sandwell. By deploying Section 62 powers, the Police would be utilising resources;
- the site at Boulton Road was felt to be the most suitable for the transit site and it was anticipated that CCTV and the licence to occupy agreement, with a Council officer regularly

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attending the site, would ensure that the site was properly managed;

- as well as CCTV, a skip would be on site.

### **Resolved:-**

- (1) that the principle of constructing and operating a temporary transit site, to permit the Police to use powers under Section 62 of the Criminal Justice and Public Order Act to limit unauthorised encampments on Council-owned land and either direct those who unlawfully occupy Council land to the transit site or exclude them from the borough, be adopted;
- (2) that a temporary transit site on 0.67 hectares of vacant Council-owned land be constructed at Boulton Road, Smethwick, at an estimated cost of £195k;
- (3) that subject to Resolution (2) above, the temporary transit site at Boulton Road, Smethwick be operated for a three year period, with a review after two years;
- (4) that in connection with Resolution (1) and (2) above, the following action points identified within the appraisal report be implemented to reduce any risk to the Council:-
  - produce costings in relation to running costs to determine the level of rental income required to be cost neutral;
  - ensure that decommissioning costs for the project can be managed within Regeneration and Economy's existing revenue resources;
  - review the Risk Register to ensure all risks are identified and adequately mitigated;
  - ensure all contract monitoring documents are produced in order to ensure effective monitoring of the contract can be undertaken;
  - ensure operational running costs and income from the temporary transit site are adequately monitored and reported accordingly on a regular basis.



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### 56/17 Minutes

**Resolved** that the minutes of the meetings held on 22<sup>nd</sup> February and 1<sup>st</sup> March 2017 be confirmed as a correct record.

### 57/17 Local Transport Settlement 2017/18 – Sandwell Allocation (Key Decision Ref. No. SMBC1684)

The Cabinet Member for Regeneration and Economic Investment provided details of the local transport resources allocated to the Council for 2017/18 along with future allocations for the period 2018/19 to 2020/21.

Nationally, the amount of Integrated Transport Block funding allocated to local authorities had been fixed at £258m per annum since 2015/16 and would remain at this level until 2020/21. This followed a decision to “top slice” £200m annually from the national pot which was allocated to the Local Growth Fund.

Local Enterprise Partnerships bid for these funds through their growth deal negotiations on a competitive basis whereas Integrated Transport Block funding was allocated to local authorities by formula.

The allocation to the West Midlands metropolitan area for the forthcoming year was £32.104m; of this sum, £17.618m had been allocated for Integrated Transport and £14.486m for local Highway Maintenance Block funding.

In response to a query from the Chair of the Housing Scrutiny Board in relation to information on side road and estate road street lighting, the Cabinet Member for Highways and Environment undertook to provide a briefing note with the information.

#### **Resolved:-**

- (1) that the details of the allocation of resources, as approved by the West Midlands Combined Authority on 9<sup>th</sup> December 2016 for Integrated Transport and Local Highway Maintenance Block funding be received;

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- (2) that the following programme of minor works, highways, bridges and street lighting maintenance works for 2017/18 be approved;

<b>Minor Works Programme</b>	<b>Funds 2017/18 £'000s</b>
Major Schemes Development (Ring Fenced)	222
Local Area Safety Schemes	115
Local Safety Schemes	150
Safer Routes to School	125
Vulnerable Users	250
Demand Management	100
Traffic Calming	100
Major Route Signing	60
Named Schemes Over £250k.	360
<b><u>Total</u></b>	<b>1482</b>

<b>Maintenance Programme</b>	<b>Funds 2017/18 £'000s</b>
Carriageway Maintenance – Needs Formula	2127
Carriageway Maintenance – Incentive Fund	267
Carriageway Maintenance – Challenge Fund	1540
Carriageway Maintenance – Pothole Action Fund	225
Bridges – Needs Formula	579
<u>Street Lighting – Needs Formula</u>	147
<b><u>Total</u></b>	<b>4885</b>

58/17

### **Schools' Model Management of Absence Policy and Guidance (Key Decision Ref. No. SMBC16129)**

The Cabinet Member for Children's Services sought approval to the Schools' Model Management of Absence Policy and Guidance.

The proposed policy set out the key principles and parameters from the Guidance, which detailed the processes to be followed.

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The Guidance document had been developed to be used alongside the policy document to provide greater clarity around the process, which in summary:

- underlined that schools required all staff to maintain regular and consistent attendance at work, and where this was not possible, to support staff through periods of ill-health with the aim of securing their sustained return to work or other resolution as appropriate;
- clarification of the mutual responsibility for the employee and the Designated Person to maintain regular and appropriate contact. If a sick employee failed to contact the school in accordance with its local arrangements, it was reasonable for the Designated Person to initiate communication as part of his or her duty of care;
- the existing separation of managing short term (three Stages) and long term sickness absence (four Stages excluding appeal) had been simplified so subject to the targets, triggers and support being made available, there would now be three stages for both short-term and long-term absence;
- the present procedure allowed contact during sickness to be made by a relative/friend, this had been clarified so that it was the employee who made contact with the designated contact point unless there were exceptional mitigating circumstances;
- if a period of redeployment or other action failed, or if an employee returned to work under any Formal Stage then went off sick again within a 26-week period, the Designated Person may reactivate the process at the Formal Stage previously reached;
- if an employee lodged a grievance against the Designated Person at any stage of the policy, this would be dealt with through the appeals process of this policy unless the grievance was about an unrelated matter in which case it may be progressed concurrently;
- an employee was allowed to appeal against decisions taken at any Formal Stage and set out the process how this should take place.

An equality impact assessment was not required for this proposal.

**Resolved** That the Schools' Model Management of Absence Policy and Guidance, as now submitted, be approved and recommended to the governing bodies of schools in Sandwell.

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59/17

### Foster Care Fees and Weekly Allowances and Adoption, Residence Orders and Custodian Allowances 2017/18 (Key Decision Ref. No. SMBC16106)

The Cabinet Member for Children's Services sought approval to the Foster Care Fees and Weekly Allowances for 2017/18.

It was now proposed to:

- inflate allowances by 1.6% for 2017/18 in line with Consumer Prices Index as at year ended 31<sup>st</sup> December 2016; and
- inflate the carer fee by 1% in line with the staff pay award, to ensure fairness and consistency.

The payments for relevant Adoption, Residence Order and Special Guardianship Order assessments were subject to means testing and/or separate policy. The National Staff Pay Award was agreed at 1%.

An equality impact assessment was not required for this proposal.

In response to a question raised by the Chair of the Children's and Education Scrutiny Board, the Cabinet Member for Children's Services reported that benchmarking information had shown that Sandwell was paying slightly above regional neighbours, however, it was difficult to measure how competitive private fostering agencies were. The Cabinet Member did welcome a report that would be considered by the Scrutiny Board in April looking at all aspects of foster carers and what incentives other than financial could be offered.

**Resolved** That the Foster Care Fees and Weekly Allowances and Adoption, Residence Orders and Custodian Allowances for 2017/18, as set out in Appendix 1, be approved and implemented with effect from 1<sup>st</sup> April 2017.

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60/17

### Framework Agreement for Electrical Testing of Street Lighting (Key Decision Ref. No. SMBC16108)

The Cabinet Member for Highways and Environment sought approval to access the Eastern Shires Purchasing Organisation Framework Agreement for electrical testing services of street lighting and street furniture.

The Council had a requirement to test electrical safety and certify 5,000 street lighting columns each year together with additional ancillary services.

