

The Cabinet

16th May, 2018 at 3.30 pm
at the Sandwell Council House, Oldbury

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

Apologies: Councillor Shackleton;
Councillors Hickey and Underhill.

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

71/18 **Welcome**

The Leader welcomed Councillor Gavan, the new Cabinet Member for Leisure and Commonwealth Games and Councillor Ahmed, to the meeting.

72/18 **Minutes**

Resolved that the minutes of the meeting held on 18th April, 2018 be confirmed as a correct record.

Strategic Items

73/18 **LGA Corporate Peer Review and Investors In People Accreditation (Key Decision Ref. No. SMBC06/05/2018)**

The Leader of the Council and the Cabinet Member for Culture and Core Council Services reported the findings of the Council's recent Local Government Association (LGA) Corporate Peer Challenge and details of the Investors in People (IIP) Silver Award.

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LGA Corporate Peer Review

In January 2018, a team of 6 experienced Local Government peers, elected members and officers spent 4 days in Sandwell and met a range of internal and external stakeholders, considered a self-assessment document, key evidence and undertook a short tour of the 6 towns of Sandwell. During this time, they spoke to more than 130 people including a range of council staff together with councillors and external partners and stakeholders.

Peer challenge was a proven tool for improvement. The process involved a small team of local government officers and councillors spending time at the Council as peers to provide challenge and share learning. The Council's last Peer Challenge took place in 2009.

The Peer Review identified the Council's strengths and successes and praised the Council for protecting frontline services through its budget planning, and having a strong vision for the future of the Borough.

The report of the Peer Review identified the pride, passion and positivity of staff and a commitment to improve the outcomes for those who lived in, worked in and visited the Borough. The review acknowledged the challenges that the Council faced but identified that the relatively new leadership team of senior officers and Cabinet Members presented an opportunity for a fresh momentum and to draw a line under past events, and take the new agenda forward in line with 2030 Vision.

The Peer Team made 12 recommendations to the Council and these supported the activities already underway. The proposed response to their recommendations was now considered.

Investors In People

In October 2017, an IIP Assessment took place and Sandwell Council was awarded Investors in People Silver accreditation. The assessment was led by an external managing practitioner with support from an external practitioner, a team of 10 internal reviewers, and an internal co-ordinator.

Sandwell Council had held IIP accreditation for the past 18 years at Bronze level since 2015. This IIP Assessment was conducted under a new and more testing IIP Framework (Generation 6) and achieved a higher level of accreditation – a Silver award.

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It was noted that only 5% of employers, public and private sector, entered for IIP accreditation achieved the Silver Award.

Three areas of improvement were identified which supported the plans in place through our workforce development strategy:

- consider the management resource available;
- consider the people resource available;
- build upon leadership and management capability.

The next IIP Assessment was due in Autumn 2020 with annual progress reviews.

The recommendations arising from the Peer Review and the IIP assessment had been given detailed consideration and had been used to identify any additional actions required in line with our business plan priorities. The progress of these actions would be overseen by the relevant Director with support from the whole management team and incorporated within business plan monitoring.

The Chair of the Budget and Corporate Scrutiny Management Board commended the results of both the Peer Review and IIP. Scrutiny would be looking at various strands of the Peer Review recommendations to add value and make a positive contribution to the lives of Sandwell residents.

The Leader welcomed scrutiny's input and requested that they be fully engaged.

Resolved:-

- (1) that the report and recommendations of the Local Government Association Corporate Peer Challenge and Investors in People Assessment be received;
- (2) that the Investors in People Silver award be received;
- (3) that the response to the recommendations from the LGA Corporate Peer Review and IIP Assessment be approved;
- (4) that in connection with Resolution (1) above, the LGA be invited to conduct a follow up assessment in approximately 12 months;

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- (5) that officers continue to engage with the IIP annual monitoring process and re-assessment in 2020.

74/18

West Smethwick Park – Heritage Lottery Funded Restoration Project (Key Decision Ref. No. SMBC07/03/2018)

The Cabinet Member for Regeneration and Economic Investment sought approval to carry out actions to meet conditions placed on the Council by Heritage Lottery in order to receive a grant award of £4.5 million towards the re-development of West Smethwick Park.

The actions were as follows:-

- procure a provider organisation to manage the proposed new pavilion in West Smethwick Park on the Council's behalf;
- approve the disposal of West Smethwick Park depot and utilise the subsequent capital receipt from the sale to fund the Council's contribution towards the scheme with any surplus available utilised for ongoing investment into the park subject to a business case being submitted and an appraisal being undertaken;
- the park and the depot had charitable status. To enable the Council to sell the depot land, the Council would require the Charity Commission's consent. The Charity Commission may, as part of the approval process, request that the Council move the charitable status of the depot to another park within Sandwell.

The Vice Chair of the Economy, Skills, Transport and Environment Scrutiny Board enquired as to whether any interest had been shown in the park and what the likely risk of the Neighbourhoods directorate of the Council taking on the role if no provider was found. The Cabinet Member for Regeneration and Economic Investment stated that two tenders were being evaluated and that an update would be provided in a few weeks' time.

The Chair of the Budget and Corporate Scrutiny Management Board also asked the Cabinet Member to consider other parks in the Borough such as Brunswick Park in the Wednesbury area. In response, the Cabinet Member reported that other parks would be assessed in relation to their suitability to secure Heritage Lottery Fund money.

