

The Cabinet

**20th September, 2017 at 3.30 pm
at the Sandwell Council House, Oldbury**

Present: Councillor Eling (Chair);
Councillors Hackett, Khatun, Marshall, Moore,
Shackleton and Trow.

Apologies: Councillors Carmichael, Costigan, D Hosell,
E M Giles and Hickey.

In attendance: Councillors Edis, P Hughes and Underhill.

152/17 **Minutes**

Resolved that the minutes of the meeting held on 30th
August, 2017 be confirmed as a correct record.

Strategic Items

153/17 **Designation and de-designation of nature conservation sites (Key Decision Ref. No. SMBC16140)**

The Cabinet Member for Regeneration and Economic Investment reported that the Sandwell Site Allocations and Delivery Development Plan Document, which formed part of Sandwell's Local Plan, set out land use policies and allocated land for specific uses or purposes. This included identifying infrastructure requirements to achieve sustainable communities and development within the borough.

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Sites of Importance for Nature Conservation (SINCs) and Sites of Local Importance for Nature Conservation (SLINCs) were designations identified in the Development Plan and formed part of the Borough's environmental infrastructure. Environmental infrastructure also included green space and Local Nature Reserves.

Such spaces were of importance as they had the potential to increase levels of physical activity, improve mental health benefits, contribute to environmental benefits, reduce the urban heat island effect and benefit high quality residential development. The environmental infrastructure of the borough also provided an important ecological and educational resource.

Consideration was now given to the results and recommendations of surveys carried out on ten sites that had either previously been identified as having the potential to be designated as nature conservation sites or required up-to-date surveys to ascertain if their existing status remained appropriate.

As a result, approval was now sought to the designation and de-designation of a number of sites of local importance for nature conservation.

In response to questions raised by the Chair of the Budget and Corporate Scrutiny Management Board and the Chair of the Children's Services and Education Scrutiny Board, the Cabinet Member for Regeneration and Economic Investment:-

- undertook to amend reference to Woden Road South in Appendix A to read Woden Road East;
- confirmed that there was no required criteria for a site to be considered for a future SINC or SLINC beyond the ecology criteria that formed part of the assessment criteria;
- welcomed suggestions from members for future sites to be considered as part of the review of the Delivery Development Plan in January 2018;
- confirmed that when sites were designated, the vast majority would have maintenance plans in place to ensure that the site did not fall into disrepair. For those sites which did not have a maintenance plan, they would be dealt with as and when.

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Resolved:-

- (1) that the designation of the following sites as Sites of Local Importance for Nature Conservation be approved:-

Bullers Open Space, Tipton;
Market Place, Tipton;
Merry Hill, Smethwick;
River Tame Corridor, Oldbury;
Whitecrest, Great Barr;
Woden Road East, Wednesbury;

- (2) that the designation of the Portway Hill, Rowley Regis site be approved as a Site of Importance for Nature Conservation;
- (3) that the de-designation of the Oxford Way, Tipton site from a Site of Local Importance for Nature Conservation to having no nature conservation status be approved;
- (4) that no further action be taken in respect of nature conservation for the sites at:

Bagnall Street, Tipton;
Gospel Oak Road, Tipton.

154/17

The Meadows Sports College – proposal to increase capacity and extend the age range (Key Decision Ref. No. SMBC16155)

The Cabinet Member for Children's Services reported that, following a recent review of Special Educational Needs (SEN) provision in Sandwell, the Council had identified the need to increase SEN provision by using the full capacity of schools. In looking at what additional provision was required and what the Council could use better within existing schools, the Council, in May 2017, consulted with a range of stakeholders on a proposal to increase pupil capacity by up to 20 and to extend the age range of the Meadows Sports College from ages 11-19 to ages 9 -19. This would enable schools to cater for children from within Year 5 up to Year 14.

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Approval was now sought for The Meadows Sports College to extend its curriculum and provide support for children approaching secondary age. It would support the transition process and enable earlier transitions. Secondary transfer of children with severe learning difficulties in mainstream schools could be extremely stressful and this additional flexibility in special provision would provide parents and children with increased choice and more options.

