

The Cabinet

17th May, 2017 at 3.30 pm
at the Sandwell Council House, Oldbury

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

Apologies: Councillors Gill, Hackett, Marshall and Underhill.

In attendance: Councillors Edis, E M Giles, Hickey and
P Hughes.

93/17

Minutes

Resolved that the minutes of the meeting held on 19th April 2017 be confirmed as a correct record.

Strategic Items

94/17

Regeneration Opportunities arising from Council owned Properties (Key Decision Ref. No. SMBC1630)

The Cabinet Member for Regeneration and Economic Investment sought approval to declare a number of redundant Council owned properties, surplus to the requirements of the Council. It was proposed to demolish the buildings and, where appropriate, offer the resultant cleared site on the open market for disposal for development purposes. This would potentially lead to inward investment in key locations across the Borough.

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The properties recommended for demolition were: the former Gas Show Room and adjoining office buildings at West Bromwich High Street, Shaftesbury House on West Bromwich High Street, the former Crosswells Road Depot, Crosswells Road, Oldbury, the Multi Storey Car Park in West Bromwich Town Centre and the Smethwick Hall Sports Centre, Auckland Road, Smethwick.

In response to a question raised by the Chair of the Budget and Corporate Scrutiny Management Board relating to setting up a subsidiary Joint Venture Housing Development Vehicle to better utilise assets, the Cabinet Member for Regeneration and Economic Investment confirmed that he would be considering a number of options, in consultation with the Cabinet Member for Housing, and encouraged members to recommend options for the future of these sites.

Resolved:-

- (1) that Minute No. 21/14 (4) of the former Asset Management Land Disposal Cabinet Committee be no longer proceeded with in so far as it relates to continued allocation and subsequent sale of the former Crosswells Road Depot, Crosswells Road, Oldbury to a health care provider for development with a health care facility;
- (2) that the following properties be declared surplus to the requirements of the Council:
 - a. multi storey car park in West Bromwich shown for identification purposes only hatched black on Plan No. SAM/08060/007;
 - b. Shaftesbury House, High Street, West Bromwich shown for identification purposes only hatched black on Plan No SAM/24140/041;
 - c. the former Crosswells Road Depot, Crosswells Road, Oldbury shown for identification purposes only hatched black on Plan No. SAM/13560/003;
 - d. the former Gas Showroom and adjoining offices, High Street, West Bromwich shown for identification purposes only hatched black on plan No SAM/24140/042; and

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- e. the former Smethwick Hall Sports Hall, Auckland Road, Smethwick, shown for identification purposes only hatched black on Plan No. SAM/02360/006;
- (3) that in connection with Resolution (2) above, the Executive Director – Resources make the necessary funds available and the Director – Regeneration and Planning make the appropriate arrangements to demolish and clear all the properties identified;
 - (4) that the Director – Regeneration and Planning to submit an application for grant funding to the Black Country Local Enterprise Partnership for the demolition of the multi-storey car park, Bull Street, West Bromwich;
 - (5) that in connection with Resolution (1) and (2) above, the Director - Regeneration and Planning investigate the possibility of utilising the site of the former Crosswells Road Depot, Crosswells Road, Oldbury, the former Gas Showroom West Bromwich and Shaftesbury House, High Street, West Bromwich for development with Council houses and, if appropriate, to submit a further report to a future meeting of the Cabinet;
 - (6) that in connection with Resolution (1), (2) and (3) above and in the event that the development of the sites outlined in Resolution (5) above is, for whatever reason, proven and considered to be viably challenging by the Director Regeneration and Planning, to authorise the Director – Monitoring Officer to dispose of the following cleared sites on the open market and otherwise on terms and conditions to be agreed by the Director – Regeneration and Planning:-
 - a. Shaftesbury House, High Street West Bromwich shown for identification purposes only hatched black on Plan No SAM/24140/041;
 - b. Crosswells Road Depot, Crosswells Road, Oldbury shown for identification purposes only hatched black on Plan No. SAM/13560/003; and
 - c. the former Gas Showroom and adjoining offices, High Street, West Bromwich shown for

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identification purposes only hatched black on Plan No SAM/24140/042;

- (7) that the Director – Education, Skills and Employment liaise with the Trust Board of Devonshire Infant Academy and Devonshire Junior Academy, Smethwick, regarding the possibility of the school utilising the site of the former Smethwick Hall Sports Centre, Auckland Road, Smethwick, and incorporating the land within the existing lease of the site;
- (8) that the Director – Monitoring Officer enter into or execute under seal, if necessary, any other related documentation in connection with the demolition and disposal of the land and properties referred to in Resolution (2), (3), (4), (5), (6) and (7) above, on terms and conditions to be agreed by the Director - Regeneration and Planning.