It was proposed to access the Framework Agreement from 1<sup>st</sup> April 2017 until 11<sup>th</sup> July 2019 with the option to continue utilising the Framework if extended until 11<sup>th</sup> July 2020.

It was anticipated that the Council's expenditure through the framework would be £65,000 per annum or £195,000 to 11<sup>th</sup> July 2020.

#### **Resolved:-**

- (1) that access to procure work through the Eastern Shires Purchasing Organisation 306 Framework Agreement for Electrical Testing Services: Lot 3 – Electrical Testing of Street Lighting and Street Furniture be approved for the period 1<sup>st</sup> April 2017 to 11<sup>th</sup> July 2019, with an option to extend for a further twelve month period until 11<sup>th</sup> July 2020;
- (2) that subject to Resolution (1) above, the Council be authorised to place 'Call Off' orders with Electrical Testing Ltd for the services as and when required;
- (3) that the Council be authorised to execute any documents necessary to give effect to the recommendations at Resolution (1) and (2) above.

61/17

**Grant Agreement to Rights and Equality Sandwell 2017-2020  
(Key Decision Ref. No. SMBC16120)**

The Deputy Leader and Cabinet Member for Neighbourhoods and Communities sought approval to award grant funding to Rights and Equality Sandwell who advised, supported and acted as a champion for vulnerable communities especially in relation to preventing discrimination, promoting good community relations and promoting equality through practical project work, support, advocacy and advice. Over the last few years, the Council's partnership with Rights and Equality Sandwell had focused on community safety, safeguarding and public health outcomes.

The Council's current agreement with Rights and Equality Sandwell was due to end on 31<sup>st</sup> March 2017. Having undertaken an options appraisal to determine the most appropriate route for commissioning of services and support to address discrimination and promote equality and good community relations in Sandwell, it was found that a grant agreement for three years was the most appropriate commissioning route.

Funds for the grant agreement were available from the Voluntary Sector Support Budget for 2017/18, 2018/19 and 2019/20.

The target groups who would benefit from the work undertaken were vulnerable persons and victims, or who were at risk of discrimination, exploitation, abuse and violence, including victims of crime. The work would be delivered alongside the voluntary community sector and public agencies who worked to support these persons at a local level.

In response to a question raised by the Chair of the Housing Scrutiny Board, the Deputy Leader and Cabinet Member for Neighbourhoods and Communities confirmed that the spread of Rights Equality Sandwell's work was borough wide and aimed to reach all communities. Anyone could access the services and support, however, priority would be to focus on dealing with the communities who were suffering the greatest disadvantage or discrimination. The aim was to provide training, support and capacity building to organisations who wished to engage in the work that Rights Equality Sandwell undertook. When undertaking monitoring, Rights Equality Sandwell's reach to towns and wards would be recorded.

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In response to a request for Rights Equality Sandwell to attend Town Team meetings, invitations would be extended to third sector organisations in order to increase their profile and awareness.

**Resolved** That the Council confirms the grant allocation of £117,454 in 2017/18, 2018/19 and 2019/20 to Rights and Equality Sandwell subject to annual review, in order to support the provision of services and support to address discrimination and promote equality and good community relations in Sandwell.

62/17

### Award of Framework Agreement for the Provision of Interpreting and Translation Services (Key Decision Ref. No. SMBC1680)

The Cabinet Member for Core Council Services sought approval to award a framework agreement for the provision of Interpreting and Translation Services. In accordance with the Council's Procurement and Contract Procedure Rules, the period of the agreement was three years from 1<sup>st</sup> April 2017 to 31<sup>st</sup> March 2020 with the option to extend for a further twelve month period until 31<sup>st</sup> March 2021. The total amount of expenditure would be no more than £280,000.

In response to a question raised by the Chair of the Housing Scrutiny Board, the Cabinet Member for Core Council Services confirmed that a combined working approach would be beneficial for this type of service and a West Midlands Combined Authority Legal and Procurement Group had now been established and tasked with considering how procurement collaboration could be undertaken in the future.

#### **Resolved:-**

- (1) that the Interim Director - Resources take the necessary action to award a Framework Agreement for the provision of Interpreting and Translation Services to PLSP Ltd, Five Star Interpreting and Translations, Supreme Linguistic Services T/A Premium Linguistic Services for a period of three years from 1<sup>st</sup> April 2017 to 31<sup>st</sup> March 2020 with the option to extend for a further twelve month period until 31<sup>st</sup> March 2021 at a cost of no more than £280,000;

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- (2) that in connection with Resolution (1) above, Legal Services be authorised to establish a Framework Agreement with the companies listed above.

63/17

### Voluntary Sector Arts Organisations (Key Decision Ref. No. SMBC16110)

The Cabinet Member for Leisure sought approval to award funding to Multistory and Black Country Touring, two highly successful arts organisations based in Sandwell, that delivered arts programmes intended to improve the lives of Sandwell residents by providing opportunities to engage with artists and cultural activity. Both Multistory and Black Country Touring currently had National Portfolio Organisation status which recognised the recipient as a key regional and in some cases national partner for the Arts Council and would bring with it a four year funding agreement.

It was also proposed that both funding agreements were made in accordance with the policy relating to Sandwell Metropolitan Borough Council's Voluntary Sector Support Grant Budgets.

#### **Resolved:-**

- (1) that the Council commits to funding Multistory and Black Country Touring during 2017 - 2018 at a level equivalent to funding granted in 2016 - 2017;
- (2) that the Interim Director - Neighbourhoods enters into negotiation with Black Country Touring and Multistory following notification of the result of their National Portfolio Organisation applications in June 2017 with a view to entering into a further funding agreement matching the term of any confirmed Arts Council funding support for 2018-2019 and subsequent years;



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- (3) that grant support to Multistory and Black Country Touring is allocated as a Voluntary Sector Support Grant Budget and is subject to the same terms, conditions and obligations as other Voluntary Sector Support Grant Budgets.

(Councillor Trow left the room during consideration of this item and took no part in the discussion)

### 64/17 **Continuation of Free Swimming in Sandwell 2017/18** **(Key Decision Ref. No. SMBC16111)**

The Cabinet Member for Leisure sought approval to the continuation of the Free Swimming Initiative in Sandwell for the 2017/18 financial year.

The scheme allowed adults, who were Sandwell residents aged 60 and over, to swim without charge during public swimming sessions, for seven days per week before 1pm, all year round. Children and young people, who were Sandwell residents, aged 16 years and under could swim without charge during public swimming sessions, for seven days per week, throughout school holiday periods only.

This initiative had been available to Sandwell residents at the following leisure facilities:

- Haden Hill Leisure Centre;
- Langley Swimming Centre;
- Smethwick Swimming Centre;
- Tipton Leisure Centre;
- Wednesbury Leisure Centre;
- West Bromwich Leisure Centre.

Since the Free Swimming in Sandwell initiative was launched in June 2013, 6,366 adults and 23,129 children and young people who met the criteria had become a member of the scheme.

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The funding required was as follows:

<b>Provider</b>	<b>2017/18</b>
Sandwell Leisure Trust	£122,153
Places for People Leisure (West Bromwich Leisure Centre only)	£75,000
Marketing	£5,000
<b>Total</b>	<b>£202,153</b>

An equality impact assessment was not required for this proposal.

In response to a question from the Chair of the Jobs, Economy and Enterprise Scrutiny Board, whilst the Cabinet Member for Leisure undertook to investigate whether swimming clubs could obtain funding from the authority as they currently charged children for the use of pools, the Leader of the Council did clarify that swimming clubs charged for the exclusive use of pools for their club members as opposed to open access to the general public.