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Resolved:-

- (1) that the Director – Monitoring Officer enter into a 10 year concession agreement and lease with an option to break in year five (and to enter into any other necessary ancillary documentation), with a third sector organisation appointed following a competitive procurement process on terms and conditions to be agreed by the Executive Director – Neighbourhoods, to operate and manage the proposed new pavilion and existing Sons of Rest building (William Lees Memorial) in West Smethwick Park;
- (2) that the old unused grounds maintenance depot attached to West Smethwick Park be disposed of with a view to it being developed for housing;
- (3) that in connection with Resolution (2) above, the Director – Monitoring Officer dispose of the freehold interest in the former plant nursery/depot West Smethwick Park Road, Smethwick, on terms and conditions to be agreed by the Executive Director – Neighbourhoods and the Executive Director – Resources;
- (4) that the subsequent capital receipt from the sale of the depot land to fund the Council's contribution towards the scheme be approved with any surplus available utilised for ongoing investment into the park subject to a business case being submitted and an appraisal being undertaken;
- (5) that the charitable status of the depot land to a comparable area of land located in Victoria Park, Smethwick be approved;
- (6) that in connection with Resolution (5) above, the Director – Monitoring Officer approach the Charity Commission to agree a land swap and then enter into or execute under seal, if necessary, any other related documentation in connection with the disposal of the land referred to in recommendation above, on terms and conditions to be agreed by the Director – Regeneration and Growth.

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75/18

The Redevelopment of the Carrington Road/School Road area, Friar Park (Key Decision Ref. No. SMBC16176)

The Cabinet Member for Regeneration and Economic Investment sought approval to implement a comprehensive development scheme at Carrington Road/School Road, Friar Park which had been in a state of decline for several years. The proposed redevelopment would result in new residential housing and a retail block.

An appraisal had been undertaken for the project and a number of actions recommended for implementation to mitigate any risks identified.

The Chair of the Safer Neighbourhoods and Active Communities Scrutiny Board and Friar Park ward member welcomed the redevelopment, noting how the site had been in a state of decline for the past 15 years.

Councillor Hackett, ward member for Friar Park also welcomed the proposals having campaigned since 2004 to get something done. The issue had been highlighted as part of a Cabinet visit 18 months ago and the Leader, the Cabinet Member for Regeneration and Economic Investment, the Cabinet Member for Housing and officers were thanked.

The Chair of the Budget and Corporate Scrutiny Management Board sought clarification on whether there would be sufficient provision of school places due to the subsequent increased demand in the area following the proposed redevelopment. The Cabinet Member noted that work had been undertaken in relation to this, including the expansion of Tameside Primary and improvement to Priory Primary school. Secondary school provision in the area was currently being reviewed.

Resolved:-

- (1) that the Director – Monitoring Officer acquire, on Compulsory Purchase terms if necessary, any outstanding leasehold and/or any subsisting interest in respect of the shops on Carrington Road/School Road, Friar Park, Wednesbury, as set out in Appendix 1, Phase 1 and otherwise on terms and conditions to be agreed by the Director – Regeneration and Growth;

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- (2) that in connection with Resolution (1) above, the Executive Director – Resources allocate adequate investment from the Housing Revenue Account capital investment programme to fund the acquisition of the remaining interests as set out in Appendix 1, Phase 1;
- (3) that the development of approximately 0.42 hectares of land off Friardale Close, Friar Park, shown for identification purposes only at Appendix 2 (Phase 2) with a new-build council housing scheme circa 12 council bungalows be approved subject to planning consent;
- (4) that subject to Resolution (3) above and to grant funding from Shared Ownership and Affordable Homes Programme administered by Homes England being secured, the Executive Director – Resources allocate adequate resources to fund Phase 2 of the development;
- (5) that the development of approximately 0.188 hectares of land off School Road, Friar Park, including the demolition of 16a/18 School Road and the construction of the new retail block to deliver 225 sq m of retail accommodation with associated first floor council apartments and parking court on School Road shown for identification purposes only at Appendix 2 (Phase 3) be approved subject to planning consent;
- (6) that subject to Resolution (5) above, the Executive Director – Resources allocate adequate resources from the Council Programme – Regeneration and Growth to fund the delivery of Phase 3;
- (7) that in connection with Resolution (3), (4), (5) and (6) above, the Director – Regeneration and Growth, in consultation with the Executive Director - Resources, Director – Housing and Communities and the Section 151 officer prepare tendering documentation, in accordance with the public procurement rules, the Council's Procurement and Contract Procedure Rules, to procure and award a contract for a contractor/contractors to develop, on behalf of the Council, the proposed housing scheme and the retail/flatted scheme (Phases 2 and 3);

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- (8) that in connection with (7) above, the Director – Regeneration and Growth enter into or execute under seal any financial agreement in relation to the Homes England grant on terms and conditions to be agreed by the Executive Director - Resources;
- (9) that subject to Resolution (3), (4), (5),(6) and (7) above, the Director – Monitoring Officer enter into or execute under seal any documentation in relation to award of the contract and/or development/partnership agreement, Homes England developer status, licence, undertaking, framework joining agreement and any other agreements with the procured contractor/s and with Homes England, as may be deemed necessary to facilitate development of the site with a housing scheme and the retail/flatted scheme (Phases 2 and 3); on terms and conditions to be agreed by the Director - Regeneration and Growth;
- (10) that subject to Resolution (3), (4),(7) and (9) above and following practical completion of each property, the Director - Housing and Communities manage and let the premises in Phase 2 in accordance with the Council's housing allocation policy;
- (11) that subject to Resolution (5), (6),(7) and (9) above, and following practical completion of each property, the Director - Regeneration and Growth let and manage the retail premises outlined in Phase 3 as part of the Council's leased commercial estate;
- (12) that subject to Resolution (5), (6),(7) and (8) above and following practical completion of each property, the Director – Housing and Communities let and manage the residential accommodation outlined in Phase 3 in accordance with the Council's existing housing allocations policy;

