

The Cabinet

26th June 2019 at 3.40pm
at the Sandwell Council House, Oldbury

Present: Councillor Y Davies (Leader of the Council);
Councillors Ali, Crompton, Khatun, Lloyd and
Taylor.

In attendance: Councillors Sandars and Singh.

Apologies: Councillors E M Giles, Hadley, Millard, Moore,
Rollins, Shaeen and Underhill.

67/19 **Minutes**

Resolved that the minutes of the meeting held on 5th June, 2019 be received.

68/19 **2018/19 Financial Outturn**

Details of the Council-wide financial outturn for the 2018/2019 financial year were presented.

The General Fund balance at the end of 2018/19 was £66.5m. This included £22.2m of target carry forwards and £32.2m of earmarked central items, leaving a free balance of £12.1m which equated to 5% of net General Fund expenditure.

At a directorate level, excluding Public Health and the Housing Revenue Account, the outturn for 2018/19 was a surplus of £10.496m. Including, Public Health and Central Items, the outturn for 2018/19 was a surplus of £14.282m.

However, Sandwell had experienced an unprecedented increase in demand for children's social care services that had resulted in a year-end deficit of £6.567m for Sandwell Children's Trust.

The Cabinet – 26th June 2019

It was therefore proposed to cover £5m of this deficit from revenue balances, some of which were earmarked for this specific purpose at the start of the year.

At the end of 2017/18, a total of £24.560m was held in earmarked reserves. £1.838m was added to these reserves during 2018/19 leaving a remaining balance of £26.938m at the end of the financial year.

The Council terminated the contracts of a number of employees in 2018/19 to meet the ongoing challenges of the difficult economic climate and budget reductions. In total, 51 employees left the Council's employment during the year incurring liabilities of £3.378m.

In 2017/18, a provision of £2.253m was created for employees approved as planned leavers at 31st March 2018. Of this, £1.553m was utilised and £0.593m re-provided for in 2019/20. Costs of £1.162m not included in the 2017/18 provisions had been incurred. £1.053m of this has been funded by Directorates and £0.109m from the Council's Corporate Resources.

There were also agreements in place for a further 31 employees to leave the Council during 2019/20 or later at an estimated cost of £2.718m. A provision for this amount had therefore been created for future and outstanding termination benefit costs which are expected to be incurred in 2019/20.

The Cabinet had previously approved the allocation of up to £2.82m of Council Capital as a local contribution towards the proposed improvement works at A4123 Birchley Island/M5 Junction 2. Approval was now sought that £1.1m of this be brought forward to fund preparatory works.

Resolved:-

- (1) that the proposals arising from the 2018/19 directorate outturn reports for each directorate/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;

The Cabinet – 26th June 2019

- (2) that the surpluses additional to those approved at period 9 be carried forward as requested:-

	Total	2019/20	2020/21	2021/22
	£'000	£'001	£'000	£'000
Resources	151	151		
Adult Social Care	430			430
Regeneration & Growth	636	636		
Children's Services	30	30		
Housing & Communities	245	245		
Public Health - Ringfenced Grant	475		475	
TOTAL	1,967	1,062	475	430

- (3) that the of £5m of revenue balances towards funding the Sandwell Children's Trust deficit be approved;
- (4) that the Executive Director – Resources utilise £1.1m of capital funding to support preparatory works for the A4123 Birchley Island/Junction 2 M5 improvement scheme.

69/19

Funding for remediation works at King Street and Mounts Road, Wednesbury, and Stanhope Road, Smethwick

Approval was sought to proceed with a funding application to the Black Country Local Enterprise Partnership for remediation funding on three Council-owned sites (Mounts Road and King Street in Wednesbury and Stanhope Road in Smethwick).

The proposed grant funding investment for remediation work would assist in bringing the sites forward for redevelopment by providing clean sites. It was proposed, subject to the approval of the application, that the potential for the sites at Stanhope Road and King Street be used to provide new Council House accommodation. This would meet an identified need in the area and would provide certainty that there was a developer in place to secure the new accommodation.

The Cabinet – 26th June 2019

This work would bring the sites back into beneficial use after a number of years and help reduce issues with anti-social behaviour.

It was also proposed that the site at King Street be used to provide a new health centre for Wednesbury. The site at Mounts Road would be sold on the open market, subject to a development agreement that a sustainable development was completed using modular methods of construction techniques. This would act as a pilot exemplar project to promote the benefits of such methods of construction.

The Council would not accept any specific conditionality on funding in the grant agreement that required the provision of housing outputs by a specified date but would accept to use reasonable endeavours to deliver the desired outcomes.

Resolved:-

- (1) that the Executive Director – Neighbourhoods proceed with the application for grant funding to the Black Country Local Enterprise Partnership to enable the remediation and redevelopment of the sites, as shown on Plan Nos. SAM/27640/005, SAM/33740/005 and SAM/45960/004;
- (2) that the Director – Law and Governance and Monitoring Officer enter into or execute under seal, if necessary, any other related documentation in connection with enabling the sites for redevelopment referred to in Resolution (1) above, on terms and conditions to be agreed by the Executive Director – Neighbourhoods;
- (3) that the Executive Director – Neighbourhoods, subject to the receipt of a grant award from the Black Country Local Enterprise Partnership, implement a programme of new build Council houses on the sites at Stanhope Road and King Street, Wednesbury and dispose of the site at Mounts Road, Smethwick for private residential development on the open market;

The Cabinet – 26th June 2019

- (4) that the Executive Director – Neighbourhoods, subject to the receipt of a grant award from the Black Country Local Enterprise Partnership and subject to confirmation of the funding from the National Health Service, to seek tenders for the delivery of a health clinic on the King Street, Wednesbury, site.

70/19

Charging for Planning pre-application discussions

Approval was sought to the introduction of charging for Planning pre-application discussions.

National Planning Policy Guidance promoted pre-application dialogue prior to the submission of a formal planning application. Sandwell's Local Planning Authority had offered a free pre-application service for several years and since 2002 and had committed to a target of responding to all enquiries within 4 weeks.

Records indicated that around 75% of pre-application enquiries were responded to within four weeks. For the last full year (January 2018 to December 2018) the Council received 351 pre-application enquiries.

Pre-application submissions had predominantly moved towards electronic submission over recent years and only a limited number of proposals were now received via the postal system. The cost of printing any submissions was borne by the planning service together with officer time to review, co-ordinate and respond to the enquiry. As part of this co-ordination, where appropriate, consultations were undertaken with relevant departments such as Highways and Environmental Health together with various planning disciplines such as Strategic Policy and Urban Design which incurred further officer time/cost. For the larger schemes, a multi-disciplinary meeting was usually offered in order to provide further clarity prior to the submission of a formal planning application.

Therefore, given that approximately two thirds of discussions were commercial/residential schemes, there was an additional cost to officer time for the provision of such meetings when requested by developers.

The Cabinet – 26th June 2019

Research had indicated that Sandwell's neighbouring local authorities and others within the West Midlands region had introduced pre-application charging. The charging regimes differed across each authority with some authorities charging only for larger residential schemes (2 or more dwellings) and (10 or more dwellings). Other Councils only charged for domestic extensions and minor proposals. The charges were commensurate to the actual planning fee relating to the type of development.