### **Resolved:-**

(1) that the Council enters into an agreement with Sandwell Leisure Trust and PfP Leisure to offer free swimming to:-

- children and young people 16 years and under (exclusively Sandwell residents only) during public swimming sessions, for seven days per week, throughout school holiday periods only;
- adults aged 60 years and over (exclusively Sandwell residents only) during public swimming sessions, for seven days per week before 1pm, all year round;

for the financial year 2017/18;

(2) that any necessary exemptions be made to the Council's Procurement and Contract Procedure Rules to enable the course of action referred to in Resolution (1) above to proceed;

(3) that a further report be presented to Cabinet identifying a proposal for Free Swimming in Sandwell for 2018/19 onwards.

65/17

**Outcome of the Consultation on Sandwell Deaf Community Association (Key Decision Ref. No. SMBC1665)**

The Cabinet Member for Social Care reported that on 31<sup>st</sup> August 2016, the Cabinet approved a twelve week formal consultation process regarding the future of Council funding to Sandwell Deaf Community Association (see Minute No. 147/16). Sandwell Deaf Community Association was a user led organisation supporting people with a hearing impairment.

The service was currently provided to an average of 186 deaf people on a weekly basis and was based in the Deaf Community Centre, a Council owned building at Dagger Lane, West Bromwich.

The options presented as part of the consultation were:-

option 1 - continue as is. Council grants, direct, and in-kind support from the Council were maintained and service continued to operate as is;

option 2 - withdraw direct and in-kind support by the Council and explore alternative funding options;

option 3 - withdraw direct and in-kind support by the Council over a two year period at a 50% reduction per year and explore alternative funding options.

The results of the consultation process with users, stakeholders, the public, affected staff and trade unions now revealed that the preferred option was option 1; however, a percentage of users, staff and the Board were prepared to consider option 3 as an alternative to remaining “as is”. Option 3 would enable savings for Adult Social Care to be achieved over a two year period and current and future users would be provided with sustainable service options from a user led independent organisation.

Following consideration and analysis of the feedback received through the formal consultation, an amended version of option 3 was now proposed as the way forward based upon continued support and funding. A formal 30 day consultation process would subsequently commence with affected staff.

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During the initial two-year period, the Council would monitor the work of Sandwell Deaf Community Association through a grant agreement, before considering funding for a further year. Further consideration of funding options and alternatives would be considered at this point.

An equality impact assessment was undertaken for this proposal.

Consultation with trade unions had commenced in May 2016 and would continue throughout the consultation period.

### **Resolved:-**

- (1) that following consultation on the future of Council funding to Sandwell Deaf Community Association, approval be given to implementing an amended option 3 as follows:-
  - establishing a two year grant agreement with the option to extend for a further year to include:
    - the secondment of the current Band H manager from the Council to Sandwell Deaf Community Association to increase the organisation's independence;
    - £15,500 per year to support Sandwell Deaf Community Association to provide BSL interpreters;
    - £28,500 per year to support Sandwell Deaf Community Association to provide advocacy;
    - £4,500 per year to support Sandwell Deaf Community Association on infrastructure costs;
    - establishing a three-year lease with a break clause established at the end of year two, to occupy Council premises at Stoney Lane, West Bromwich;
- (2) that the Executive Director - Adult Social Care, Health and Wellbeing be authorised to:
  - (a) engage users, Sandwell Deaf Community Association Board, and employees on the outcome of the consultation;

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- (b) commence the process with relevant employees of the Council and unions, with regard to secondment of the Managers to the Sandwell Deaf Community Association;
- (c) provide Sandwell Deaf Community Association with a two year grant, with an option to extend for a further year, to support Sandwell Deaf Community Association to provide an advocacy service, BSL interpreters and infrastructure costs;
- (d) delete the vacant posts of handyperson and information officer on 31<sup>st</sup> March 2017;
- (e) delete the occupied post of administrative assistant 18.5 hours, upon completion of the formal consultation process;
- (f) review the financial and business position of Sandwell Deaf Community Association during the initial two-year period, in order to consider future Council investment.

66/17

### **Outcome of the Consultation on Sandwell Visually Impaired Services (Key Decision Ref. No. SMBC1678)**

The Cabinet Member for Social Care reported that on 31<sup>st</sup> August 2016, the Cabinet approved a twelve week formal consultation process being carried out regarding the future of Council funding to Sandwell Visually Impaired (see Minute No. 147/16). Sandwell Visually Impaired was a user led organisation supporting people with a visual impairment. The service was based in a Council owned building at Dagger Lane, West Bromwich.

The options presented as part of the consultation were:-

- option 1 - continue 'as is' - Council grants, direct and in-kind support from the Council were maintained and service continued to operate as is;
- option 2 - withdraw direct and in-kind support by the Council and explore alternative funding options;
- option 3 - withdraw direct and in-kind support by the Council over a two year period at a 50% reduction per year and explore alternative funding options.

## The Cabinet – 22<sup>nd</sup> March, 2017

The results of the consultation process with users, stakeholders, the public, affected staff and trade unions now revealed that the preferred option was option 1 - to stay as is. Officers were also of the opinion that option 1 was the only option that would result in the sustainability of the service. There was no opportunity for efficiency based on the current resources attributed to Sandwell Visually Impaired. As such, option 1 for the next three years would be:-

- to retain the same level of Council funding for Sandwell Visually Impaired until April 2019, with a three-year lease, with a break clause established at the end of year two, to occupy Council premises at West Bromwich Town Hall;
- establishing a two year grant agreement with the option to extend for a further year to support option 1 to include;
  - the secondment of the Service Development Manager, 18.5 hours from the Council to Sandwell Visually Impaired. This would provide autonomy for the organisation;
  - the secondment of the Business Support Officer, 18.5 hours from the Council to Sandwell Visually Impaired.

During the initial two-year period, the Council would monitor the work of Sandwell Visually Impaired through a grant agreement before considering funding for a further year.

Further consideration of funding options and alternatives would be considered at this point.

An equality impact assessment was undertaken for this proposal.

Consultation with trade unions had commenced in May 2016 and would continue throughout the consultation period.

### **Resolved:-**

- (1) that in response to consultation on the future of Council funding to Sandwell Visually Impaired, approval be given to implement option 1; to retain current levels of funding for a two-year period;
- (2) that in connection with Resolution (1) above, the Executive Director - Adult Social Care, Health and Wellbeing be authorised to –

## **The Cabinet – 22<sup>nd</sup> March, 2017**

- (a) engage users, Sandwell Visually Impaired Board and employees on the outcome of the consultation;
- (b) commence the process with relevant employees of the Council and unions with regard to the secondment of the Service Development Manager post 18.5 hours, and the Business Support Officer, 18.5 hours to be reviewed after the two years with the potential for one further year;
- (c) review the financial and secondment position with Sandwell Visually Impaired during the period and to consider future Council investment by the end of the two years.

67/17

### **Procurement of Community Based Mental Health Support Service for Adults from Black and Minority Ethnic Communities (Key Decision Ref. No. SMBC1687)**

The Cabinet Member for Social Care sought approval to procure a new community based support service for adults experiencing and families affected by mental ill-health from black and minority ethnic communities in Sandwell.

Up until the 31<sup>st</sup> March 2016, the Council contributed £82,000 a year to a Sandwell and West Birmingham Clinical Commissioning Group contract with the Sandwell African Caribbean Mental Health Foundation.

Following dialogue with Sandwell African Caribbean Mental Health Foundation around their future sustainability, a review was undertaken in November 2016. The review subsequently identified that locally, there was a need for alternative provision that supported the mental health needs of black and minority ethnic communities.