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- (13) that subject to Resolution (5),(6),(7) and (8) above, the existing leaseholders of the retail premises be given first opportunity to submit an offer to lease any new retail premises built and providing the offer meets the aspirational terms and conditions required by the Director – Regeneration and Growth, the Director - Monitoring Officer grant the successful offeror a lease of the property on the terms required Retail premises to be offered to existing retail leaseholders displaced by the acquisition by agreement and residential premises in accordance with the Council's housing allocation policy;
- (14) that in the event that the Director – Regeneration and Growth is unable to agree terms for acquisition of any leasehold and/or subsisting interest on Carrington Road, Friar Park (Phase 1) a further report be presented to Cabinet for consideration;
- (15) that following the acquisition of the remaining leasehold and/or subsisting interests on Carrington Road. Friar Park a further report will be presented to Cabinet with detailed project design and costs for Phase 4 of the scheme redevelopment 0.158 hectares with council owned homes (as shown for identification purposes in Appendix 3);
- (16) that the Director – Regeneration and Growth appropriate any land and/or property to be managed as part of the Council's leased commercial estate from the Housing Revenue Account (HRA) to the General Fund(GF) and the Executive Director – Resources adjust the accounts accordingly;
- (17) that the following action points identified within the appraisal report be implemented to reduce any risk to the Council:-
 - (a) undertake further financial analysis on the retail premises, including whole life costings and return on investment to ensure the proposals offer value for money to the Council;
 - (b) produce a detailed project plan to assist in ensuring that the project can be delivered in a timely manner, in accordance with Homes England's timescales and to minimise the risk of repayment of grant funding;

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- (c) produce a detailed governance structure for the project and determine roles and responsibilities for monitoring the contract with Accord Housing Association;
- (d) determine how proposed outcomes will be measured and reported;
- (e) ensure that the use of Right to Buy receipts are kept under review to ensure that the use of funding sources available to the Council are maximised.

76/18

Delivering New Homes – Demolition and Clearance of Church Vale Supported Housing Scheme – Construction of 26 New Affordable Homes on the Site (Key Decision Ref. No. SMBC11/04/2018)

The Cabinet Member for Housing sought approval to the demolition of an obsolete former homeless hostel (Churchvale) which was surplus to requirements and to develop the Council owned site off Church Hill Street/Lowry Close, Smethwick with circa 26 new Council owned affordable rented homes, subject to planning consent, being a mix of 2 and 3 bedroom houses.

It was envisaged that construction works would commence in June 2019 subject to the procurement process, partner selection and completed contractual arrangements. It was anticipated that the properties would be completed by May 2020 subject to a phased delivery agreed with the selected partner.

An appraisal had been undertaken for the project and a number of actions recommended for implementation to mitigate any risks identified.

The Chair of the Budget and Corporate Scrutiny Management Board queried whether local builders would be involved in any of the processes or whether larger firms were being looked at. The Cabinet Member for Housing responded that an investigation was currently underway as to the best means of delivery.

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Resolved that subject to grant funding from the Shared Ownership and Affordable Homes Programme administered by Homes England (formally Homes & Communities Agency) being approved:

- (1) the development of approximately 5140.8 square metres (0.514 hectares) of land off Church Hill Street/Lowry Close, Smethwick, shown for identification purposes only at Appendix 4 with a new-build council housing scheme circa 26 units be approved, subject to planning consent;
- (2) the demolition of a two-storey property (Churchvale, previously used as a homeless hostel) on Lowry Close, Smethwick be approved;
- (3) that in connection with Resolution (1) above, the Executive Director – Resources allocate adequate resources to fund the proposed project;
- (4) that in connection with Resolution (1) above, the Director – Regeneration and Growth or Executive Director of Neighbourhoods, in consultation with the Executive Director - Resources, Director of Housing and Communities and the Section 151 officer prepare tendering documentation and procure, in accordance with the public procurement rules, the Council's procurement and financial regulations and the requirements of the DPP3 framework, a contractor/contractor to develop, on behalf of the Council, the proposed housing scheme; to enter into or execute under seal any financial agreement in relation to the Homes England grant on terms and conditions to be agreed by the Executive Director - Resources;
- (5) that to Resolution (1) and (3) above, the Director – Monitoring Officer enter into or execute under seal any documentation in relation to award of the contract and/or development/partnership agreement, Homes England developer status, licence, undertaking, framework joining agreement and any other agreements with the procured contractor/s and with Homes England, as may be deemed necessary to facilitate development of the site with a housing scheme on terms and conditions to be agreed by the Director - Regeneration and Growth;

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- (6) that, subject to Resolution (1), (3) and (4) above and following practical completion of each property, the Director of Housing and Communities manage and let the premises in accordance with the Council's housing allocation policy;
- (7) that the land and building at Lowry Close/Church Hill Street, referred to as Sites A and B attached as Appendix 5 be appropriated from the General Fund to the Housing Revenue Account and the Executive Director – Resources adjust the accounts accordingly;
- (8) that the following action points identified within the Appraisal Report be implemented to reduce any risk to the Council:-
 - (a) review the proposals of property types to ensure that the strategic needs of the Council are met through the best use of resources;
 - (b) produce a detailed project plan to assist in ensuring that the project can be delivered in a timely manner, in accordance with Homes England's timescales and to minimise the risk of repayment of grant funding.
 - (c) Produce a detailed governance structure for the project and determine roles and responsibilities for monitoring the contract with Accord Housing Association;
 - (d) determine how proposed outcomes will be measured and reported;
 - (e) ensure that the use of Right to Buy receipts are kept under review to ensure that the use of funding sources available to the Council are maximised.