The proposed charges reflected those levied by other neighbouring authorities to provide some consistency and were a reasonable percentage of the fee incurred for a formal planning application. For example, 20% for householder proposals. The introduction of charging would increase expectations for the service and therefore the planning service (and other departments) would need to ensure that at least 75% of enquiries were responded to within the four week period and where responses were not provided, that there were genuine reasons for delays.

Resolved that the schedule of charges for Planning pre-application discussions, as set out below, be approved with effect from 1st September 2019:

Household	Change of use	Telecoms	Adverts	Listed Buildings	Trees	Residential 1-5	Residential 6 or more
£45	£96	Nil	Nil	Nil	Nil	£100	£300

71/19 **West Bromwich Indoor Market Redevelopment Proposals and Investment Options**

It was reported that in recent years there had been a decline in trader numbers at West Bromwich Indoor Market due to changes in shopping habits, new retail developments close to the market and a facility that had had little investment in the physical infrastructure and was therefore dated and not able to provide an adequate modern facility for market traders.

The Council had commissioned a strategic review of the indoor market which had concluded that the existing facility was no longer fit for purpose and that a business case should be explored to investigate potential investment and partnering options to help redevelop the market and enhance its commercial viability.

The Cabinet – 26th June 2019

In May 2018, Cabinet Members agreed that the Council should retain the indoor market but that it must be sustainable and contribute to the broader regeneration of West Bromwich. It was agreed that the Council should investigate developing a completely rebuilt and reconfigured facility which could incorporate various different elements such as a remodelled market with a modern design, enhanced food offer and improved access to customers, additional and complimentary facilities such as accommodation for a leisure operator, arts and culture offer, customer-facing Council services and potentially market facing office and residential accommodation above in several storeys.

It was envisaged that the redevelopment of the indoor market would act as a regeneration catalyst, driving footfall and increasing market engagement to drive values within the Town Centre and stimulate the further redevelopment of adjacent property, by the private sector.

Following a study commissioned by the Council to analyse the potential design and investment options, the study concluded that a redeveloped indoor market with enhanced sustainability through the addition of complementary income-producing mixed-use elements, in line with the principle factors could be successfully delivered subject to funding being identified and secured.

The scale of new development envisaged would require demolition of the existing indoor market and then reconstruction of a re-modelled facility designed to maximise sales in line with modern concepts and successful market design principles. The re-modelled market would occupy the ground floor of a multi storey building with the additional space being occupied by other rent-paying commercial, leisure and/or cultural tenants, with the remaining upper storeys being developed out as residential apartments.

The ownership model of the residential element that would be the most likely to be sustainable and financially viable would be a commercial landlord renting to the evolving private rented sector targeting the modern apartment market to whom the town centre location being close to all amenities would appeal as would the very favourable proximity of the metro station which is only a few minutes' walk from the site.

The Cabinet – 26th June 2019

The study identified key next steps to take the redevelopment forward, all of which should be addressed within the next twelve months, including:-

- creating a comprehensive consultation plan with market traders and residents to ensure that stakeholder views and opinion were considered concurrently with project development to arrive at the preferred option;
- securing effective project management capacity to ensure that project deliverables and strategic outcomes were achieved;
- the development of a robust business case based on in-depth financial and development appraisals to be produced in parallel with the identification of the most attractive delivery and ownership model to protect the Council's long term financial and regeneration interests and achieve the local market stimulus envisaged;
- identifying and agreeing a potential partnership arrangement with a suitable investment and development partner or partners, subject to authorisation by Cabinet;
- provide an options appraisal of potential delivery models, developing an appropriate investment proposal based on a robust business case and risk analysis exercise for each option which would then be subject to further cabinet authorisation;
- identify and evaluate any remaining unresolved issues contained in the consultant's report including a more detailed financial appraisal exercise, a cost modelling review and soft market testing;
- consult with the leaseholder for the Kings Square Shopping Centre to identify any related property issues that may impact upon the redevelopment proposals.

Approval was now sought to consult with market traders, the public, town centre stakeholders and industry experts to further develop a comprehensive and detailed business case for the redevelopment of the indoor market.

The Cabinet – 26th June 2019

In response to questions raised by the Vice Chair of the Economy, Skills, Transport and Environment Scrutiny Board, the Cabinet Member for Inclusive Economic Growth reported that:-

- initial feasibility studies had already been undertaken to examine the potential redevelopment options for the indoor market but a detailed business case would give more specific indicative development timescales for each option. This level of detail had not yet been developed and authorisation to produce a more detailed business case to support any future decisions was part of the recommendation. The Cabinet report to be produced following this detailed option analysis would contain a more definitive timeline and project delivery plan to inform any further decisions;
- the date for possible demolition/a new building was not yet available and would be determined following the development of a detailed business case and subsequent project delivery plan;
- if authorisation was given to proceed with the redevelopment proposals, following the development of a satisfactory business case and the securing of funding, a detailed transport plan and parking strategy would be developed to ensure shoppers parking facilities and access by public transport was adequate to ensure the success and sustainability of a redeveloped market.

Resolved that the Director – Regeneration and Growth, in consultation with the Executive Director – Resources, consult with market traders, the public, town centre stakeholders and industry experts to further develop a comprehensive and detailed business case for the redevelopment of the indoor market and to determine its feasibility and bring a preferred option proposal back to Cabinet for a final investment decision by June 2020.

72/19

Award of Contract for the Provision of Fuel Cards

Approval was sought to use Crown Commercial Framework (CCS) RM6000 to appoint Allstar Business Solutions Ltd for the provision of Fuel Cards.

The Cabinet – 26th June 2019

The Council had a requirement to use fuel cards to purchase road fuels from petrol station forecourts for vehicles and plant used primarily by Bereavement Services, Estate Services, Grounds Maintenance, Highways and Trading Standards.

These cards would also be used to obtain diesel in the event of any supply issues being encountered with the Council's bunker facility at Taylors Lane Depot so they were seen as an important safeguard for maintaining operational capability of the Council's vehicle fleet.

Following analysis of the CCS Framework RM6000, it was identified that using specialist branded fuel cards provided by companies other than Allstar would restrict card users to using branded petrol stations only leading to increased fuel costs and travelling time.

The Council was currently using cards issued by Allstar so there would be no requirement to issue new cards from alternative providers. Whilst service areas had been instructed to use supermarket petrol stations situated within the Borough wherever possible, the use of Allstar cards would also provide flexibility to use a wider range of petrol stations, if and when travel outside of the Borough was required.

Resolved:-

- (1) that the use of Crown Commercial Framework RM6000 to appoint Allstar Business Solutions as the Council's Fuel Card provider be approved until 22nd March 2021 with the option to extend until 22nd March 2022 if Crown Commercial take up their available twelve-month extension option;
- (2) that the Director – Law and Governance and Monitoring Officer execute any documents necessary to give effect to Resolution (1) above.