The Council and Sandwell and West Birmingham Clinical Commissioning Group invested in a wide range of services for adults experiencing mental ill-health and their families in Sandwell. This new Adult Social Care funded service would provide added targeted interventions to adults and their families from black and minority ethnic communities.

## The Cabinet – 22<sup>nd</sup> March, 2017

The proposed new contract was for two years with an option to extend for a further one year, commencing on 1<sup>st</sup> September 2017. The contract value was approximately £82,000 per annum maximum with a total contract value of £164,000 over two years with an option to extend by a further one year.

In response to a question raised by the Chair of the Housing Scrutiny Board, the Cabinet Member for Social Care confirmed that the decision to award the contract on a two year option was based on making the contract attractive for potential bidders and would provide assurances to develop a new community based service as the West Midlands Combined Authority health strategy was put forward. It was felt that there was a case to develop and implement this service on a Sandwell footprint due to the specific demographics of the borough compared to other areas covered by the Combined Authority.

### **Resolved:-**

- (1) that in accordance with the Council's Procurement and Contract Procedure Rules, the procurement of a community based support service for adults experiencing and families affected by mental ill-health from black and minority ethnic communities in Sandwell, be approved;
- (2) that the Interim Director - Resources enter into a contract for provision of a community based mental health support service for a period of two years plus an option to extend by a further one year, on terms to be agreed by the Executive Director of Adult Social Care, Health and Wellbeing.

68/17

### **Addendum - Review of Fees and Charges for Council Services (Key Decision Ref. No. LR16)**

The Leader of the Council sought approval to introduce fees and charges for Council services in Highway Services for 2017/18.

**Resolved** That the proposed fees and charges for the Council's Highway as set out below, be approved for implementation from 1<sup>st</sup> April 2017:-



**The Cabinet – 22<sup>nd</sup> March, 2017**

<b>Service Provided</b>	<b>Standard Charge 2016/17</b>	<b>Increase (Decrease) in % 2017/18</b>	<b>Increase / (Decrease) in £ 2017/18</b>	<b>Proposed Charge 2017/18</b>	<b>Comment</b>	<b>VAT</b>
<b>Highways</b>						
Section 50 Street Works Licence (Standard), (Licence to person without a statutory right to place, retain and remove apparatus in the street)						
Administration & Inspection Fee (of which £150 is (nationally agreed inspection fee))	£670.00	2.98	£20.00	£690.00		
Defective Reinstatement Inspection charges (nationally agreed 3 x £47.50)	£143.00	0.00	0.00	£143.00		
Third Party Inspection Fee (nationally agreed)	£204.00	0.00	0.00	£204.00		
<b>Highways Act 1980</b>						

**The Cabinet – 22<sup>nd</sup> March, 2017**

<b>Service Provided</b>	<b>Standard Charge 2016/17</b>	<b>Increase (Decrease) in % 2017/18</b>	<b>Increase / (Decrease) in £ 2017/18</b>	<b>Proposed Charge 2017/18</b>	<b>Comment</b>	<b>VAT</b>
Section 171 Consent for making of excavations in the Street Administration & Inspection Fee (excluding footway crossings)	670.00	2.99	£20.00	£690.00		
Section 139 Control of builders skips. Consideration of an application to deposit a builder skip on the public highway for up to 10 days.	32.00	3.13	£1.00	£33.00		
Section 139 Control of builders skips. Consideration of an application to renew a permit to deposit a builders skip on the public highway charge for each and every subsequent period of up to 10 days.	21.00	4.76	£1.00	£22.00		

**The Cabinet – 22<sup>nd</sup> March, 2017**

<b>Service Provided</b>	<b>Standard Charge 2016/17</b>	<b>Increase (Decrease) in % 2017/18</b>	<b>Increase / (Decrease) in £ 2017/18</b>	<b>Proposed Charge 2017/18</b>	<b>Comment</b>	<b>VAT</b>
Retrospective Skip Permit Fee	140.00	7.14	£10.00	£150.00		
Section 169 & 172 Control of hoarding and scaffolding. Consideration of an application to deposit scaffolding and hoarding on the public highway for up to 90 days	220.00	0.00	£0.00	£220.00		
Section 115E Control of street cafes tables and chairs. Consideration of an application to deposit tables and chairs on the public highway (charge for an annual licence)	255.00	5.88	£15.00	£270.00		
Section 177 Consideration of a temporary application to deposit a crane on the public highway (charge for	102.00	7.84	£8.00	£110.00		

**The Cabinet – 22<sup>nd</sup> March, 2017**

<b>Service Provided</b>	<b>Standard Charge 2016/17</b>	<b>Increase (Decrease) in % 2017/18</b>	<b>Increase / (Decrease) in £ 2017/18</b>	<b>Proposed Charge 2017/18</b>	<b>Comment</b>	<b>VAT</b>
each licence issued)						
Section 177 Consideration of a permanent application for highway projections (charge for each licence issued)	255.00	5.88	£15.00	£270.00		
<b>Footway Crossing</b>						
Footway Crossing inspection and Supervisory Fee. *Fee approved by Cabinet Member at his meeting on 17th October 2008.	190.00	0.00	£0.00	£190.00		
<b>Street Naming and Numbering</b>						
Street Naming - Section 17 of the Public Health Act 1925	205.00	2.44	£5.00	£210.00		
Property Numbering - Section 64 of the Town Improvement	21.00	4.76	£1.00	£22.00		

**The Cabinet – 22<sup>nd</sup> March, 2017**

<b>Service Provided</b>	<b>Standard Charge 2016/17</b>	<b>Increase (Decrease) in % 2017/18</b>	<b>Increase / (Decrease) in £ 2017/18</b>	<b>Proposed Charge 2017/18</b>	<b>Comment</b>	<b>VAT</b>
Clauses Act 1847						
Highway Plans (showing the extent of the public highway)	52.00	5.77	£3.00	£55.00		
General Highway Enquiry	52.00	5.77	£3.00	£55.00		
<b>Traffic Signals</b>						
Consideration of application for switch on/off of traffic signals on Week days	155.00	3.23	£5.00	£160.00		
Consideration of application for switch on/off of traffic signals at Weekends	230.00	4.35	£10.00	£240.00		
<b>Road Traffic Regulation Act 1984</b>						
Section 14(1) or 16(A) temporary traffic order restricting or prohibiting temporary use of all or part of a road.	1,850.00	2.16	£40.00	£1,890.00		

**The Cabinet – 22<sup>nd</sup> March, 2017**

<b>Service Provided</b>	<b>Standard Charge 2016/17</b>	<b>Increase (Decrease) in % 2017/18</b>	<b>Increase / (Decrease) in £ 2017/18</b>	<b>Proposed Charge 2017/18</b>	<b>Comment</b>	<b>VAT</b>
Section 14(2) or 16(A) by Notice restrict Or temporarily prohibit use of all or part of a road if necessary by expedient.	925.00	0.00	£0.00	£925.00		
<b>Section 38 Agreement</b>						
% of estimated construction costs of highways and sewers in conjunction with road adoptions. Minimum charge of £2000	10%	0.00	0.00	10%	No change except to minimum charge increased from £1,000 to £2,000	
<b>Section 278 Agreement</b>						
% of estimated construction costs of highways and sewers in conjunction with road adoptions , Minimum charge of £2000	10%	0.00	0.00	10%	No change except to minimum charge increased from £1,000 to £2,000	

**The Cabinet – 22<sup>nd</sup> March, 2017**

<b>Service Provided</b>	<b>Standard Charge 2016/17</b>	<b>Increase (Decrease) in % 2017/18</b>	<b>Increase / (Decrease) in £ 2017/18</b>	<b>Proposed Charge 2017/18</b>	<b>Comment</b>	<b>VAT</b>
Technical Appraisal for Private Road - % of estimated construction costs of highways and sewers in conjunction with road adoptions. Minimum charge of £1000	3%	0.00	0.00	3%		
Land Drainage Consent under S23 of Land Drainage Act 1991	£50.00		New	£50.00	New for Fees & Charges Statutory Fee	

69/17      **Early Years Funding 2017-2018 - National Funding Formula (Key Decision Ref. No. SMBC 16109)**

The Cabinet Member for Children’s Services reported that on 1<sup>st</sup> December 2016, the government issued guidance on the new early years national funding formula which was to be implemented from April 2017. Funding would continue to be received through the early years block of the Dedicated Schools Grant.