95/17

Council Financial Outturn 2016/17 (Key Decision Ref. No. SMBC16144)

The Leader of the Council presented details of the Council-wide financial outturn for the 2016/17 financial year.

The Council's multi-year approach to budget planning provided the flexibility to manage budgets across a four year period which had allowed services to deliver savings of £20.805m in 2016/17 and would deliver a further £16.653m of savings in 2017/18.

The Council had achieved a surplus of £4.683m, together with the public health surplus of £0.796m and a surplus against central items of £6.623m.

Details of how the surpluses had arisen were submitted.

Services had requested to carry forward surpluses of £4.697m for planned schemes and expenditure.

As at period 9, the forecast outturn was a surplus of £3.204m. The actual outturn position showed a surplus of £6.623m, an increase of £3.419m.

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The outturn for the Council's capital programme for 2016/17 was £113.076m; a surplus of £1.505m over the previous projection. The impact of the re-profiling on individual schemes would be reported as part of the 2017/18 quarterly budget monitoring.

Subject to approval being given to the carry forward of funds, the Council's free revenue balances would be £11.684m which equated to 4.86% of the Council's net expenditure budget for 2017/18.

The Council's in-year collection rates continued to remain high at 98.3% for Council Tax, 96.8% for Non-Domestic Rates and 96.4% for general debtors. Housing rent income was £97.04%.

The severity of the budget reductions facing Local Government following the recent four-year funding settlement for 2017/18 to 2019/20 relating to the decline in public expenditure levels over the foreseeable future would mean that the Council would continue to be faced with significant budgetary pressures in the medium term.

The ongoing impact of the current economic climate, in particular, the outcome of the pension fund actuarial valuation and the national living wage with the associated impact on third party contracts, would continue to place potential future pressures and risks upon Council resources.

The Leader advised that overall, the budget process was working well and that all the services that the Council had set out to deliver were financially safe and public services were still available despite the continuing public sector cuts. He congratulated services on their success in generating surpluses which the Council would now be able to re-invest in other essential services.

In referring the report to the Budget and Corporate Scrutiny Management Board for consideration, the Chair of the Budget and Corporate Scrutiny Management Board thanked the Leader, members and officers in achieving savings and surpluses across the Council.

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Resolved:-

- (1) that the proposals arising from the 2016/17 directorate outturn reports for each service area, schools outturn, Housing Revenue Account, the Council's capital outturn, Treasury Management outturn and key performance indicators be referred to the Budget and Corporate Scrutiny Management Board for consideration;
- (2) that in connection with Resolution (1) above, a further report be submitted to Cabinet on the proposals arising from service outturns (both revenue and capital) 2016/17, following consideration by the Budget and Corporate Scrutiny Management Board;
- (3) that the surpluses additional to those approved at period 9, be carried forward as follows:-

General Fund Services Additional Carry Forwards	Total C/Fwd	C/Fwd 2017/18	C/Fwd 2018/19
	£m	£m	£m
Corporate Management	0.000	0.000	0.000
Resources	1.547	1.547	0.000
Adult Social Care	0.935	0.785	0.150
Children's Services	0.128	0.128	0.000
Regeneration & Economy	0.371	0.371	0.000
Neighbourhoods	0.837	0.837	0.000
Public Health	0.796	0.250	0.546
Regulatory Services	0.083	0.083	0.000
Total Additional Carry Forward	4.697	4.001	0.696

Central Items	Total C/Fwd	C/Fwd 2017/18	C/Fwd 2018/19
	£m	£m	£m
Regeneration & Economy • The Sandwell Guarantee	0.117	0.117	0.000
Total Additional Carry Forward	0.117	0.117	0.000

- (4) that the following virements from the general contingency held within the Schools Capital Programme relating to primary places in Smethwick be approved as follows:

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Victoria Park Primary Academy	£0.507m
Rood End Primary	£0.200m
Lightwoods Primary	£0.200m
Uplands Manor	£0.020m

- (5) that the funding shortfall of £0.516m reported for Lightwoods Park Heritage Lottery Fund is funded from the following service areas:

Neighbourhoods Revenue Surpluses	£0.200m
Council main capital programme	£0.316m

96/17

Award of Contract for Community Care and Support (Domiciliary Care) (Key Decision Ref. No. SMBC1677)

The Cabinet Member for Social Care sought approval to enter into a procurement exercise for the provision of community care and support services.