73/19

Apprenticeship Levy

It was reported that on 22nd February 2017, Cabinet approved the reforms to apprenticeships and the impacts for the Council and local authority maintained schools arising from the introduction of the Apprenticeship Levy (see Minute No. 47/17).

The Cabinet – 26th June 2019

Since the inception of the Apprenticeship Levy in May 2017, the Council had started 291 apprentices across all Directorates and local authority maintained schools.

The apprentices ranged across all ages, from 16 years to 62 years, including 88 existing staff and 203 new starters. The apprenticeship levy was being used to increase the skills of our existing workforce and new entrants to the organisation. The programme was on target to over-achieve the 2.3% public sector target for apprenticeship starts. However, despite achieving this target, the funds for the apprenticeship levy were underspent.

Plans were in place to expand the apprenticeship programme across the organisation to maximise the use of the funds. These included upskilling the existing workforce by meeting individual learning needs and fulfilling Qualification Sponsorship requests with apprenticeships where available and introducing career pathways to aid succession planning across the organisation. However, there remained a risk that some funds would remain unspent.

Funds were managed within the Digital Apprenticeship Service account and expired within 24 months of entering the account. Any unspent funds would be returned to government.

Changes had been made to the apprenticeship levy which allowed organisations to transfer up to 25% of their allocation to businesses who were non-levy payers or those businesses who had used all of their levy fund for apprenticeship delivery. The funds would still be managed within the digital apprenticeship service account and take the form of vouchers. Local businesses who would receive funds would need to set up a digital account and would be accountable for the responsibility of the learner and procurement of the training provider.

Approval was now sought to allow up to 25% of funds to be transferred to local businesses. The value which could be transferred was based on the previous full financial year's contribution.

The Cabinet – 26th June 2019

It was also proposed to administer this process through the Think Sandwell Employment team which currently administered the Sandwell Guarantee scheme using an Expression of Interest and Funding agreement. This process could be adopted for the transfer of funds as it provided assurance of the quality of the vacancy and allowed the team to support the recruitment process.

Funds transferred would be used for Sandwell residents and/or Sandwell businesses, including voluntary organisations to upskill residents and provide support to businesses to reduce skills gaps, supporting the growth of the local economy.

The West Midlands Combined Authority (WMCA) were currently requesting unspent levy funds from levy contributing employers. In the event of exhausting options to transfer funds to local businesses and to prevent expiration of funds, approval was sought to transfer funds to the WMCA. Transferred funds could not be guaranteed to be spent in Sandwell, however this would support the regional economy with potential to create more opportunities for Sandwell residents.

The Leader undertook to recommend that the Cabinet Member for Skills and Employment raise awareness of the levy within the voluntary sector.

Resolved:-

- (1) that the progress to date since the introduction of the apprenticeship levy in May 2017 be noted;
- (2) that the existing scheme be amended so as to enable the Director - Education, Skills and Employment, in consultation with the Executive Director of Resources, to transfer up to 25% of apprenticeship levy funds to local businesses, including voluntary sector organisations, in support of Vision 2030 and the delivery of the Council's Inclusive Growth strategy;
- (3) that the Director - Education, Skills and Employment, in consultation with the Executive Director – Resources, transfer any apprenticeship levy funds that remain unspent to the West Midlands Combined Authority.

74/19

Approval to retender Direct Payment Support Services Contracts

Approval was sought to commence re-procurement of the current contract for Direct Payment Support Services covering Payroll, Managed Accounts and Employment Support for people in receipt of Direct Payments in relation to their Adult Social Care and Support.

A quotation exercise would be undertaken for a new contract to cover Employer Liability Insurance. This would also include ongoing information and advice to employers of Personal Assistants.

Both contracts would be for a period of three years with an option to extend for two periods of one year.

Direct Payments provided independence of choice and control by enabling people to commission their own care and support and the Council was committed to promoting their use, in line with the national Personalisation agenda.

As of 1st February 2019, there were 752 adults receiving a Direct Payment which represented 25% of community services commissioned (including carers). About 400 Direct Payments recipients employed a Personal Assistant. Some of these were parents acting for their children and in these cases Adult Social Care recharged Children's Trust for this support.

An analysis of data on current trends since the start of the contract had shown that demand was likely to increase. An analysis of the take up had resulted in an estimated forecast by the end of the current contract, if current trends continued, of approximately 550 managed accounts, 200 payroll service users, with 150 also using employer support.

It was proposed to authorise the Executive Director - Adult Social Care, Health and Wellbeing to award the contracts to the successful bidders and, because Direct Payment Support services were of a specialist nature and there was a limited market of providers at local and national level, if fewer than three bids were received an exemption to the Council's Procurement and Contract Procedure Rules 2018-2019 would be sought to enable the contracts to be awarded to the successful bidders.

The Cabinet – 26th June 2019

Resolved:-

- (1) that the re-procurement exercise via competitive tender for Direct Payment Support Services be approved with a contract period of three years, with an option to extend for two further periods of one year and to approve the procurement via a quotation exercise for Employer Liability Insurance with the same contract period;
- (2) that the Executive Director - Adult Social Care, Health and Wellbeing award the contract as referred to in Resolution (1) above and where required, under the Council's Procurement and Contracts Procedure Rules, for signature of contracts by the Director - Law and Governance and Monitoring Officer;
- (3) that in connection with Resolution (1) above, any necessary exemption be made to the Council's Procurement and Contract Procedure Rules to enable contracts to be awarded to the successful bidders.

75/19

Lease of Land off Sandy Lane, Wednesbury

Consideration was given to the current contractual position with Network Rail Limited (NRL) concerning a lease of Council land off Sandy Lane, Wednesbury. The lease was agreed in response to a proposed NRL scheme for a Concrete Sleeper Factory that sought access off Sandy Lane using the land owned by the Council (the Proposed Development).

The lease allowed NRL to progress its preferred Proposed Development at that time.

Since the lease was entered into, the design of the Proposed Development had evolved and NRL was now also seeking additional land in Council ownership, which Network Rail believed would deliver a more desirable access route into the Proposed Development site should it go forward.

The Cabinet – 26th June 2019

The lease was entered into by NRL specifically to facilitate alternative access for the Proposed Development in preparation of a planning application. The lease also set out the terms for a potential transfer of the Council land originally included within the lease.

The land falling within the lease may no longer be sufficient to accommodate the revised access now sought by Network Rail for the Proposed Development. In order to facilitate the revised access as part of the Proposed Development, Network Rail were seeking additional Council owned land that did not fall within the lease.

Approval was now sought to exercise the break clause contained within the existing lease to end the current contractual relationship as this agreement could no longer be considered fit for purpose and to continue a commercial negotiation in respect of the full extent of the land for the preferred access to the Proposed Development, to ensure that any access met the Council's requirements.

In response to questions raised by the Vice Chair of the Economy, Skills, Transport and Environment Scrutiny Board, the Cabinet Member for Inclusive Economic Growth reported that:-

- councillors and officers were aware of the residents' objections to Network Rail proposals. The Council would continue to support any queries without prejudice to any future application that may be made;
- all Council land disposals were subject to compliance with statutory obligations and the Council's financial regulations. Given the awareness of sensitivities, the Council had committed that any future recommendation to dispose of the land would be reported to Cabinet.