The new formula would provide increased hourly funding rates for existing 15 hour entitlement for three and four year olds and the additional 15 hours for children of eligible working parents. The funding for the additional hours commenced from September 2017.

## The Cabinet – 22<sup>nd</sup> March, 2017

There were new requirements on how local authorities were able to allocate funding to providers from 2017/18. The main changes were:

- a minimum amount of funding had to be passed through to providers. The minimum pass through level for 2017/18 was 93%; increasing to 95% in 2018/19 which meant that local authorities had to spend at least 93% of the funding received from Department of Education on providers;
- a local universal base rate for all types of providers had to be set by 2019/20 at the latest;
- reforms to mandatory and discretionary supplements local authorities were able to use;
- the introduction of a disability access fund;
- a requirement to establish a Special Educational Needs (SEN) inclusion fund.

Based on the new requirements, it was proposed that the following be used by schools and the private, voluntary and independent sector providers:

- the immediate pass through of the maximum level of 95% to providers, meaning the authority would be holding back 5% to pay for central services;
- an initial proposal of a universal base rate of £3.84 per hour;
- the continuation of the flexibility supplement of £0.25 per hour where applicable. This was paid to those providers who offered a flexible delivery model of the universal 15 hours entitlement, and moving forward, the 30 hours entitlement for working parents;
- the establishment of a SEN Inclusion fund set at £0.480m for 2017/18.

The SEN Inclusion fund was for three and four olds who took up any part of their free entitlement. Two year olds were not eligible for this funding. Local authorities should target funding at children with low level or emerging SEN.

Local authorities would need to consult with early years providers, parents and SEN specialists on how the SEN inclusion fund would be allocated, as part of the preparation and review of their 'Local Offer'.



## The Cabinet – 22<sup>nd</sup> March, 2017

The Disability Access Fund had been introduced by the government for eligible three and four years olds who were in receipt of disability living allowance and received free early education. The settings in which the children were placed would be entitled to a one off payment of £615 per year.

Providers were ultimately responsible for finding out if a child was eligible for Disability Access Funds.

The authority would have to check that the Disability Access Fund eligibility requirements were met and must be satisfied that the child in question was in receipt of the Disability Living Allowance.

The majority of schools and providers that responded to the consultation agreed with the Council's proposals.

Funding for the most disadvantaged two-year olds was already allocated on a formulaic basis. The Government had committed to uplift the average two-year old hourly funding rate from £5.09 to £5.39 and had committed to the continuation of the current two-year old formula.

Additional funding continued to be provided to local authorities to support disadvantaged pupils through the Early Years Pupil Premium (EYPP). The EYPP remained distinct from the early years national funding formula and would continue as a separate funding stream.

EYPP would continue to be paid within the Dedicated Schools Grant and there were no funding changes for the EYPP for 2017 - 18.

The government had committed to review the delivery mechanism for EYPP in the future.

An equality impact assessment was not required for this proposal as the proposals would have a positive impact on children with disabilities and also three and four year olds; by increasing the numbers of eligible children entitled to early years funding from September 2017.

## The Cabinet – 22<sup>nd</sup> March, 2017

### **Resolved:-**

- (1) that in respect of the 2017-2018 Early Years National Funding Formula for Sandwell schools and private, voluntary and independent providers; the outcome of the consultation proposals as agreed by the Schools Forum, be received as follows:
  - (a) the amount of funding to be passed through to providers be set at 95% of total hourly funding;
  - (b) a local universal base rate of £3.84 per hour per child for all types of providers be adopted subject to final confirmation of Early Years census data;
  - (c) the continuation of the flexibility supplement of £0.25 per hour per child where the provider meets the criteria be adopted;
  - (d) the establishment of a Special Educational Need Inclusion fund set at £0.480m;
- (2) that the Director of Children's Services, in conjunction with the Interim Director - Resources, approve the 2017-2018 Early Years universal base rate following confirmation of the Early Years census data from the Department for Education;
- (3) that the establishment of Disability Access fund of £9,000 be noted.

70/17

### **Provision of New Build Extra Care Scheme – Moor Lane, Rowley Regis (Key Decision Ref. No. SMBC1649)**

The Cabinet Member for Housing sought approval to redevelop a Council owned site off Moor Lane, Rowley Regis with new Council owned affordable rented housing stock for older people.

On 29<sup>th</sup> October 2014, Cabinet approved the options for the development of additional Council housing to fit with the new housing landscape. This has been referenced by the continued demand for affordable rented properties.

## The Cabinet – 22<sup>nd</sup> March, 2017

It was now proposed to develop circa 90 affordable rented homes on the site off Moor Lane as follows;

30 no. 2 bedroom 3 person  
60 no. 1 bedroom 2 person

The Moor Lane site had been earmarked for development with an extra care scheme being a mixture of one and two bedroom flats with communal facilities for Adult Social Care.

The Moor Lane site, which was adjacent to a private development of apartments, was originally acquired for housing purposes and had been used as open space since the development was completed. Although there had been no formal appropriation to open space, it was identified within Site Allocations and Delivery Document and the Unitary Development Plan as open space. In order to clarify and formalise the position, and to ensure that local residents and other members of the public were given an opportunity to comment, the Council would formally categorise and appropriate the site for Housing purposes. In the case of open space, the Council must advertise their intention and consider any objections to the proposed future use which may be made to them.

The development of an extra care scheme would provide support for older people to address the future needs of vulnerable adults as identified in the Accommodation and Support strategy and contribute towards the Facing the Future savings.

The potential provision of a district heat network was currently being investigated. Subject to a feasibility and viability study, as well as obtaining funding, this may be considered for this scheme at some point in the future and a further report would be submitted for decision.

The Moor Lane site was in Council ownership and remediation works would be required to make it ready for development. The cross Council transformation team had been working on design proposals to meet the requirements of specific user groups ensuring that the design submitted for planning was fit for purpose and met objectives for the delivery of personal care, housing and wider support needs for adult social care users in the coming years.

## The Cabinet – 22<sup>nd</sup> March, 2017

A number of feasibility options had been undertaken to ascertain if the site was financially viable to develop as Council housing taking into account planning and Adults Services requirements. In light of the above, the detailed development residential configuration had been decided and subject to approval, would be progressed and submitted for planning consent. All units would be developed in accordance with current Building Regulations incorporating the levels of adaptations required by Adult Services.

The delivery of the scheme would be procured through the Homes and Communities Agency Development Partner Panel as the estimated development costs were above Official Journal European Union (OJEU) thresholds. Invitations for expressions of interest were currently being prepared. Subject to Planning Committee approval, contractual arrangements could be completed by the end of December 2017 with completion of Council units by July 2019.

Public consultation would be undertaken as part of the statutory planning process.

The option of a grant would be pursued with the Homes and Communities Agency through its continual market engagement resulting in submission of a proposal for consideration.