Staff currently employed by The Meadows Sports College would have no change to their circumstances and they would have opportunities to continue their professional development by sharing practice and expertise across an extended age range. It would allow opportunity to upskill staff and extend knowledge of a primary curriculum.

The proposal would enable the facilities at The Meadows to include the opportunity to provide education for up to 20 more children across an extended age range of age 9 to 19 and would include reassigning of spaces within The Meadows Sports College to become areas for teaching and learning for children with severe and complex learning difficulties of primary age.

In response to a question raised by the Chair of the Budget and Corporate Scrutiny Management Board, the Cabinet Member for Children's Services confirmed that the consultation had been made available to the Meadows community and the Governing Body had been invited for their views.

Resolved that, having taken the results of consultation into account and not withstanding any appeal from the local Church of England diocese, the Roman Catholic diocese or the school governing body, the prescribed alterations at The Meadows Sports College, Dudley Road East, Oldbury, West Midlands, B69 3BU be approved.

155/17

**Indoor Market West Bromwich temporary reduction of stall fees
(Key Decision Ref. No. SMBC16189)**

The Leader of the Council sought approval to introduce a 25% reduction in stall rents, for a six month period, for indoor market traders in West Bromwich. This would encourage market traders to continue to trade within the market until an economic development recovery plan for the market was developed and implemented that would potentially enhance their trading position.

Whilst the indoor market was currently trading profitably, it had lost traders in recent years and this rate of loss had accelerated in the last twelve months.

The decline in trader numbers was attributed to changes in shopping habits, new retail developments close to the market and a facility that had little investment in the physical infrastructure.

Market traders had petitioned the Council and their local MP for financial assistance to assist their businesses within the current difficult trading conditions.

Following discussions between market traders, the Market Manager and the Cabinet Member for Highways and Environment, it was agreed that a strategic review of the indoor market was required to explore ways that the market could be improved and returned to its previous commercial attractiveness for market traders. This review had now been commissioned.

In response to a number of questions raised, the Chair of the Budget and Corporate Scrutiny Management Board, the Leader of the Council and the Cabinet Member for Regeneration and Economic Investment confirmed that:-

- the proposed reduction in market fees was unlikely to create a precedent for other town markets across the borough as it was only for a six month period to enable a comprehensive strategic review of the various economic issues causing the decline and to develop a strategy to deliver a sustainable future for the market;

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- the West Bromwich Business Improvement District Board (BID) was aware of the trading problems within the indoor market and had offered marketing assistance to help improve sales. The Council had also invested additional money in the market by refurbishing the public toilets and erecting a digital display board.

Resolved that a 25% reduction in stall rents for a six month period be approved, with effect from 1st October 2017, for West Bromwich indoor market traders to encourage market traders to continue to trade within the market until an economic development recovery plan for the market is developed and implemented that will potentially enhance their trading position.

(As a question was raised regarding the BID Board, Councillor Moore declared a personal interest in the matter as he was a Board member)

156/17

Planning, building control, licensing, land charges and associated computer systems contract renewal (Key Decision Ref. No. SMBC01092017)

The Cabinet Member for Regeneration and Economic Investment sought approval to enter into a further five year contract with Idox PLC for the provision of a hosted and managed service in respect of the integrated planning, building control, licensing, land charges and associated computer systems.

The Council originally entered into a contract with Idox in 2004 as part of the Local Government Modernisation Programme. The first contracts related to provision of back office systems (UNI-form) to hold information both textually and on a linked digital mapping system relating to planning applications and building regulation applications, along with a 'Public Access' system to make selected information within the back offices systems available to the public via the internet.

The current contract would come to an end in October 2017. Idox remained the market leader within the UK in the provision of the back office systems for Planning and Building Control and other regulatory services.