Resolved:-

- (1) that the Director - Regeneration and Growth exercise the break clause within the existing lease between Sandwell Council and Network Rail Limited in respect of the land at Sandy Lane, Friar Park, Wednesbury detailed within the lease;

The Cabinet – 26th June 2019

- (2) that the Director - Regeneration and Growth enter into discussions/negotiations with Network Rail regarding Council owned land at Sandy Lane, Friar Park, Wednesbury (including the land as detailed within the abovementioned lease) concerning proposed access for the proposed/planned Network Rail 'Concrete Sleeper Factory'.

76/19

Relocation of Prevention Stores

Approval was sought to lease Unit 1 Spon Lane, Smethwick for the relocation of Adult Social Care, Health & Wellbeing's Sandwell Prevention Store (formally known as Joint Equipment Store), currently located at 22 Crystal Drive, Smethwick.

Sandwell Prevention Stores provided a wide range of equipment, aids and technology to citizens of Sandwell to enable them to live independently in the community. The service helped people lead fuller and more independent lives. This was a critical 7-day service which was funded through the Better Care Fund and commissioned jointly by the Clinical Commissioning Group and Sandwell Council.

The service formed a key part of the 'Hospital 2 Home Team' and played a vital role in ensuring people could be discharged from hospital as soon as they were medically fit for discharge. The 'Hospital 2 Home Team' ensured that any Delayed Transfers of Care (DTOCs) were minimised and Sandwell was currently the best performer in the West Midlands and consistently in the top 10 in England in reducing DTOCs.

Prevention Stores currently leased an industrial building, Unit 22 Crystal Drive, Smethwick. The lease expired in October 2019. Alternative larger premises at Unit 1 Spon Lane had been identified which better met the current and future service needs. Both units were owned by the same landlord.

By allowing the service to move to larger premises, the service would be able to continue to meet its obligations for preventative equipment that enables continued independent living, reducing DTOCs, helping reduce avoidable hospital admissions and facilitate equipment for terminally ill and end of life palliative patients who wish to die in their own homes.

The Cabinet – 26th June 2019

Relocating to Spon Lane would also further emphasise Sandwell's commitment to integration within Health and Social Care and continue to lead and be an exemplar to other Local Authorities in England.

Resolved that the Director – Law and Governance and Monitoring Officer enter into a lease of Unit 1, Spon Lane Industrial Estate, Spring Road, Smethwick, B66 1PE and associated ancillary deeds or agreements relating to the termination of the lease of Unit 22 Crystal Drive on terms agreed by the Director - Regeneration and Growth in consultation with the Executive Director - Adult Social Care, Health and Wellbeing to enable the relocation of Sandwell Prevention Stores to the new premises which will meet the current and future needs of the service.

77/19

Award of Mobile Telephony, Voice and Data Contract

In accordance with the Council's Procurement and Contract Procedure Rules, approval was sought to award a contract to Vodafone Limited, using The Crown Commercial Services Framework - Network Services Agreement (RM1045), for the provision of the Council's mobile phones, voice and mobile data services for a three year period commencing 1st July 2019 to 30th June 2022.

The total cost of the three-year contract was estimated at £435,000. This cost was based on current usage and would be paid monthly over the three-year period with each payment being £12,000.

Resolved:-

- (1) that the Executive Director – Resources award a three-year contract to Vodafone Limited for the provision of the Council's mobile telephony, voice and data using the Crown Commercial Services Framework - Network Services Agreement (RM1045), for the period 1st July 2019 to 30th June 2022 at an estimated value of £435,000 (£145,000 per annum);

The Cabinet – 26th June 2019

- (2) that in connection with Resolution (1) above, the Director - Law and Governance and Monitoring Officer enter into, or execute under seal, any documentation in relation to the award of the framework contracts and/or other agreements with Vodafone Limited, as may be deemed necessary.

78/19

Void Repairs and Post Tenancy Repairs to Housing

Approval was sought to award the contract to undertake void repairs and post tenancy repairs to housing for a contract period of three years, from 1st August 2019 to 31st July 2022.

In accordance with the Council's Procurement and Contract Procedure Rules, contractors with the winning submissions were Axis Europe plc, Bryant Electrical (Midlands) Limited, Novus Property Solutions Limited, Woodland Property Services Limited, Vinci Construction UK Limited, Wates Living Space (Maintenance) Limited and Tyrer Building Contractors Limited.

The tender had been divided into the following lots by area:

- Lot 1 West Bromwich
- Lot 2 Tipton
- Lot 3 Wednesbury
- Lot 4 Rowley Regis
- Lot 5 Oldbury
- Lot 6 Smethwick

The anticipated value of the contract was £15 million (£5,000,000 per annum) for a period of three years.

The Cabinet – 26th June 2019

Resolved:-

- (1) that the Director – Housing and Communities award the contract to undertake Void Repairs and Post Tenancy Repairs to Housing to Axis Europe plc, Bryant Electrical (Midlands) Limited, Novus Property Solutions Limited, Woodland Property Services Limited, Vinci Construction UK Limited, Wates Living Space (Maintenance) Limited and Tyrer Building Contractors Limited for a contract period of three years, from 1st August 2019 to 31st July 2022 as follows:-

Axis Europe plc would be appointed to Lot 1 West Bromwich;

Bryant Electrical would be appointed to Lot 2 Tipton;

Novus Property Solutions would be appointed to Lot 3 Wednesbury;

Woodland Property Services Limited would be appointed to Lot 4 Rowley;

Vinci Construction would be appointed to Lot 5 Oldbury;

Wates Living Space would be appointed to Lot 6 Smethwick;

Tyrer Building Contractors Limited would be appointed as the secondary contractor in Lot 1 West Bromwich;

- (2) that in connection with Resolution (1) above, the Director – Law and Governance and Monitoring Officer enter into an appropriate contract with Axis Europe plc, Bryant Electrical (Midlands) Limited, Novus Property Solutions Limited, Woodland Property Services Limited, Vinci Construction UK Limited, Wates Living Space (Maintenance) Limited and Tyrer Building Contractors Limited.

The Cabinet – 26th June 2019

79/19

Procurement: Urban Design & Building Services Consultants Framework – 2019-23

Approval was sought to appoint specialist consultants to a four year consultant's framework for the following services required by Urban Design & Building Services to support the delivery of Council construction projects:-

Lot 1 Mechanical & electrical clerk of works services,
Lot 2 Lift clerk of works services,
Lot 3 Building clerk of works services,
Lot 4 Geotechnical engineering services,
Lot 5 CDM & principal designer services,
Lot 6 Geotechnical engineering services, and
Lot 7 Topographical and utility site surveys.

The framework was programmed to commence on 1st August 2019 and for a period of four years.

The award of the proposed consultant's framework would result in the following benefits:

- saving cost and time to tender individual projects and to appoint a suitable consultant for the works;
- the ability to react quickly in cases of urgent works;
- the generation of a close working relationship with specialist contractors on complex projects with critical health and safety issues.