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77/18

Award of Contract for the Electrical Periodic Inspection and Reports to Landlord Properties (Key Decision Ref. No. SMBC09/05/2018)

The Cabinet Member for Housing sought approval to award a contract for the provision electrical periodic inspection and reports to landlord properties from July 2018 to October 2019.

In accordance with the Council's Procurement and Contract Procedure Rules, C & S Electrical Limited submitted the most competitive tender.

The anticipated value of the contract was £500,000.

Resolved:-

- (1) that the Director – Housing and Communities and the Director – Monitoring Officer award and enter into a contract with C & S Electrical Limited for the Electrical Periodic Inspection and Reports to Landlord Properties;
- (2) that the Director – Monitoring Officer make any necessary exemptions to the Council's Procurement and Contract Procedure Rules to enable the course of action referred to in Resolution (1) to be undertaken.

78/18

Provision of Gas Spares (Key Decision Ref. No. SMBC02/05/2018)

The Cabinet Member for Housing sought approval to award the contract for the supply of gas spare parts to Roway Lane Supplies Section to enable the Gas Section to maintain and repair the gas appliances installed in Council properties, for a contract period of three years, from 1st July 2018 to 30th June 2021. The current framework arrangement expired on 30th June 2018.

In accordance with the Council's Procurement and Contract Procedure Rules, PHC Parts provided the most competitive tender.

The anticipated value of the contract was £4,131,186.

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The Chair of the Health and Adult Social Care Scrutiny Board sought clarity on the availability of spare parts, particularly for some of the most vulnerable residents of Sandwell. The Cabinet Member for Housing stated that the provider had a branch in Smethwick to supply the most common spare gas parts and that overnight delivery could be arranged for those parts they did not have.

Resolved:-

- (1) that the contract to supply gas spare parts to the Supplies Section at Roway Lane be awarded to PHC Parts;
- (2) that in connection with Resolution (1) above, the Director – Housing and Communities enter into an appropriate contract with PHC Parts.

79/18

Provision of Replacement Domestic Gas Appliances (Key Decision Ref. No. SMBC04/05/2018)

The Cabinet Member for Housing sought approval to award the contract for the provision of replacement of domestic gas appliances in Council properties, for a contract period of three years, from 1st August 2018 to 31st July 2021. The current contract would expire on the 31st July 2018.

In accordance with the Council's Procurement and Contract Procedure Rules, Sure Group provided the most competitive tender.

The anticipated value of the contract was £13.5m.

Resolved:-

- (1) that the contract for the provision of replacement of domestic gas appliances be awarded to Sure Group;
- (2) that in connection with Resolution (1) above, the Director – Housing and Communities enter into an appropriate contract with Sure Group.

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80/18

Capacity Plan – Bed and Community Based Provision (Key Decision Ref. No. SMBC08/05/2018)

The Leader of the Council, in the absence of the Cabinet Member for Social Care, sought approval to establish contracts, seek tenders and award contracts to provide necessary resource to support either admissions avoidance or a timely discharge from hospital of individuals requiring care and support in their own homes or within a nursing home setting.

The proposed contracts were to be procured in two stages, initially establishing short term block contracts for nursing beds with existing providers and completing a procurement for an Early Supported Discharge/Admissions Avoidance service, which would guarantee availability of provision to support hospital discharge or admissions avoidance whilst tenders were sought to secure longer term contracts.

Funding for these contracts had been approved and would be provided through the Better Care Fund.

The Leader of the Council noted Sandwell Council's good performance in terms of bed blocking based on national statistics for getting patients who no longer needed acute care discharged.

The Chair of the Health and Adult Social Care Scrutiny Board also praised Sandwell's statistics and questioned whether the new contract would continue to deliver continued successes. The Leader of the Council reported that the proposed procurement options would provide the support to the system to enable timely and safe discharge from hospital. Applying for the funds would continue to mean excellent provision of service.

Resolved:-

- (1) that the procurement of an Early Supported Discharge/Admissions Avoidance block contract be approved;
- (2) that an exemption to rule 9 of Procurement and Contract Procedure Rules 2016-2017 be approved to allow the Early Supported Discharge/Admissions Avoidance procurement for a short term contract to only be advertised to the existing eight framework providers of domiciliary care;

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- (3) that an exemption to rule 9 of Procurement and Contract Procedure Rules 2016-2017 be approved to allow the award of short term contracts to existing providers for nursing beds at Lyndon Hall, The Gables and Veronica House;
- (4) that the Executive Director - Adult Social Care, Health and Wellbeing enter into a procurement exercise for the provision of the services as set out in Resolution (1) and (2) above;
- (5) that following the completion of the procurement process in connection with Resolution (1) and (2) above, the Executive Director - Adult Social Care, Health and Wellbeing, in consultation with the Cabinet Member for Social Care, enter into the appropriate contracts with the successful tenderers;
- (6) that the Executive Director - Adult Social Care, Health and Wellbeing, in consultation with the Cabinet Member for Social Care, enter into the appropriate contracts to secure provision of 46 nursing beds across a number of locations following a procurement process that has already commenced;
- (7) that the Executive Director – Adult Social Care Health and Wellbeing agree any uplift to the Early Supported Discharge/Admissions Avoidance hourly rate subject to it mirroring the hourly rate for the framework community care contract, as well as the bed rates of the proposed contracts, without requiring further Cabinet approvals.