Sandwell currently had a domiciliary care framework agreement with six providers, providing care to adults in their own homes across the borough. The service was critical in assisting people to remain at home, helping people avoid hospital admission and supporting people who were discharged from hospital.

Whilst the current contract would expire on 28th February 2018 there was an option to extend for a further twelve months.

Changes in national legislation including the National Minimum Wage, Pensions Auto Enrolment and the National Living Wage (announced in July 2015) placed upward pressure on the cost of delivering community care and support services. The Council set the hourly rate for this tender at £12.96 per hour which allowed for the full impact of the October 2015 and April 2016 NLW increase and enabled capacity to absorb additional increases during the three-year contract period.

The aim of the contract was to provide home based care to individuals in Sandwell, ensuring they could remain in their own home and preventing or delaying the need for long term residential care.

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The framework would be the default source of provision for eligible adults aged 18 and over including older adults, adults with dementia, physical disabilities, mental health and sensory impairment.

The current service was provided across the six towns of Sandwell. Meetings had taken place with current providers to explore the utilisation of the twelve month contract extension within the contract terms. An extension would have enabled the Council to complete a review of activity, engage and consult effectively and develop a revised model of commissioning of future services. However, following the meetings, the Council had no option but to move forward with a re procurement of service to be implemented in March 2018. To mitigate against the future risk of service availability, it was proposed that the retendered provision would be provided across the six towns of Sandwell with contracts awarded to ten contractors to increase capacity.

It was intended that contracts would be awarded for an initial period of three years with an option to extend for a further one year.

The Council had determined that to engage quality services, the required hourly rate for service to commence on 1st March 2018 should be £13.74. To make allowance for changes in national legislation. The contract would need to identify the method for inflationary increases for terms following the initial year. It was proposed that this should be in line with National Living Wage increases.

The cost of increasing the hourly rate of the framework from £12.96 to £13.74 was projected to increase the cost of the service by £450,000 in 2018/19. This pressure would be managed within the overall Adult Social Care budget for 2018/19.

The Council would procure the service in accordance with the Public Contracts Regulations 2015 and the Council's Procurement and Contract Procedure Rules.

In response to a question raised by the Chair of the Health and Adult Social Care Scrutiny Board in relation to extending the current contract at the set fee of £13.74, the Cabinet Member for Social Care clarified that whilst extending the contract was the original preferred option, the providers were unwilling to agree.

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Further analysis had also highlighted the need to increase the number of contracted providers to support increased service capacity. This could only be achieved through the suggested procurement exercise.

Resolved:-

- (1) that the format and costings for the procurement of Community Care and Support be approved;
- (2) that the Executive Director - Adult Social Care, Health and Wellbeing be authorised to enter into a procurement exercise for the provision of Community Care and Support Services;
- (3) that following the completion of the procurement process referred to in Resolution (2) above, the Executive Director - Adult Social Care, Health and Wellbeing, in consultation with the Leader of the Council, enter into the appropriate framework contracts with the successful tenderers, to take effect from 1st March 2018, with an option to extend for one further year;
- (4) that the Executive Director - Adult Social Care, Health and Wellbeing commission services for individual service users pursuant to the framework agreement/contract procured.

97/17

Award of Framework – Supply and Installation of Domestic Lifts 2017-2021 (Key Decision Ref. No. SMBC1681)

The Cabinet Member for Housing sought approval to award a contract for the supply and installation of lifts to domestic premises for residents who had been awarded Disabled Facilities Grants.

In accordance with the Council's Procurement and Contract Procedure Rules, it was proposed to award the framework agreement to a number of suppliers for the following Lots for 2017-2021 in the sum of approximately £575,000.00 per annum:-

- Lot 1 – straight and curved stair lifts;
- Lot 2 – vertical through floor lifts;
- Lot 3 – external step lifts;

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Lot 4 – ceiling track hoists.