Resolved:-

- (1) that the Director – Regeneration and Growth, in consultation with the Executive Director – Resources (Section 151 Officer), appoint to the relevant lots the respective consultants listed below to the Urban Design and Building Services framework to undertake the consultancy works to lots 1-7;

Consultant

Lot 1 M&H Survey Services Ltd
Acivico (D, C & FM) Ltd
Rider Levett Bucknall

The Cabinet – 26th June 2019

Consultant

Lot 2	None appointed
Lot 3	M&H Survey Services Ltd Acivico (D, C & FM) Ltd Rider Levett Bucknall
Lot 4	Fairhurst Curtins Ltd Nicholls Colton Group
Lot 5	Keelagher Okey Associates Ltd MA Cost Consulting Ltd Acivico (D, C & FM) Ltd
Lot 6	TEP Acorn Environmental Management Group LUC
Lot 7	None appointed

- (2) that in connection with Resolution (1) above) the Director - Law and Governance and Monitoring Officer enter into or execute under seal any documentation in relation to award of the framework contracts and/or other agreements for lots 1 to 7, as may be deemed necessary.

80/19

Continued Sandwell Membership of the Midland Alliance - Professional Services Partnership Framework 3

Approval was sought to continue with Sandwell membership of the Midland Highways Alliance Professional Services Partnership Framework (PSP3) let by Leicestershire County Council.

In June 2015, the Midland Highway Alliance (MHA) launched the Professional Services Partnership 2 (PSP2). This followed the successful PSP 1. The contract end date for PSP 2 was 28th April 2019.

The Cabinet – 26th June 2019

This second generation of the framework was used by fourteen MHA members, including Sandwell, and was based on the New Engineering and Profession Services Contracts.

The scope of the framework enabled procurement of professional services to deliver a range of highway services including highway improvements, maintenance, road safety schemes either directly or through secondments. Several other specialist services such as landscape architecture, structural engineering, building services, drainage and environmental engineering were also commissioned through this framework. The commissioning of seconded professionals was particularly useful in supplementing Council expertise through cyclical and project based peaks in workload.

The purpose of the Professional Services Partnership Framework (PSP3) was to ensure members had efficient access to consultancy services. The PSP3 framework had a membership of more than twenty authorities and consequently offered good value for money through economies of scale.

Membership of the Midland Highway Alliance would provide the opportunity to share best practice, improve our performance and make efficiency savings by working collaboratively together with other members.

Resolved that Sandwell MBC continue with the membership of the Midland Highways Alliance Professional Services Partnership Framework let by Leicestershire County Council.

81/19

Proposal to Introduce Selective and Additional Licensing

Approval was sought to undertake consultation on the introduction of selective and additional licensing, the proposed licensing conditions and associated fee levels. Consideration was also given to the evidence base for the introduction of selective and additional licensing.

The Cabinet – 26th June 2019

The private rented sector played an important part in providing accommodation in the borough. The sector in Sandwell had grown from 5% in 2001, to 15% in 2011 and through to an estimated 26% (34,386) of accommodation in the borough. There were numerous high quality landlords and letting agents providing a range of property types throughout the borough to meet a broad range of housing needs.

The borough had faced a major increase in private rented accommodation in some areas and it was recognised that there were landlords and agents who either did not provide adequate accommodation or management of their properties. This poor management of properties had a significant impact on people's lives and on Council and partner resources in tackling issues such as anti-social behaviour, fly tipping of domestic waste, concerns about property condition and harassment and illegal eviction. The Council had implemented a range of powers and approaches to seek to address many of these issues but the on-going pressures were such that a new approach was considered necessary.

In consideration of the implementation of selective/additional licensing, census output areas across Sandwell with the highest percentage of private rented sector properties were identified. Census output areas were designed specifically for statistical purposes. They were based on data from the 2001 Census and were built from postcode units. In Sandwell, there were 925 Census Output Areas. Each area has an average of 130 households.

These areas were then overlaid with the following information:

- reports of anti-social behaviour;
- levels of deprivation;
- concentration of properties with potential Category 1 Hazards;
- concentration of Houses in Multiple Occupation.

This information suggested that the area of West Bromwich would best meet all of the criteria for the introduction of selective/additional licensing and would also see significant benefits from its implementation.

The proposed consultation on the introduction of selective and additional licensing would support the Council in developing a more proactive approach to deal with these issues.

The Cabinet – 26th June 2019

Resolved:-

- (1) that a public consultation exercise be undertaken on the introduction of selective and additional licensing for private rented accommodation;
- (2) that in connection with Resolution (1) above, the consultation to include proposed selective and additional licensing conditions for private sector accommodation (Appendix 1) and associated fee levels (Appendix 2) be approved;
- (3) that a further report be submitted to Cabinet on the outcome of the consultation referred to in Resolution (1) and (2) above.

(Meeting ended at 4.18pm)

This meeting was webcast live and is available to view on the Council's website (<http://sandwell.public-i.tv/core/portal/home>).

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

Selective Licensing – Scheme Conditions

A licence may include such conditions as a local housing authority consider appropriate for regulating the management, use or occupation of the house concerned as outlined under Section 90 and Schedule 4 of the Housing Act 2004.

The licence holder must ensure that the premises fully comply with each of the conditions in sections 1 to 32 below.

Failure to comply with any condition may result in legal proceedings and revocation of the licence.

In these conditions, “house” is meant to refer to the building or part of a building, which is licensed under Part 3 of the Housing Act 2004.

“Authority” is meant to refer to the local housing authority, namely Sandwell Metropolitan Borough Council.

“Licence holder” includes any agent or representative acting on behalf of the licence holder.

Housing Act 2004 Prescribed Mandatory Conditions

1. If gas is supplied to the house, the licence holder must produce to the authority at the time of application and thereafter annually for their inspection, a gas safety certificate carried out on the gas supply and all gas appliances, by a Gas Safe Registered gas installer. To ensure that all recommendations outlined on the Landlord Gas Safety Record are complied with

2. The licence holder must keep electrical appliances and furniture made available by him/her in the house in a safe condition: and must supply the authority, on demand, with a declaration by him/her as to the safety of such appliances and furniture.

3. The licence holder must ensure that smoke alarms conforming to BS EN 14604 are installed in the property and are kept in proper working order.

One smoke alarm covering the hallway or landing at each level of the accommodation is required as a minimum.

The licence holder must supply the authority on demand, a declaration as to the condition and positioning of the smoke alarms (includes existing smoke alarms).

4. The licence holder is to ensure that a carbon monoxide alarm is installed in any room in the property which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance, and

to keep any such alarm in proper working order – the alarms must be checked on the day the tenancy begins if it is a new tenancy.

The licence holder must supply the authority, on demand, with a declaration by him/her as to the condition and positioning of any such alarms.

Note – Solid fuel includes coal, wood, etc. A non-functioning, purely decorative fireplace would not constitute a solid fuel burning combustion appliance.

5. The licence holder must provide each occupier of the house with a written statement of the conditions of the terms on which they occupy the house. The licence holder shall provide a copy of the said terms to the authority on demand.

6. The licence holder must obtain references from all persons who wish to occupy the house. The licence holder shall provide a copy of the said references to the authority on demand.