81/18

Transfer of Dormant Trust Funds to Heart of England Community Foundation (Key Decision Ref. No. SMBC05/04/2018)

The Cabinet Member for Children's Services sought approval to the transfer of dormant trust funds to the Heart of England Community Foundation.

There were currently 25 dormant trust funds of which 10 were registered charities. In March 2018, the capital value of the invested funds was just over £100,000 and the revenue value available for distribution was over £200,000 (including annual interest of over £2,000).

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The last grant award was made prior to 2010, with the exception of the Edward Wheatley Trust when the last award was made in 2012.

In August 2017, the Heart of England Community Foundation (HoECF) approached the Council and offered to take over any remaining dormant trusts and turn them into a single, active community fund for Sandwell. The Charity Commission was keen to see the release of the many dormant and frustrated trust funds locked in local authorities around the country, and the Commission particularly supported the release of these funds to leading charitable bodies such as HoECF.

Resolved:-

- (1) that, subject where necessary to the agreement of the Charity Commission, 21 dormant trust funds listed in Part 1 of Appendix 6 are transferred to the Heart of England Community Foundation;
- (2) that in connection with those charitable funds in Resolution (1) above, the following resolutions be adopted by the Council as charity trustee:
 - it is apparent that none of the charitable funds has gross income in the last financial year exceeding £10,000, the charity is not a body corporate and does not hold any land (that is land held on trust for the purposes of the charity);
 - the purposes of these charities be replaced as follows:-
 - “For the advancement of education and the prevention or relief of poverty to support and improve the quality of life and opportunities for children, young people in Sandwell in need by reason of youth, age, ill-health, disability, financial hardship or other disadvantage and for that purpose to support general community activity, especially those facing challenges in their lives, whether by the Trustees or others or for enabling or facilitating the same”;

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- it is expedient to the interests of the charity in each case that the purposes of the respective charities are replaced and the new purposes consist of or include purposes that are similar in character to those which are to be replaced;
 - (where a restriction has been placed on the use of the permanent endowment by the charity in each case) the transfer of the permanent endowment to Heart of England Community Foundation as described below is for purposes substantially similar to the purposes of the original charity;
 - the whole of the funds in the name of the charitable trusts as set out above be transferred to Heart of England Community Foundation for the purposes set out above and to be administered insofar as practicable having regard to the intentions of the original donor as to the nature of the benefit and to the residence of potential beneficiaries;
 - that the Council, as charity trustee, is satisfied that it is expedient in each case, in the interests of furthering the purposes for which the funds are held by it, for the fund now standing to the credit of each charity to be transferred in accordance with that resolution and that the purposes of the charity to which the fund is to be transferred under that resolution are substantially similar to the purposes (or any of the purposes) of the transferor charity;
- (3) that the Director - Monitoring Officer send a copy of these resolutions to the Charities Commission and that these resolutions take effect 60 days from such notification subject to the provisions of the Charities Act 2011;
- (4) that subject to the due diligence still proceeding in respect of the 4 charities listed at Appendix 7, and as charity trustee of each of those charities, resolves that it is minded to pass the resolutions in respect of each of those charities as is set out in Resolution (2) above;

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- (5) that in connection with Resolution (4) above, the charity trustee authorises the Director - Education, Skills and Employment, in consultation with the Chief Finance Officer, the Cabinet Member for Children's Services and the Cabinet Member for Culture and Core Council Services to take the necessary decisions to transfer such funds to Heart of England Community Foundation on the same terms as in Minute No. 81/18;
- (6) that the Heart of England Community Foundation be requested to enter into an agreement with the Council as set out in Appendix 8.

82/18

School Terms and Holidays for Academic Years 2019/20 and 2020/21 (Key Decision Ref. No. SMBC12/05/2018)

The Cabinet Member for Children's Services sought approval to the schedule of school terms and holidays for the two academic years 2019/20 and 2020/21. The proposed schedule was following liaison with all West Midlands authorities and a period of consultation with Sandwell's Joint Union Panel.

The Cabinet Member for Children's Services also reported that Academy schools within the area also followed the term dates as proposed.

In addition, the Cabinet Member sought to delegate future routine decisions on school terms and holidays to the Director - Education, Skills and Employment.

Resolved:-

- (1) that the publication of the schedules of school terms and holidays for the academic years 2019/20 and 2020/21, submitted as Appendix 9 and Appendix 10 be approved;
- (2) that the Scheme of Delegation to Officers (Executive function) be amended to incorporate the following delegation to the Director – Education, Skills and Employment:

School Terms and Holidays

To agree and publish each year a schedule of school terms and holidays for community and voluntary controlled schools.