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

An equality impact assessment was not required for this proposal.

In response to questions raised by the Chair of the Housing Scrutiny Board, the Cabinet Member for Housing confirmed that:-

- the Derelict Land Grant bidding process as part of the Local Enterprise Partnership/West Midlands Combined Authority was unknown at the time of scheme development. If funding became available in the future or the Homes and Communities Agency bid was unsuccessful, a further report would be submitted to Cabinet;
- the Moor Lane site was identified as part of the transformation agenda in Adult Social Care, Health and Wellbeing Services and contributed to achieving the £2 million savings as part of Facing the Future;

## The Cabinet – 22<sup>nd</sup> March, 2017

- currently there was insufficient good quality extra care housing provision within Sandwell;
- the proposal offered benefits to the Council in terms of increasing the numbers of authority owned stock which would ease pressure on existing housing, increasing income to the Housing Revenue Account, attract New Homes Bonus and increased Council Tax income;
- the specialist Registered Provider/care provider option was discounted as it did not provide for growth in high quality Council owned properties and there was uncertainty as to whether a Registered Provider Partner would want to take on the development;
- a soft market testing workshop event was organised on 14<sup>th</sup> October 2016, which invited National and Local Registered Providers and developers who developed this type of accommodation, to consider options as to how the Council could deliver on this priority and the viability of options to deliver the schemes in partnership. Unfortunately, no Registered Partners or Developers attended the event.

### **Resolved** that subject to:

- a. no adverse objections being received following advertising of the Council's intentions with regard to confirming the appropriation of the site for Housing purposes; and
  - b. the bid for grant funding from the Shared Ownership and Affordable Homes Programme administered by the Homes and Communities Agency being submitted;
- (1) approval be given to
- a) the appropriation of the Moor Lane, Rowley Regis site for Housing purposes and the development of approximately 9050.3 square metres of land off Moor Lane, Rowley Regis, shown for identification purposes only at Appendix 2 with an extra care housing scheme;
  - b) the Interim Director – Resources allocate investment to fund the proposed project;
  - c) the Director - Regeneration and Economy in consultation with the Interim Director -

## The Cabinet – 22<sup>nd</sup> March, 2017

Neighbourhoods, the Interim Director – Resources and the Section 151 Officer be authorised to prepare tendering documentation and subsequently procure, in accordance with the Public Procurement Rules, the Council’s Procurement and Contract Procedure Rules and financial Regulations and the requirements of the Delivery Partner Panel framework a contractor/contractors to develop, on behalf of the Council, the proposed housing scheme;

- d) to enter into or execute under seal any financial agreement in relation to the Homes and Communities Agency (HCA) grant on terms and conditions to be agreed by the Interim Director - Resources;
- e) to enter into or execute under seal any documentation in relation to award of the contract and/or development/partnership agreement, HCA developer status, licence, undertaking, framework joining agreement and any other agreements with the procured contractor/s and with the HCA, as may be deemed necessary to facilitate development of the site with an extra care scheme on terms and conditions to be agreed by the Director - Regeneration and Economy;
- f) that following practical completion of each property, the Interim Director - Neighbourhoods be authorised to manage and let the premises in accordance with the Council’s housing allocation policy;

(2) that the following action points identified within the appraisal report be implemented to reduce any risk to the Council:

- ensure that all project costs are notified to the Finance Officer (HRA) in order that appropriate action can be taken to manage existing and future projects within available resources;

## **The Cabinet – 22<sup>nd</sup> March, 2017**

- review the risk register to ensure all risks relating to grant funding conditions are identified and sufficiently mitigated;
  - produce a detailed project plan for marketing the development to ensure that the correct tenancy mix is secured in a timely fashion;
  - determine how proposed outputs and outcomes will be measured and reported in order to meet Homes and Communities Agency requirements and to ensure that work is completed within the funder's required timescales;
  - determine how proposed outputs and outcomes will be measured and reported against Facing the Future programme savings;
- (3) that if any adverse objections are received with regard to the confirmation of the appropriation of the public open space, a further report would be submitted to Cabinet.

71/17

### **Capita ONE System Support and Maintenance Costs (Key Decision Ref. No. SMBC1694)**

The Cabinet Member for Children's Services sought approval to continue the contract for the annual maintenance and support of the Capita One system with Capita Business Service Ltd for the main Education Management Information System that provided a variety of statutory and non-statutory functions within Children's Services. The contract would be until such time that a further procurement exercise was undertaken in the 2017/18 financial year to enable the Council to keep up to date with changing needs within Education and to ensure that it continued to achieve best value for money in the near future and the long term.

The procurement exercise would allow all options to be examined and considered and also include time to complete a complex migration to a new system.

The contract for Capita One automatically renewed on an annual basis and could be cancelled by giving notice by the end of December 2017 for the following financial year.

If an alternative system was purchased, the exact period of running both systems would be identified during the procurement exercise.

[IL0: UNCLASSIFIED]

## The Cabinet – 22<sup>nd</sup> March, 2017

An exemption to the Council's Procurement and Contract Procedure Rules would be required.

An equality impact assessment was not required for this proposal.

### **Resolved:-**

- (1) that the contract for the annual maintenance and support of the Capita One system with Capita Business Service Ltd be continued for the period of time whilst the procurement exercise and any subsequent migration takes place;
- (2) that in connection with Resolution (1) above, the Director – Education undertakes a procurement exercise during this time for an Education Management Information System to meet the needs of the Council in future;
- (3) that in connection with Resolution (1) above, any exemption be made to the Council's Procurement and Contract Procedure Rules to enable the action proposed to proceed.

### **Business Items**

72/17

#### **Revised Unauthorised Encampments Corporate Policy**

The Cabinet Member for Regeneration and Economic Investment sought approval to the revised Unauthorised Encampments policy to safeguard the Council and its assets against the potential adverse impact of unauthorised encampments. In addition to this, the policy would also help protect the Council against third party claims if action to seek repossession of its land was challenged through the Court process.

The Council was required by law to satisfy the Courts that the welfare needs of the transgressors had been investigated and that proper procedures had been followed to secure possession of the land that was subject to unauthorised occupation.



## The Cabinet – 22<sup>nd</sup> March, 2017

The policy was part of the joint protocols document between Sandwell Council and West Midlands Police. The protocols document, which was approved at Cabinet on 11<sup>th</sup> January 2017, allowed the Council to demonstrate to partner agencies, its settled community and the travelling community that officers were acting in line with procedure. This should address calls for action to remove mobile groups as soon as they formed on Council owned land within the borough. Similarly, by following the proposed processes, issues that could arise from mobile groups such as noise, fly tipping or damage to the site could, subject to Police support, be resolved more efficiently to the benefit of residents.

### **Resolved:-**

- (1) that the Council be recommended to approve the revised Unauthorised Encampments Corporate Policy;
- (2) that the Chief Executive, in consultation with the Cabinet Member for Regeneration and Economic Investment, make any minor amendments deemed necessary to the revised Unauthorised Encampments Policy.

73/17

### **Role of Sandwell MBC in relation to Sandwell Children's Social Care Trust**

The Cabinet Member for Children's Services reported that further to the meetings of the Cabinet on 19<sup>th</sup> October and 7<sup>th</sup> December 2016 whereby members were advised of the Government's Statutory Direction to set up a new arrangement in the form of a Children's Trust, the Council was now required to take a range of decisions in relation to:

- the setting up of the operationally independent Trust and the transfer of operations to it and;
- going forward as the Trust becomes operational.