Management of Licenced House

7. The licence holder must provide the occupiers of the house and the occupiers of any adjoining properties, with details of the following:

- Name of the licence holder or managing agent;
- A contact address and daytime telephone number;
- An emergency contact telephone number.

This information must be supplied within 28 days. An emergency contact telephone number for the licence holder shall also be available and notified to the authority.

8. The licence holder will provide, to any authorised officer of the authority, access into the licensed house as when required to do so, upon receipt of the required notice period.

9. The licence holder shall ensure that occupants of the house receive written confirmation detailing arrangements in place to deal with complaints, repair issues and emergencies should they arise.

10. The licence holder will provide each occupant of the house with copies of user manuals for any installations or equipment provided as part of the agreement for the occupation of the house.

11. The licence holder will arrange to undertake a detailed inventory to be agreed with the occupiers upon commencement of their occupation of the house and kept on file by the licence holder at their business address.

12. The licence holder will not discriminate against prospective occupiers of the house on the grounds of race, disability, gender, religion or sexual orientation.

13. The licence holder must ensure that all information and documents that are provided to their tenants are in a language/form that they can understand.

14. The Licence holder must carry out “Right to rent” checks in accordance with Home Office requirements prior to agreeing to a tenancy (Further information can be obtained from www.gov.uk)

15. The licence holder must act lawfully and reasonably in requiring any advanced payments from occupiers, in handling rents, in returning deposits and in making deductions from deposits. The licence holder will provide any occupiers/prospective occupier with the following information as highlighted in section 5:

- The amount of rent payable;
- The details of any deposit required. If a deposit is taken, to register said deposit, taken on, or after, 6th April 2007 with either scheme outlined by the Government under 2004 Housing Act, informing the tenant of which scheme is being used.
- Details of what the deposit covers and arrangements for return;
- The frequency of payments;
- The details of any utilities or other charges included in the rent;
- The responsibility for payment of Council Tax;
- The responsibility for payment of utilities and arranging provision of such;
- To supply the tenant with a receipt on payment of rent.;
- Notice periods for ending the tenancy;
- A copy of the current version of the publication “How to rent” guide (downloadable from www.gov.uk);
- Details of arrangements for the storage and disposal of household waste including details of presenting of refuse for disposal: (see www.sandwell.gov.uk for collection days);
- Tenants responsibilities in regard of their use and occupation of the licensed premises;

The licence holder must ensure that any tenancy agreement granted after the issue of this licence includes the following clause within the tenant’s obligations.

Nuisance and Anti-Social Behaviour: Not to cause, or allow household members or visitors to engage in anti-social behaviour which means any conduct causing or capable of causing a nuisance or annoyance to the landlord, other occupiers, neighbours within the locality. (Examples of anti-social behaviour include failure to control dogs or children, untidy gardens, not properly disposing of rubbish, inconsiderate use of the property, as well as

more serious problems such as noise, violent and criminal behaviour, domestic abuse, the supply and use of controlled drugs, and intimidation harassment or victimisation on the grounds of a person's race, sex (gender), sexual orientation, disability, age, religion or belief, socio-economic status).

16. The licence holder must take reasonable and practicable steps following advice or recommendations from the authority to prevent or reduce anti-social behaviour by persons visiting or occupying the house.

17. The license holder and his representatives must ensure that the tenant's right to quiet enjoyment is respected. Where entry is required to the property for the purpose of undertaking landlord duties and responsibilities, the license holder will ensure that the tenant receives at least 24 hours written notice of intention to enter the property specifying the reason entry is required. Should entry be refused the license holder may seek a court order to gain entry. Only in emergency situations such as flood, fire or potential threat to life should these requirements be waived.

18. The house must be inspected at least once within a twelve-month period to ensure it is free from any disrepair and/or issues relating to the tenancy.

19. The records of any inspection must be kept for the duration of the license and supplied to the authority on demand

Conditions relating to the House

20. The licence holder must supply to the authority at the time of application and thereafter on demand, where applicable, a current Energy Performance Certificate (EPC).

The house must comply with the minimum level of energy efficiency for privately rented property required under The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015. Landlords of privately rented property in England or Wales must ensure that their properties reach at least an Energy Performance Certificate (EPC) rating of E before granting a new tenancy to new or existing tenants. From 1 April 2020, these requirements will then apply to all private rented properties, all subject to any exemptions from these regulations.

21. The licence holder must supply a current (less than 5 years old) Domestic Electrical Installation Periodic Report of the whole of the electrical installation to the authority at the time of application and thereafter on demand. The inspection must be carried out by a suitably qualified electrical contractor who must be registered/member of an approved body such as NICEIC, NAPIT, etc. or registered to undertake electrical works in accordance with Part P of the Building Regulations. Any recommendations for urgent attention and improvement (Codes 1 and 2) must be rectified within 28 days of the report. On the expiry of a report, a new report must be obtained and supplied to the authority within 28 days of the previous report's expiry date.

22. If the house is provided on a furnished basis and includes electrical appliances, the licence holder must produce to the authority at the time of application and thereafter on demand a portable appliance test (PAT) certificate.

23. The licence holder must ensure all furniture provided within the house complies with the Furnishings (Fire)(Safety) Regulations 1988 as amended. To provide to the authority at the time of application and thereafter on demand, a declaration as to the safety of such furniture. All furniture which does not comply with these regulations provided by the licence holder must be removed from the premises.

24. The licence holder must ensure: -

- the provision of adequate kitchen facilities for the safe storage and preparation of food within the house such as lighting, ventilation, sink/drain, worktops (including splashbacks), cupboards, draws and readily cleansable surfaces;
- the provision of adequate bathroom facilities and equipment within the house such as lighting, ventilation, toilets, baths, showers, wash hand basins and any cupboards, shelving or fittings.

25. The license holder must ensure all repairs to the house and any installations, facilities or equipment are carried out within a reasonable time, to a reasonable standard by competent and reputable persons.

26. Where any works or alterations are to be carried out to the house, the licence holder must ensure the appropriate consents from Planning / Building Control at Sandwell Metropolitan Borough Council are obtained prior to works commencing.

Environmental management/amenity of the neighbourhood

27. The licence holder shall ensure that the exterior of the house is maintained in a reasonable decorative order and in reasonable repair.

28. The licence holder must ensure that prior to the commencement of any tenancy and between tenancies all outbuildings, yards, forecourts and gardens surrounding the house are maintained, in repair and kept in a clean, tidy and safe condition and free from infestations.

29. The licence holder shall take reasonable steps to ensure the house is free from any pest infestation at the start of the tenancy and where necessary a treatment programme carried out to eradicate the pest infestation. Records shall be kept of such treatment programs and these must be provided to the authority on demand

30. The licence holder shall ensure that suitable and adequate provision for refuse storage and collection is made at the house and that the authorities arrangements for refuse collection including recycling are adhered to. This shall include the provision of closable bins of suitable capacity as specified by the authority. Arrangements shall be made immediately for the proper collection and disposal of any rubbish additional to that within the bins and such rubbish shall be stored within the curtilage of the house at the rear if feasible. The licence holder shall ensure so far as is reasonably practicable that the occupiers make arrangements for the collection of waste in accordance with these provisions and when the property is unoccupied, or the occupiers fails to do so the licence holder adhere to these provisions themselves. The licence holder shall ensure that all refuse containers are

returned within the curtilage of the house on the same day that they are emptied by the authority.