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Business Item

83/18

Dissolution of West Midlands Joint Committee

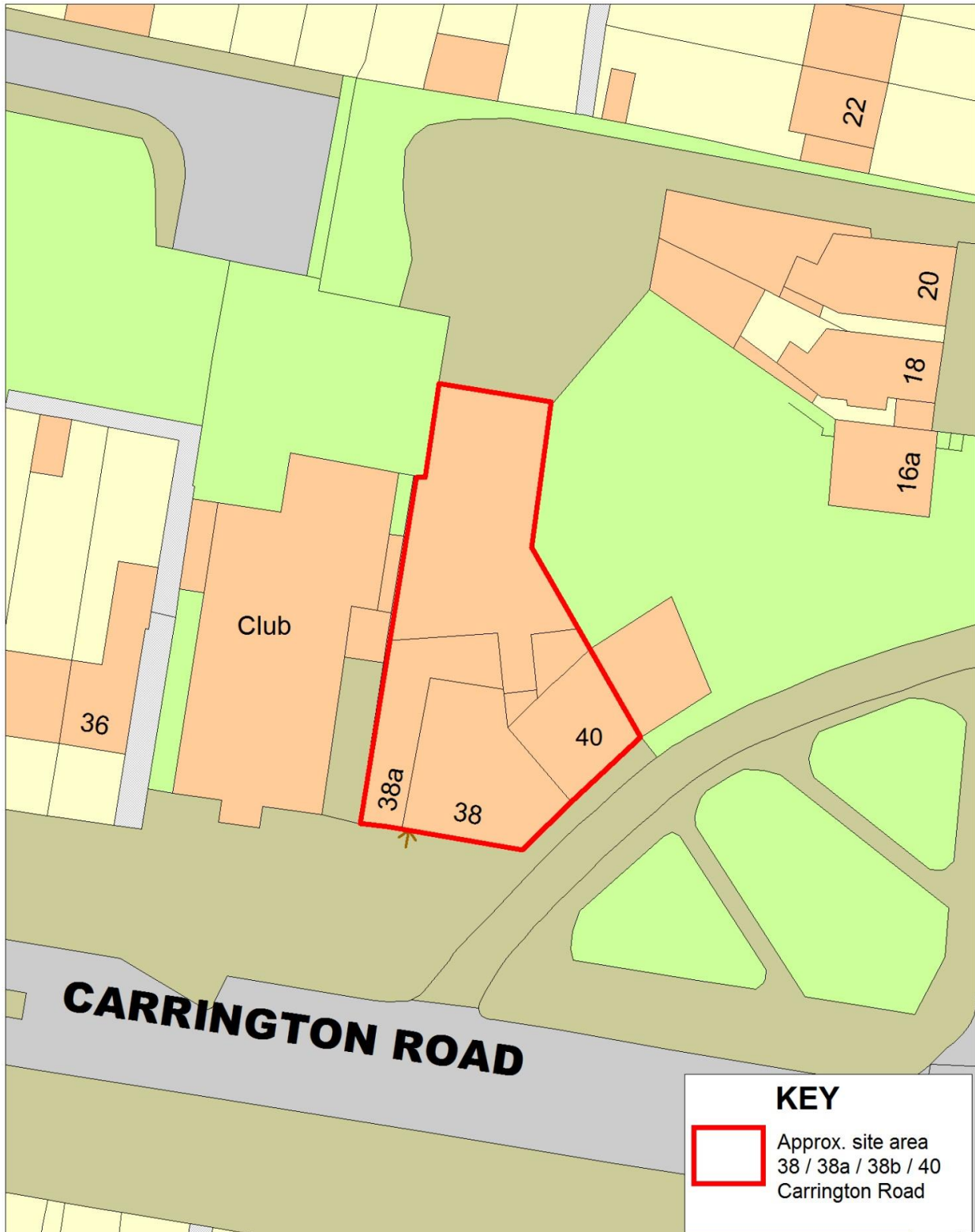
The Leader of the Council sought approval to recommend to Council the approval of a unifying Resolution to dissolve the West Midlands Joint Committee (“WMJC” or the “Committee”) and the new arrangements for managing the remaining residual business of the Committee once the Committee was dissolved. In addition, approval was sought to establish a Joint Executive Committee with the other six Councils within the West Midlands for the purpose of airport decisions known as West Midlands Shareholders Airport Committee.

Resolved:-

- (1) that the Council approve the dissolution of the West Midlands Joint Committee;
- (2) that a Joint Executive Committee be set up with the other six councils within the West Midlands for the purpose of airport decisions known as West Midlands Shareholders Airport Committee in accordance within the terms of reference a now submitted;
- (3) that the proposals for managing the remaining residual business of the West Midlands Joint Committee once it is dissolved, as now submitted, be approved;
- (4) that in connection with Resolution (1) and (2) above, the Director – Monitoring Officer make the necessary changes to the Council’s Constitution;
- (5) that the Director – Monitoring Officer negotiate, execute and complete all legal documents necessary to support and deliver Resolution (1), (2) and (3) above.

(Meeting ended at 4.21 pm)

Contact Officer: Andrew Grant
Democratic Services Unit
0121 569 3040



KEY

 Approx. site area
38 / 38a / 38b / 40
Carrington Road



Site at Appendix 2
Ground Leasehold interests to acquire
No 38 / 38a / 38b / 40 Carrington Road