In order to fulfil the role as sole owner of the Trust, it was proposed that the Cabinet operated as the decision making body for matters in relation to the Trust. Details of the type of decisions required in the forthcoming months and going forward as the Trust became operationally independent were now considered.

## **The Cabinet – 22<sup>nd</sup> March, 2017**

The Council and the Department for Education were at the early stages of negotiating the detail of the setting up of the Trust as an operationally independent entity.

In response to a question raised by the Chair of the Housing Scrutiny Board, the Cabinet Member for Children's Services confirmed that governance arrangements for the Children's Trust were currently being developed in consultation with the Department for Education and the Commissioner for Sandwell's Children's Service. It was envisaged that arrangements would include the Trust being subject to the Council's Standing Order No. 6 (Written Questions from Members at Meetings of the Council).

### **Resolved:-**

- (1) that Cabinet acts as the decision making body in its capacity as the sole owner of the Sandwell Children's Social Care Trust;
- (2) that the Council be recommended to appoint one member and one officer as the two Council appointed non-executive directors of Sandwell's Children's Social Care Trust;
- (3) that in connection to Resolution (2) above, the Council be recommended to authorise the Chief Executive to identify the Council's appointed non-executive director of Sandwell's Children's Social Care Trust;
- (4) that the decisions required in the forthcoming months and once the Sandwell Children's Social Care Trust be noted.

74/17

### **Funding of the Criminal Justice element of Sandwell Drug and Alcohol Services**

The Cabinet Member for Public Health and Protection reported that on 1<sup>st</sup> June 2016, the Cabinet gave approval to enable adult drug and alcohol services commissioned by the Council to be provided through three contracts with two main providers (see Minute No. 91/16). In relation to the Criminal Justice Interventions, this decision was subject to confirmation of funding.

## The Cabinet – 22<sup>nd</sup> March, 2017

The service was currently funded by the West Midlands Police and Crime Commissioner via the Safer Sandwell Local Police and Crime Board. In January 2017, the Safer Sandwell Partnership confirmed a contribution of £30,000 to support the continuing provision of the criminal justice service. This was a reduction on previous year's funding and left a shortfall of £89,800 for the period 1<sup>st</sup> April 2017 to 31<sup>st</sup> January 2018.

This service would be included in the new integrated drug and alcohol service which would be procured to commence from 1<sup>st</sup> February 2018 (see Minute No. 203/16).

Further discussions would take place with Safer Sandwell Partnership in relation to their support for this service, however, as the current contract ended on 31<sup>st</sup> March 2017, it was proposed that an allocation of £89,800 be made from the Public Health budget to avoid a gap in service for Sandwell.

**Resolved** That the Director - Public Health allocate £89,800 to address the funding gap created by the reduced funding from the West Midlands Police and Crime Commissioner via the Safer Sandwell Partnership to support the Criminal Justice Interventions service to 31<sup>st</sup> January 2018.

75/17

### **Resource to support the Council response to the Local Area Special Educational Needs and Disabilities Review**

The Cabinet Member for Children's Services reported that the Office for Standards in Education (Ofsted) and Care Quality Commission (CQC) undertook an inspection of Sandwell's arrangements for the provision of Special Educational Needs and Disabilities (SEND) in January 2017.

The Local Area Clinical Commissioning Group included services to support Children and Adult Mental (CAMHs), Paediatricians, Speech and Language Therapies, including the Council Services: SEND; Public Health, Children and Adults' Social Care.

## The Cabinet – 22<sup>nd</sup> March, 2017

On 25<sup>th</sup> January 2017, Ofsted/CQC sent a draft letter of key findings which had highlighted a number of strengths. It was now felt that the Council should build on the strengths that currently existed, including effective early identification of special needs, assessment of those needs and some high quality services, special schools and mainstream focussed provisions.

The inspection did note five areas of concern in the local area:

- (a) the over-arching local area strategic leadership for SEND to hold agencies and people to account;
- (b) inadequacies in Children's Social Care;
- (c) completion times of Education, Health and Care Plans (EHCPs) including the conversion of Statements of special educational needs to Education Health and Care Plans;
- (d) services to support CAMHS;
- (e) outcomes for children with SEND: academic, attendance, exclusions and paid employment.

The Local Area, including the local authority, was required to fully implement all the SEND reforms by April 2018. Ofsted and the CQC identified five areas of concern that would need to be addressed before April 2018.

On publication of the final report, the Local Area had 70 days in which to produce a joint improvement plan to address all of the issues raised. The final version of the improvement plan would be made available to Cabinet as soon as it had been prepared for submission to Ofsted.

Details of the actions that would be taken to address the concerns raised were now submitted.

An equality impact assessment was not required for this proposal.

In response to a question raised by the Chair of the Housing Scrutiny Board, the Cabinet Member for Children's Services confirmed that Ofsted had felt that CAMHS were not supporting pupils with SEND well enough and the CCG would be encouraged to ensure they procured a better CAMHS service in the future. Improving the overall governance and oversight of the work of partners would lead to a stronger engagement with young people.

## The Cabinet – 22<sup>nd</sup> March, 2017

### **Resolved:-**

- (1) that the report of Ofsted and Care Quality Commission's Inspection of Sandwell's arrangements for children and young people with Special Educational Needs and Disabilities;
- (2) that financial resource to temporarily increase the capacity of the Council's team to ensure that all identified children have an up to date and high quality Education Health and Care Plan be approved;
- (3) that the Improvement Plan for Special Educational Needs and Disabilities be submitted to Ofsted/Care Quality Commission within the 70 day deadline and a further report be submitted to Cabinet to outline improvement actions.

76/17

### **Action Taken on a Matter of Urgency – Acquisition of Leasehold Interest at 16a School Road, Wednesbury**

The Cabinet Member for Core Council Services presented details of an urgent action taken by the Director - Regeneration and Economy in consultation with the Cabinet Member for Core Council Services in relation to the Council being authorised to acquire the head leasehold interest in 16a School Road, Wednesbury on terms and conditions to be agreed by the Director – Regeneration and Economy.

16a School Road, Wednesbury was part of the Carrington Road/School Road parade of shops. The Council owned the freehold interest in the land upon which the shops were built but these were subject to long term ground leases. The ground lease in respect of 16a School Road was for a term of 99 years from 24<sup>th</sup> June 1955 at an annual rent of £40 payable from commencement with no rent reviews.

## The Cabinet – 22<sup>nd</sup> March, 2017

The parade, although located primarily in a residential area, was in a poor state of repair and in need of modernisation/refurbishment.

The Council, as freeholder, was currently assessing options to regenerate the area including the potential acquisition of neighbouring interests to assume greater control of the parade.

A valuation had been undertaken and officers considered that the Council should be prepared to pay up to £80,000 in regards to the purchase of the remaining term with each party being responsible for their own costs. Upon gaining possession, arrangements should be made to secure the premises.

Due to there being insufficient time to allow the report to be presented to the Asset Management and Land Disposal Committee for consideration, it was dealt with as a matter of urgency as this was an opportunity to extinguish the head lease by private treaty as the potential grant of a sub-lease would be to the detriment of the Council in terms of the future regeneration and the potential threat of having to acquire two interests using Compulsory Purchase Powers which may include additional costs pertaining to professional fees removal expenses, loss of goodwill, etc.

**Resolved** That details of the urgent action taken by the Director – Regeneration and Economy in relation to the Council being authorised to acquire the head leasehold interest in 16a School Road, Wednesbury on terms and conditions to be agreed by the Director – Regeneration and Economy be received.

77/17

### Minutes of the Cabinet Petitions Committee taken on 22<sup>nd</sup> February 2017

The minutes of the meeting of the Cabinet Petitions Committee held on 22<sup>nd</sup> February 2017 were received.