General

31. The licence holder must inform the licensing team of the authority within ten working days of any changes in their circumstances as follows:

(a) Details of any unspent convictions not previously disclosed to the authority that may be relevant to the licence holder and their fit and proper person status and in particular any such conviction in respect of any offence involving fraud or dishonesty, or violence or drugs or any offence listed in Schedule 3 to the Sexual Offences Act 2003;

(b) Details of any finding by a court or tribunal against the licence holder and /or the manager that he/she has practiced unlawful discrimination on grounds of sex, colour, race, ethnic or national origin or disability in, or in connection with, the carrying on of any business;

(c) Details of any contravention on the part of the licence holder of any provision of any enactment relating to housing, public health, environmental health or landlord and tenant law which led to civil or criminal proceedings resulting in a judgment or finding being made against him/her;

(d) Information about any property the licence holder owns or manages or has owned or managed which has been the subject of:

- i. A control order under section 379 of the Housing Act 1985 in the five years preceding the date of the application; or
- ii. Any appropriate enforcement action described in section 5(2) of the Act;

(e) Information about any property the licence holder owns or manages or has owned or managed for which a local housing authority has refused to grant a licence under Part 2 or 3 of the Act, or has revoked a licence in consequence of the licence holder breaching the conditions of his/her licence;

(f) Information about any property the licence holder owns or manages or has owned or managed that has been the subject of an interim or final management order under the Housing Act 2004;

(g) Advertising of the house for sale;

(h) Change in managing agent or the instruction of a managing agent;

(i) Change of address of licence holder or landlord

(j) The undertaking of any substantial works to the house including conversions and modernisations.

32. All staff are required to undertake appropriate training courses to enable them to carry out their duties and to provide the authority, on demand, a record of such training.

House in Multiple Occupation – Mandatory & Additional Licensing Scheme Conditions

A licence may include such conditions as a local housing authority consider appropriate for regulating the management, use or occupation of the house in multiple occupation concerned as outlined under Section 67 and Schedule 4 of the Housing Act 2004.

The licence holder must ensure that the premises fully comply with each of the conditions in sections 1 to 40 below.

Failure to comply with any condition may result in legal proceedings and revocation of the licence.

In these conditions, “HMO” is meant to refer to the building or part of a building, which is licensed under Part 2 of the Housing Act 2004 as defined by section 77 of the Housing Act 2004.

“Authority” is meant to refer to the local housing authority, namely Sandwell Metropolitan Borough Council.

“Licence holder” includes any agent or representative acting on behalf of the licence holder.

Housing Act 2004 Prescribed Mandatory Conditions

1. If gas is supplied to the HMO, the licence holder must produce to the authority at the time of application and thereafter annually for their inspection, a gas safety certificate carried out on the gas supply and all gas appliances, by a Gas Safe Registered gas installer. To ensure that all recommendations outlined on the Landlord Gas Safety Record are complied with.

2. The licence holder must keep electrical appliances and furniture made available by him in the HMO in a safe condition: and must supply the authority, on demand, with a declaration by him/her as to the safety of such appliances and furniture.

3. The licence holder must ensure that smoke alarms conforming to BS EN 14604 are installed in the HMO and are kept in proper working order.

One smoke alarm covering the hallway or landing at each level of the accommodation is required as a minimum.

The licence holder must supply the authority on demand, a declaration as to the condition and positioning of the smoke alarms (includes existing smoke alarms).

4. The licence holder is to ensure that a carbon monoxide alarm is installed in any room in the HMO which is used wholly or partly as living accommodation

and contains a solid fuel burning combustion appliance, and to keep any such alarm in proper working order – the alarms must be checked on the day the tenancy begins if it is a new tenancy.

The licence holder must supply the authority, on demand, with a declaration by him/her as to the condition and positioning of any such alarms.

Note – Solid fuel includes coal, wood, etc. A non-functioning, purely decorative fireplace would not constitute a solid fuel burning combustion appliance.

5. The licence holder must provide each occupier of the HMO with a written statement of the conditions of the terms on which they occupy the house. The licence holder shall provide a copy of the said terms to the authority on demand.

6. The licence holder must ensure:

(a) that the floor area of any room in the HMO used as sleeping accommodation by one person aged over 10 years is not less than 6.51 squares metres;

(b) that the floor area of any room in the HMO used as sleeping accommodation by two persons aged over 10 years is not less than 10.22 squares metres;

(c) that the floor area of any room in the HMO used as sleeping accommodation by one person aged under 10 years is not less than 4.64 squares metres;

(d) that any room in the HMO with a floor area of less than 4.64 square metres is not used as sleeping accommodation.

7. The licence holder must ensure that any room in the HMO used for sleeping accommodation as specified in section 6 is not used as such by more than the maximum number of persons specified in the licence.

8. The license holder must notify the authority of any room in the HMO with a floor area of less than 4.64 square metres.

9. The licence holder shall comply with the authority's scheme which relates to the storage and disposal of household waste at the HMO pending collection as per section 37.

Management of Licenced HMO

10. The licence holder must provide the occupiers of the HMO and the occupiers of any adjoining properties, with details of the following:

- Name of the licence holder or managing agent;
- A contact address and daytime telephone number;
- An emergency contact telephone number.

This information must be supplied within 28 days and clearly displayed in a prominent position within the HMO. An emergency contact telephone number for the licence holder shall also be available and notified to the authority.

11. The Licence holder must inform the authority of any changes in circumstances relating to ownership, usage, layout or increase in the number of occupants which will result in exceeding the number of permitted occupants for the licensed HMO.

12. The licence holder will provide, to any authorised officer of the authority, access into the licensed HMO as when required to do so, upon receipt of the required notice period.

13. The licence holder must obtain references from all persons who wish to occupy the HMO. The licence holder shall provide a copy of the said references to the authority on demand.

14. The licence holder shall ensure that occupants of the HMO receive written confirmation detailing arrangements in place to deal with complaints, repair issues and emergencies should they arise.

15. The licence holder will provide each occupant of the HMO with copies of user manuals for any installations or equipment provided as part of the agreement for the occupation of the HMO.

16. The licence holder will arrange to undertake a detailed inventory to be agreed with the occupiers upon commencement of their occupation of the HMO and kept on file by the licence holder at their business address.

17. The licence holder will not discriminate against prospective occupiers of the HMO on the grounds of race, disability, gender, religion or sexual orientation.

18. The licence holder must ensure that all information and documents that are provided to their tenants are in a language/form that they can understand.