An equality impact assessment was not required for this proposal.

In response to a question raised by the Chair of the Budget and Corporate Scrutiny Management Board, the Cabinet Member for Housing confirmed that all lifts would be installed with a twelve month warranty. At the end of this warranty period, the lifts would be serviced and maintained through a separate domestic lift maintenance framework contract managed by the Council's Building Services. The contractor that was most responsive would be used to deal with breakdowns and would work within the timescales set.

Resolved:-

- (1) that the Executive Director – Adult Social Care, Health and Wellbeing award the framework for the delivery of supply and installation of domestic lifts for 2017-2021, in the sum of approximately £575,000.00 per annum for a period of four years, to:-
 - Lot 1 – Dolphin Lifts Midlands Ltd & Stannah Lift Services Ltd;
 - Lot 2 – Terry Group Ltd & Dolphin Lifts Midlands Ltd;
 - Lot 3 – Dolphin Lifts Midlands Ltd & Nopac Midlands Ltd;
 - Lot 4 – Dolphin Lifts Midlands Ltd & Terry Group Ltd.
- (2) that in connection with Resolution (1) above, the Director – Monitoring Officer enter into appropriate an framework with the suppliers detailed.

98/17

Approval to consult on the Dudley Port Supplementary Planning Document 2017 (Key Decision Ref. No. SMBC16130)

The Cabinet Member for Regeneration and Economic Investment sought approval to undertake consultation on the draft Dudley Port Supplementary Planning Document (SPD) as a key area for growth within Sandwell.

The SPD identified the strengths and opportunities within the area.

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Proposals to encourage a more sustainable living environment had been developed by focussing on quality of life and society. The SPD would provide the clarity developers required to invest in the longer term aspirations for transformational change and the Council would work proactively with them to bring sites forward to a development ready condition.

It was now proposed to consult widely on the draft SPD, through publication on the Council website, in schools, libraries and neighbourhood offices, through mailshot to local businesses and organised events within the community sector. Consultation would be for a six week period during June and July 2017.

An equality impact assessment was not required for this proposal.

In response to a question raised by the Chair of the Budget and Corporate Scrutiny Management Board, the Cabinet Member for Regeneration and Economic Investment confirmed that the consultation process with members of the community would be led by Planning officers and would mirror consultations previously undertaken. Consultation would be incorporated within events already organised with community groups and would be informal as the document was not proposing to identify new development sites but identify where improvements could be made to enhance environmental quality of the area and improve linkages.

Resolved:-

- (1) that the Dudley Port Supplementary Planning Document be approved as a basis for consultation;
- (2) that the Director – Regeneration and Planning submit a further report to Cabinet following the consultation process referred to in Resolution (1) above to include representations received during the consultation period and suggested amendments.

Business Items

99/17

Recommendations arising from Scrutiny Boards

The Chair of the Budget and Corporate Scrutiny Board presented the recommendations from a number of Scrutiny Boards during their cycle of meetings in March and April 2017.

Consideration was now given to the recommendations of the Scrutiny Boards.

Resolved that the following recommendations of the Scrutiny Boards be accepted and a response to the recommendations of the Scrutiny Boards be submitted within two months, setting out any approved recommendations and how they will be implemented:

Recommendations from the Community Safety, Highways and Environment Scrutiny Board

Cleaner Environments – Flytipping

- (1) that the Cabinet Member – Public Health and Protection make the public aware of their responsibility in relation to waste removal contractors they employ as follows:
 - check that they held a valid waste carriers licence;
 - be aware of their responsibility for any fines resulting from offences should they not exercise their householder duty of care;
- (2) that the Director – Neighbourhoods inform all councillors and officers of the need to use the Portal to record all instances of flytipping and to provide any photographic evidence and witness details for officers to log and initiate appropriate action;

Domestic Abuse Advocates Work Stream

- (3) that the Director – Prevention and Protection give consideration to making better use of the work of the Domestic Abuse Advocates in safeguarding matters, working with families who are at risk or victims of domestic abuse or violence;

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- (4) that the Director – Prevention and Protection carry out a Council evaluation at the end of 2017-18 to establish the effectiveness of Domestic Abuse Advocates;
- (5) that, dependent on the outcome of an evaluation, that the Cabinet investigate potential sustainable funding solutions to maintain the support provided by Domestic Abuse Advocates from April 2018;