Not to Scale
Provisional Alignment

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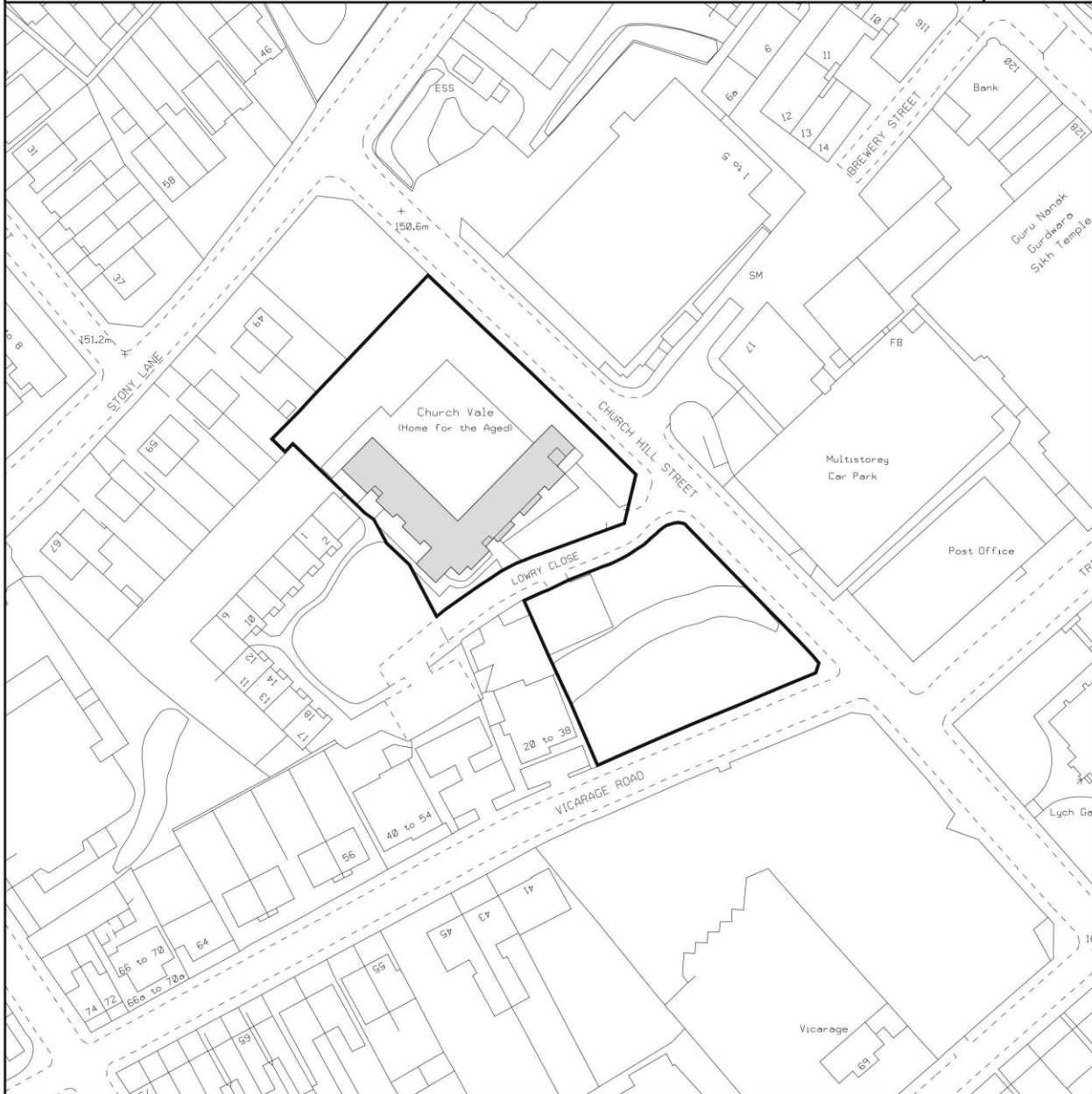



REGENERATION AND PLANNING

STRATEGIC ASSET MANAGEMENT



NORTH



LEGEND	DESCRIPTION REDEVELOPMENT OF CHURCH VALE LOWRY CLOSE SMETHWICK	SANDWELL SP0188NE	TERRIER 279
		SCALE 1:1250	CENTROID 401912/288581
	AREA 5328.5 M2 6373.1 Y2	DRAWN DM	DATE 05-APR-2018
	PLAN NUMBER SAM/30580/004	<small>THIS MAP IS BASED UPON ORDNANCE SURVEY MATERIAL WITH THE PERMISSION OF ORDNANCE SURVEY ON BEHALF OF THE CONTROLLER OF HER MAJESTY'S STATIONERY OFFICE</small> ©CROWN COPYRIGHT <small>UNAUTHORISED REPRODUCTION INFRINGES CROWN COPYRIGHT AND MAY LEAD TO PROSECUTION OR CIVIL PROCEEDINGS</small> SANDWELL MBC LICENCE NO 100032119 2018	
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Appendix 5



Appendix 6

John Spencer
Williams Bequest
West Park College
West Bromwich Educational Foundation
Savings Bank Interest
Mitchells and Butlers
Miriam Neilson
Lord Roberts Day
H Woodhouse Garden Prize
Florence Elsworth
Film Library
Eli Fletcher
Davis Trust
Cha Woodcock Swimming
C Southern Wood Green
Bertram Cartwright
Annie Lennard
Albright
Akrill Kendrick Wilson
Edward I Wheatley
Barlows Teachers and Youth Fund

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Appendix 7

CW Pinkney Memorial

Arthur Smith

Mary Mary Steward

Richards Bequest

Heads of Terms

Proposed Transfer of Funds (“the Donation”) Sandwell Metropolitan Borough Council to Heart of England Community Foundation (“the Foundation”)

This document sets out or refers to the heads of terms (“Heads of Terms”) by way of the principal terms and conditions on, and subject to which, the Foundation is willing to receive the Donation from Sandwell Metropolitan Borough Council

These Heads of Terms, and the Sandwell Community Fund are not exhaustive and are not intended to be legally binding, except as specifically set out below.