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A new contract with Idox was preferred on the basis that:-

- the new five year proposal from Idox was at a 10.5% lower annual cost than that of 2012 – 2017 and was on a fixed cost basis;
- the comparable procurement exercise recently undertaken by Cheshire West and Chester Council was unable to identify an alternative provider against a lesser scope of requirements;
- any alternative proposal to migrate would incur as yet unidentified additional costs, and require additional staff resources with potential service disruption;
- the option of a temporary renewal would be at a significantly increased annual cost of £163,333, in excess of the budget provision.

Resolved:-

- (1) that the Executive Director - Neighbourhoods enter into a contract with Idox PLC for the provision of a Hosted Managed Service for the period 5th October 2017 to 4th October 2022 at a cost of £129,000 per annum;
- (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.

157/17

Memorandum of Understanding (Key Decision Ref. No. SMBC16184)

The Cabinet Member for Social Care reported that during the past eighteen months, the Black Country health system had been developing a local plan which sought to establish a new way of working, focussing on delivering health and care services within a 'place' based model.

This health partnership sought to engage with local councils in order to develop a greater degree of collaborative working across the whole social care and health system and proposals had been set out in a report entitled "Better Health and Care in the Black Country and West Birmingham".

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Approval was sought for the Council to contribute to the design and delivery of the local plan by becoming a signatory to a memorandum of understanding (MOU) which defined the local approach.

The Leader of the Council emphasised the importance of collaborative working with the health service and pulling together to maximise resources in the best interests of the residents of Sandwell. However, concern was expressed at sustainability and transformation plans being imposed upon authorities by the Government which would result in cuts to the NHS.

Whilst the Cabinet agreed in principle to a MOU being developed as a positive way forward to working with the NHS, and to the Black Country Sustainability and Transformation Partnership, they expressed concern to details of the proposed MOU as submitted at Appendix 3.

The Cabinet therefore requested the Executive Director – Adult Social Care, Health and Wellbeing to undertake further discussion and negotiations with Black Country local authorities in order to further explore how the Council could work collaboratively and in partnership with key stakeholders to ensure the effective delivery of health and care services within a ‘place’ based model within the borough.

Resolved:-

- (1) that the development of a Memorandum of Understanding and the Black Country Sustainability and Transformation Partnership be approved in principle;
- (2) that the Executive Director – Adult Social Care, Health and Wellbeing undertake further discussions and negotiations with Black Country local authorities in order to explore how the Council could work collaboratively and in partnership with key stakeholders to ensure the effective delivery of health and care services within a ‘place’ based model within the borough.

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158/17

Pre-School Nursery, Moorlands Primary School, West Bromwich – New Build (Key Decision Ref. No. SMBC03092717)

The Cabinet Member for Children's Services sought approval to award a contract for a replacement building at Moorlands Primary School, West Bromwich.

Moorlands Little Learners, a Pre-School Nursery operated by Moorlands Primary School, was temporarily based off-site, at a local church hall following the closure on health and safety grounds of a mobile classroom unit located on the school site, which had been used as the permanent base for the nursery.

The Council had worked with the school's Governing Body to identify a permanent solution to retain the pre-school nursery places that would see a new build funded through Early Years grant funding.

The total cost of the new build, inclusive of demolition, was estimated at £305,000 and the Governing Body would be directly responsible for the cost of demolition of the condemned unit and two further units, to enable the new building to be constructed on the front of the school site.

The new build would accommodate 20 children and staff, and operate for 20 part time places in each morning and afternoon session.

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

In response to a question raised by the Chair of the Budget and Corporate Scrutiny Management Board, the Cabinet Member for Children's Services confirmed that the Director – Education, Skills and Employment would be meeting with a representative of Wednesbury Learning Community Trust, the owner of the land and the buildings, to ensure the Trust had effective plans for the upkeep of the buildings going forward and to indicate the level of commitment by the Council.