(Meeting ended at 5.10 pm)

Contact Officer: Suky Suthi-Nagra Democratic Services Unit 0121 569 3479
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<b>Fostering Allowances 2017/18</b>							
<b>Fostering Allowance/SGO Allowance (maximum Rates)</b>							
Paid fortnightly							
Age Band	Current Rates £	2017/18 Rates £					
0 - 4	272.94	277.31					
5 - 10	310.93	315.90					
11 - 15	387.06	393.25					
16+	470.76	478.29					
<b>Initial Clothing Grant</b>				<b>Holiday Grant</b>			
One payment if required				Paid Once			
Age Band	Current Rates £	2017/18 Rates £		Age Band	Current Rates £	2017/18 Rates £	
0 - 4	117.08	118.96		0 - 4	212.87	216.28	
5 - 10	132.07	134.19		5 - 10	266.09	270.35	
11 - 15	148.61	150.99		11 - 15	266.09	270.35	
16+	164.84	167.48		16+	266.09	270.35	
<b>Foster Care Fee</b>				<b>Out of Hours Fee</b>			
Paid weekly				Paid fortnightly			

	Skill Level (New Scheme)	Current Rates £	Skill Level (New Scheme)	2017/18 Rates £		Current Rates £	2017/18 Rates £	
	1	0.00	1.00	0.00		178.36	180.14	
	2	104.25	2.00	105.30				
	3	125.11	3.00	126.36				
	4	166.81	4.00	168.47				
	5	203.30	5.00	205.33				
	6	245.00	6.00	247.45				
	MTFC	521.27	MTFC	526.48				
	*To be increased in line with staff pay award (when agreed)							



# APPENDIX 1

IL0 - Unclassified

## Personal Allowance

Age Band	Current Rates £	2017/18 Rates £
0 - 4	5.02	5.10
5 - 10	8.32	8.46
11 - 15	12.95	13.15
16+	21.82	22.17

## Birthday/Christmas Grant

Paid Once

Age Band	Current Rates £	2017/18 Rates £
0 - 4	79.83	81.10
5 - 10	106.44	108.14
11 - 15	133.05	135.17
16+	159.66	162.21

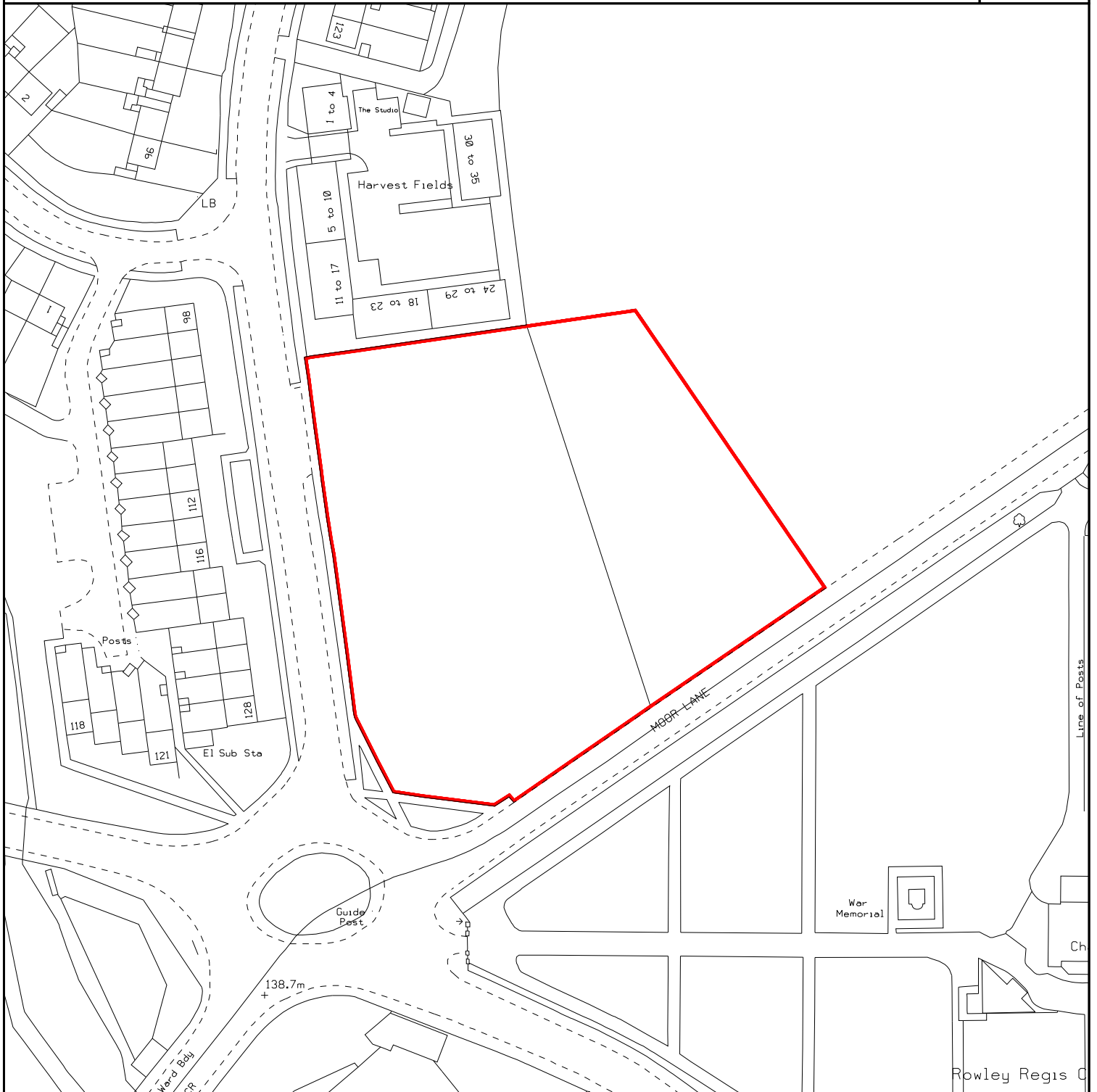
## Residence Orders/Custodian/


Adoption Allowance (maximum Rates)

Paid fortnightly				
Age Band	Current	2017/18		
	Rates	Rates		
	£	£		
0 - 4	181.96	184.87		
5 - 10	207.29	210.60		
11 - 15	258.04	262.17		
16+	313.84	318.86		

# IMPROVEMENT AND EFFICIENCY

STRATEGIC ASSET MANAGEMENT



LEGEND	DESCRIPTION LAND OFF MOOR LANE & HARVEST ROAD ROWLEY REGIS	SANDWELL S09686NW	TERRIER 342
		SCALE 1:1250	CENTROID 396267/286997
 <b>Sandwell</b> Metropolitan Borough Council	AREA 9050.3 M2 10824.5 Y2	DRAWN DM	DATE 14-DEC-2016
	PLAN NUMBER SAM/22720/007	THIS MAP IS BASED UPON ORDONANCE SURVEY MATERIAL WITH THE PERMISSION OF ORDONANCE SURVEY ON BEHALF OF THE CONTROLLER OF HER MAJESTY'S STATIONERY OFFICE ©CROWN COPYRIGHT UNAUTHORISED REPRODUCTION INFRINGES CROWN COPYRIGHT AND MAY LEAD TO PROSECUTION OR CIVIL PROCEEDINGS SANDWELL MBC LICENCE NO 100032119 2016	
	N:\DGNPERSONAL\ DARREN_MERRICK\GEN_OWNERSHIP.S.DGN		