1. The Foundation is a company limited by guarantee with charitable status the objects of which are:-
 - a. The promotion of any charitable purposes for the benefit of the community in the city of Birmingham, city of Coventry, city of Birmingham, the metropolitan boroughs of the Black Country, the county of Warwickshire and elsewhere in the United Kingdom (“area of benefit”) and in particular the advancement of education the protection of good health both mental and physical and the relief of poverty and sickness;
 - b. Other exclusively charitable purposes which are in the opinion of the Trustees beneficial to the community in the area of benefit.
2. Sandwell Metropolitan Borough Council is the Trustee of the charities listed in the Annex to these Heads of Terms. As Trustee it is minded to pass the necessary resolutions to secure the transfer of the funds now standing to the account of these charities to the Foundation for the advancement of education and the prevention or relief of poverty to support and improve the quality of life and opportunities for children, young people in Sandwell in need by reason of youth, age, ill-health, disability, financial hardship or other disadvantage and for that purpose to support general community activity, especially those facing challenges in their lives, whether by the Foundation or others or for enabling or facilitating the same (“the Donation”)

Sandwell Metropolitan Borough Council is a local authority with functions in respect of social care, education, health and wellbeing, recreation and culture in and for the benefit of its administrative area

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3. The Foundation agree to set up a restricted fund within the administrative arrangement of the Foundation for the purposes set out at 2 and in the attached appendix 1.
4. Sandwell Metropolitan Borough Council and the Foundation have agreed that the Donation shall be held by the Foundation for the furtherance of the charitable objects of the Sandwell Community Fund as a restricted fund of the Foundation (“the Restricted Fund”), subject as set out below, and following such transfer the Foundation shall have the general control and management of the funds constituted by the Donation and shall be free to expend the income of the Donation for the charitable objects of the Sandwell Community Fund

A sum of £xxx will be invested in the endowment portfolio managed by CCLA

5. Heart of England Community Foundation will obtain the consent of the Charity Commission to the proposed transfer.
6. The Foundation shall be entitled to retain for its own charitable purposes, as a contribution towards the costs of managing and administering the Donation, amounts not exceeding on a year by year basis 1% of the income of the restricted fund.
7. This paragraph is legally binding. Each party shall pay its own costs incurred in connection with the negotiation, preparation and execution of these Heads of Terms and any document entered into pursuant thereto.

Signed by

.....
for and on behalf of
The Heart of England Community Foundation

Signed by

.....
for and on behalf of
Sandwell Metropolitan Borough Council

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(Appendix 1)

The Sandwell Community Fund

The Sandwell Community Fund exists to promote the long term well-being of Sandwell residents by providing grants to local voluntary and community organisations for the purpose of:

- **Ensuring that Sandwell children have the best start in life, are school ready and have a high quality education with support from families, schools and community organisations**
- **Ensuring that Sandwell families have high aspirations, equality of opportunity and are adaptable and resilient**

Eligibility

Projects must demonstrate that they:

- meet at least one of the purposes of the fund
- involve local people
- are based in Sandwell and are locally managed
- support self help and voluntary efforts
- are neighbourhood or grassroots projects

Applicants must have less than £xxx income pa. **The maximum grant available is £xxx**

Sorry, we cannot fund;

- General & major fundraising appeals;
- Individuals;
- Promotion of religious causes;
- Medical research;
- Animal welfare;
- Political activities;
- Organisations with substantial reserves.
- Mainstream activities of schools & colleges;
- Sporting clubs except when aimed at addressing disadvantage;

Local community and voluntary groups can apply. Don't worry if you are not a registered charity. However, what you are doing must be charitable and you must have some kind of constitution or rules to govern the operation of your organisation.

Please note that if you are a social enterprise or Community Interest Company (CIC) we advise that you please read our [guidance note](#) before applying. **Grants can be made for** a wide range of purposes. For example: buying equipment, printing publicity and activity or project costs.



**Draft Schedule of School Terms and
Holidays 2019/2020 Academic Year
Primary, Secondary and Special Schools**

	Main Holidays	Half Term Holidays	Working Days
Autumn Term 2019	From: Monday, 23 December To: Friday, 3 January	From: Monday, 28 October To: Friday, 1 November	75
From: Monday, 2 September To: Friday, 20 December			
Spring Term 2020	From: Monday, 6 April To: Friday, 17 April	From: Monday, 17 February To: Friday, 21 February	60
From: Monday, 6 January To: Friday, 3 April			
Summer Term 2020	From: Tuesday, 21 July	May Day <i>Monday, 4 May</i> From: Monday, 25 May To: Friday, 29 May	60
From: Monday, 20 April To: Monday, 20 July			
			195

Pupils to attend school on 190 working days within the overall arrangements determined by the schedule.

Bank Holidays:

Christmas: Wednesday 25 and Thursday 26 December 2019

New Year: Wednesday 1 January 2020

Good Friday: Friday, 10 April 2020

Easter Monday: Monday, 13 April 2020

May Day: Monday, 4 May 2020

Spring Bank Holiday: Monday, 25 May 2020



**Draft Schedule of School Terms and
Holidays 2020/2021 Academic Year
Primary, Secondary and Special Schools**

	Main Holidays	Half Term Holidays	Working Days
Autumn Term 2020	From: Monday, 21 December To: Friday, 1 January	From: Monday, 26 October To: Friday, 30 October	74
From: Tuesday, 1 September To: Friday, 18 December			
Spring Term 2021	From: Friday, 2 April To: Friday, 16 April	From: Monday, 15 February To: Friday, 19 February	59
From: Monday, 4 January To: Thursday, 1 April			
Summer Term 2021	From: Thursday, 22 July	May Day <i>Monday, 3 May</i>	62
From: Monday, 19 April To: Wednesday, 21 July		From: Monday, 31 May To: Friday, 4 June	
			195

Pupils to attend school on 190 working days within the overall arrangements determined by the schedule.

Bank Holidays:

Christmas: Friday 25 and Monday 28 December 2020

New Year: Friday 1 January 2021

Good Friday: Friday, 2 April 2021

Easter Monday: Monday, 5 April 2021

May Day: Monday, 3 May 2021

Spring Bank Holiday: Monday, 31 May 2021