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Resolved:-

- (1) that the Director – Education, Skills and Employment award a contract for a replacement build at Moorlands Primary School – Pre School Nursery, Winchester Road, West Bromwich B71 2NZ, either:-
 - (i) through the new project development procedure as established under the Strategic Partnering Agreement with Sandwell Futures Limited; or
 - (ii) following a compliant procurement exercise, in conjunction with the Section 151 Officer, and in consultation with the Cabinet Member for Children’s Services;
- (2) that in connection with Resolution (1) above, the Director – Monitoring Officer be authorised to enter into any legal agreements on terms agreed by the Director - Education, Skills and Employment, as required, to allow building works to be completed;
- (3) that in connection with Resolution (1) above, the following action points identified within the appraisal report be implemented to reduce any risk to the Council:-
 - prior to procurement, determine whether any restrictions exist regarding the redevelopment of the site;
 - review provisional costs when full extent of works are known and obtain appropriate approval should original estimates be exceeded;
 - produce a project programme to ensure that effective project monitoring can be undertaken to aid the timely delivery of the project;
 - review the corporate Risk Register to ensure all risks are identified, assessed accurately and can be mitigated adequately;
 - undertake robust contract monitoring to assist with the successful delivery of the project within required timescales and costs;

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- post project evaluation should include specific outcomes, along with benchmarking of final costs to ensure value for money is achieved.

159/17 **Procurement of Intermediate Care Beds (Key Decision Ref. No. SMBC16180)**

The Cabinet Member for Social Care sought approval to award two contracts as follows:-

- i) a contract for 18 intermediate care beds to Bupa Care Homes Limited from the period 1st October 2017 to 31st March 2018, with an option to extend the contract for a further six months to 30th September 2018;
- ii) a contract for 15 intermediate care beds to Veronica House Limited from the period 25th September 2017 to 31st March 2018, with an option to extend the contract for an additional month to 30th April 2018.

Through the Better Care Fund, the Council had commissioned intermediate care beds with BUPA Care Homes at Ryland View nursing home since April 2013.

The contract to Bupa Care Homes Limited would enable the 18 beds to continue to support the timely and effective discharge of people with social care needs from hospital whilst also providing capacity to support hospital avoidance.

The contract to Veronica House Limited would enable the Council to effectively discharge its statutory obligations by supporting the timely discharge of people for whom it had a responsibility to support.

In response to questions raised by the Chair of the Budget and Corporate Scrutiny Management Board and the Chair of the Children's Services and Education Scrutiny Board (in the absence of the Chair of Health and Adult Social Care Scrutiny Board), the Cabinet Member for Social Care reported that:-

- 18 beds would be bought on-block as the Council could not predict how many people would be discharged from hospital and therefore had to be prepared;

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- the rate set by the Council was considered to provide value for money;
- following the announcement of funding from the Better Care Fund, the Council had acted to purchase beds, within a short timeframe, so as to move people out of acute hospital beds and into appropriate settings.

Resolved:-

- (1) that the Executive Director – Adult Social Care, Health and Wellbeing award a contract for 18 intermediate care beds to BUPA Care Homes Limited from 1st October 2017 to 31st March 2018, with an option to extend for a further six months;
- (2) that the Executive Director – Adult Social Care, Health and Wellbeing award a contract for 15 beds to Veronica House Limited from 25th September 2017 to 31st March 2018, with an option to extend to 30th April 2018;
- (3) that the Director – Monitoring Officer enter into a form of agreement on terms to be agreed by the Executive Director - Adult Social Care, Health and Wellbeing so as to enable the course of action referred to in Resolution (1) and (2) above;
- (4) 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) and (2) above to proceed.

160/17

Christmas Lights 2018 (Key Decision Ref. No. SMBC16183)

The Deputy Leader and Cabinet Member for Neighbourhoods and Communities sought approval to put in place arrangements to procure new Christmas lights from 2018 to 2022 in Sandwell. The proposed value of the new contract was £600,000 (over four years) for which the Council would be seeking a significantly improved offer and design innovation from suppliers which provided a wide range of displays with great visual impact. The contract would be procured as a service under a contract hire arrangement utilising Council terms and conditions.

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Market research had identified that the hiring of festive lighting was still common place in most other local authorities as it allowed the cost of the lights to be spread over the term of the contract and therefore removed the requirement for any large upfront capital investment by the Council.