Recommendations from the Health and Adult Social Care Scrutiny Board

Female Genital Mutilation Work Stream

- (6) that funding be identified to support the delivery of the Sandwell Stopping Female Genital Mutilation Sub-Group's 2017/2018 Action Plan and associated work to enhance the long term sustainability of community interventions to tackle female genital mutilation in Sandwell, including:-
 - raising community awareness;
 - engagement work with boys and men;
 - engagement and support work with girls and women;
 - the production and circulation of appropriate awareness raising materials;
 - developing and supporting community champions;
 - the holding of an event to launch the Joint Policy of the Adult Safeguarding Board, Children's Safeguarding Board, Health and Wellbeing Board, Safer Sandwell Partnership and Domestic Abuse Strategic Partnership on tackling female genital mutilation;

and that the Cabinet Member for Public Health and Protection be asked to lead on this work from a member perspective;

- (7) that the Executive Director – Adult Social Care, Health and Wellbeing and the Interim Director – Neighbourhoods be asked to review staffing structures to bring together all posts of Occupational Therapist in to one team;

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- (8) that the Executive Director – Adult Social Care, Health and Wellbeing and the Interim Director – Neighbourhoods be asked to identify capacity to provide a case management role to support applicants through the process of applying for aids and adaptations;

Aids and Adaptations Policy Review

- (9) that the Executive Director – Adult Social Care, Health and Wellbeing and the Interim Director – Neighbourhoods be asked to review staffing structures to bring together all posts of Occupational Therapist in to one team;
- (10) that the Executive Director – Adult Social Care, Health and Wellbeing and the Interim Director – Neighbourhoods be asked to trial a case management approach to support applicants through the process of applying for aids and adaptations.

100/17

Action Taken on Matter of Urgency – Local Highways Maintenance Challenge Fund

The Leader of the Council presented details of an urgent action taken by the Director - Regeneration and Planning, in consultation with the Leader of the Council. The action related to participating in the West Midlands Combined Authority joint authorities' application to the Local Highway Maintenance Challenge Fund Tranche 2A for additional local highways maintenance funding, in the sum of £800,000, to tackle maintenance backlog on high amenity footways to include renewing and repairing up to 5.7kilometres structurally unsound community footways. A sum of £88,000 was also sought as a local contribution to be funded centrally through the Council's capital main programme resources.

The purpose of the fund was to allow bids for major projects that would have a real impact on improving local highway infrastructure and were unaffordable through the normal needs element of the highway maintenance block funding allocations. In early March 2017, the Department for Transport invited bids for the £75million Tranche 2A of the fund for the spend in 2017/18.

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In combined authorities, each constituent authority may bid, but the Department for Transport required Combined Authority coordinates and ranks bids in order of priority. A bid was being prepared for forwarding to the Combined Authority for submission by the deadline of 31st March 2017. As time was very short to prepare and submit a bid, this matter was dealt with as a matter of urgency.

Resolved that details of the urgent action taken by the Director – Regeneration and Planning to:

- a) participate in the West Midlands Combined Authority joint authorities' application to the Local Highway Maintenance Challenge Fund Tranche 2A to seek additional local highways maintenance funding to tackle maintenance backlog on high amenity footways;
- b) approve a capital allocation of £88,000 from Council's capital main programme for expenditure in 2017/18 if the bid is successful;
- c) to authorise the Executive Director – Resources to complete the necessary declarations with the Department for Transport and the West Midlands Combined Authority to submit the bid application;

be received.

101/17

Decisions of the Cabinet Member for Highways and Environment

The decisions of the Cabinet Member for Highways and Environment taken on 20th April, 2017 were received.

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

102/17

Notes of the Black Country Joint Executive Committee

The notes of the Black Country Joint Executive Committee from its meetings held on 19th April, 2017 were received.

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In response to a question raised by the Chair of the Skills, Transport and Environment Scrutiny Board, the Leader of the Council confirmed that the grant funding approved for the West Coast mainline related to the Stour Valley line which ran from Wolverhampton to Birmingham and subsequently passed through Sandwell.

(Meeting ended at 4.04 pm)

<p>Contact Officer: Suky Suthi-Nagra Democratic Services Unit 0121 569 3479</p>