The new contract would place a high priority on the quality of the lights as well as excellent ongoing aftercare with respect to repairs and maintenance and customer satisfaction. The successful contractor must also be able to demonstrate they would provide (on a hire basis) as a minimum, the following:

- 396 column mounted Christmas lighting motifs (new);
- 10 small tree lights (new) to decorate trees outside Oldbury Council House and Wednesbury traffic island;
- 16 festoon lights for Christmas trees (new) for the locations set out below;
 - Bearwood (Lightwoods);
 - Blackheath;
 - Great Bridge;
 - Langley (High Street);
 - Oldbury (Council House);
 - Old Hill (Reddall Hill Road);
 - Smethwick (Council House);
 - Smethwick (rear of Victoria park hotel);
 - Tipton (Owen Street);
 - Cradley Heath (Mary McArthur Gardens);
 - Wednesbury (Crankhall Lane);
 - Wednesbury (Union Street);
 - West Bromwich (Queens Square);
 - West Bromwich (Junction One island);
 - West Bromwich (Carters Green);
 - West Bromwich (Stone Cross).

In addition, the Sandwell sign at Birchley island would also be lit with Christmas lights.

In response to questions raised by the Chair of the Safer Neighbourhoods and Active Communities and the Chair of the Budget and Corporate Scrutiny Management Board, the Deputy Leader confirmed that:-

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- the locations listed were for small permanent trees, Christmas trees and the Sandwell sculpture and the locations for the 396 motif lights had been consulted on and agreed by the various Town Chairs. There would be the same number of small trees and Christmas trees decorated as in 2016 with the exception of Christmas trees at Wednesbury (Dudley Street) and West Bromwich (Hill Top). New Christmas trees would be provided at Junction One island, West Bromwich and Mary McArthur Gardens, Cradley Heath;
- Town Chairs would be involved in the tender evaluation process.

Resolved:-

- (1) that the procurement of new Christmas lights for the period 2018 - 2022 be approved;
- (2) that the Executive Director - Neighbourhoods award the contract for Christmas lights in accordance with the Council's Procurement and Contract Procedure Rules;
- (3) that in connection with Resolution (1) above, the Director – Monitoring Officer enter into a form of agreement on terms to be agreed by the Executive Director - Neighbourhoods for the provision of new Christmas lights for the period 2018-2022.

161/17

Commissioning of NHS Health Check Programme (Key Decision Ref. No. SMBC16123)

The Leader of the Council, in the absence of the Cabinet Member for Public Health and Protection, sought approval to commence a procurement process and award a contract with the successful bidder for the provision of a NHS Health Check service. The contract would commence on 1st February 2018 for a period of two years with the option to extend up to one year. The total contract value was £823,000 per annum.

The target was to offer 25,579 health checks and undertake 19,184 health checks per year thus achieving an uptake rate of 75%.

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In response to a question raised by the Chair of the Budget and Corporate Scrutiny Management Board relating to Transfer of Protection for Employees (TUPE) implications if the service provision was brought in-house, the Leader of the Council confirmed that there would be TUPE implications and if no other provider was identified to carry out this service, it could become problematic to the Council as those employees were not employed on Local Government terms and conditions or the same rate as pay as Council employees.

Resolved:-

- (1) that the Executive Director - Adult Social Care, Health and Wellbeing commence a procurement process and award a contract to the successful bidder for the provision of NHS Health Check service to commence on 1st February 2018 for a period of two years with the option to extend up to one year for the sum of not more than £823,000 per annum;
- (2) that in connection with Resolution (1) above, the Director – Monitoring Officer enter into a contract with the successful bidder on terms to be agreed by the Executive Director - Adult Social Care, Health and Wellbeing for the provision of NHS Health Check services;
- (3) 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 the proceed.

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162/17 **Minutes of the Cabinet Petitions Committee on 24th August, 2017**

The minutes of the Cabinet Petitions Committee held on 24th August 2017 were received.

(Meeting ended at 4.20 pm)

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