18. The Licence holder must carry out "Right to rent" checks in accordance with Home Office requirements prior to agreeing to a tenancy (Further information can be obtained from www.gov.uk)

20. The licence holder must act lawfully and reasonably in requiring any advanced payments from occupiers, in handling rents, in returning deposits and in making deductions from deposits. The licence holder will provide any occupiers/prospective occupier with the following information as highlighted in section 5:

- The amount of rent payable;
- The details of any deposit required. If a deposit is taken, to register said deposit, taken on, or after, 6th April 2007 with either scheme outlined by the Government under 2004 Housing Act, informing the tenant of which scheme is being used.
- Details of what the deposit covers and arrangements for return;

- The frequency of payments;
- The details of any utilities or other charges included in the rent;
- The responsibility for payment of Council Tax;
- The responsibility for payment of utilities and arranging provision of such;
- To supply the tenant with a receipt on payment of rent.;
- Notice periods for ending the tenancy;
- A copy of the current version of the publication “How to rent” guide (downloadable from www.gov.uk);
- Details of arrangements for the storage and disposal of household waste including details of presenting of refuse for disposal: (see www.sandwell.gov.uk for collection days);
- Tenants responsibilities in regard of their use and occupation of the licensed HMO;

The licence holder must ensure that any tenancy agreement granted after the issue of this licence includes the following clause within the tenant’s obligations.

Nuisance and Anti-Social Behaviour: Not to cause, or allow household members or visitors to engage in anti-social behaviour which means any conduct causing or capable of causing a nuisance or annoyance to the landlord, other occupiers, neighbours within the locality. (Examples of anti-social behaviour include failure to control dogs or children, untidy gardens, not properly disposing of rubbish, inconsiderate use of the property, as well as more serious problems such as noise, violent and criminal behaviour, domestic abuse, the supply and use of controlled drugs, and intimidation harassment or victimisation on the grounds of a person’s race, sex (gender), sexual orientation, disability, age, religion or belief, socio-economic status).

21. The licence holder must take reasonable and practicable steps following advice or recommendations from the authority to prevent or reduce anti-social behaviour by persons visiting or occupying the HMO.

Conditions relating to the HMO

22. The licence holder must ensure the HMO is provided with sufficient and adequate standard amenities for use by the maximum number of occupiers (as specified in the licence) according to the type of accommodation offered in accordance with the authorities amenity standards and as required by “The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 and the “The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007. All standard amenities and equipment provided for use by the occupiers of the HMO are maintained in good repair and proper working order.

23. The licence holder shall ensure that at all times a suitable fire detection and alarms system, is installed in the HMO that it is maintained in proper working order, tested, inspected and serviced in accordance with the current British Standards or any which subsequently replace these.

24. The licence holder must supply to the authority at the time of application and thereafter on demand at the time of application the latest fire detection and alarms certificate, and if installed, the emergency lighting test certificates. The certificates must be completed and issued by a competent person and must demonstrate that the complete installation has been fully checked and serviced within the previous 12 months in accordance with the relevant British Standards. Any defects noted on the certificate must be rectified as soon as reasonably practicable.

25. The licence holder must, where the Homestamp “A Guide to Fire and Security Protection in Multi-Occupied Residential Properties” and LACoRS “Housing – Fire Safety Guidance on fire safety provisions for certain types of existing housing” has been used to determine fire precautions, review the precautions annually or wherever there are alterations to the HMO or its contents or at changes of tenancy; to ensure the fire precautions are appropriate to the risk.

26. The licence holder must provide the authority on demand a copy of the Fire Risk Assessment for the HMO and its review.

27. The license holder must provide written details of fire evacuation procedures to tenants / occupiers. Ensure that all tenants/occupiers are aware of fire and fault indications of the fire alarm system and are adequately familiar with controls (e.g. resetting). They must also be made aware of measures to avoid false alarms. These details must be supplied to the Authority on demand.

28. The licence holder must supply to the authority at the time of application and thereafter on demand, where applicable, a current Energy Performance Certificate (EPC).

The HMO must comply with the minimum level of energy efficiency for privately rented property required under The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015. Landlords of privately rented property in England or Wales must ensure that their properties reach at least an Energy Performance Certificate (EPC) rating of E before granting a new tenancy to new or existing tenants. From 1 April 2020, these requirements will then apply to all private rented properties, all subject to any exemptions from these regulations.

29. The licence holder must supply a current (less than 5 years old) Domestic Electrical Installation Periodic Report of the whole of the electrical installation to the authority at the time of application and thereafter on demand. The inspection must be carried out by a suitably qualified electrical contractor who must be registered/member of an approved body such as NICEIC, NAPIT, etc. or registered to undertake electrical works in accordance with Part P of the Building Regulations. Any recommendations for urgent attention and improvement (Codes 1 and 2) must be rectified within 28 days of the report.

On the expiry of a report, a new report must be obtained and supplied to the authority within 28 days of the previous report's expiry date.

30. If the HMO is provided on a furnished basis and includes electrical appliances, the Licence Holder must produce to the authority at the time of application and thereafter on demand a portable appliance test (PAT) certificate.

31. The licence holder must ensure all furniture provided within the house complies with the Furnishings (Fire)(Safety) Regulations 1988 as amended. To provide to the authority at the time of application and thereafter on demand, a declaration as to the safety of such furniture. All furniture which does not comply with these regulations provided by the licence holder must be removed from the premises.

32. The licence holder must ensure: -

- the provision of adequate kitchen facilities for the number of occupants stated on the license to allow the safe storage and preparation of food within the HMO such as lighting, ventilation, sink/drainage, worktops (including splashbacks), cupboards, draws and readily cleansable surfaces;
- the provision of adequate bathroom facilities and equipment for the number of occupants stated on the licence within the HMO such as lighting, ventilation, toilets, baths, showers, wash hand basins and any cupboards, shelving or fittings.

33. The license holder must ensure all repairs to the HMO and any installations, facilities or equipment are carried out within a reasonable time, to a reasonable standard by competent and reputable persons.

34. Where any works or alterations are to be carried out to the HMO, the licence holder must ensure the appropriate consents from Planning / Building Control at Sandwell Metropolitan Borough Council are obtained prior to works commencing.

Environmental management/amenity of the neighbourhood

35. The licence holder shall ensure that the exterior of the HMO is maintained in a reasonable decorative order and in reasonable repair.

36. The licence holder must ensure that prior to the commencement of any tenancy and between tenancies all outbuildings, yards, forecourts and gardens surrounding the HMO are maintained, in repair and kept in a clean, tidy and safe condition and free from infestations.

37. The licence holder shall ensure that suitable and adequate provision for refuse storage and collection is made at the HMO and that the authorities arrangements for refuse collection including recycling are adhered to. This shall include the provision of closable bins of suitable capacity as specified by the authority. Arrangements shall be made immediately for the proper collection and disposal of any rubbish additional to that within the bins and such rubbish shall be stored within the curtilage of the property at the rear if feasible. The licence holder shall ensure so far as is reasonably practicable that the occupiers make arrangements for the collection of waste in

accordance with these provisions and when the property is unoccupied, or the occupiers fails to do so the licence holder adhere to these provisions themselves. The licence holder shall ensure that all refuse containers are returned within the curtilage of the HMO on the same day that they are emptied by the authority.

38. The licence holder shall take reasonable steps to ensure the HMO is free from any pest infestation at the start of the tenancy and where necessary a treatment programme carried out to eradicate the pest infestation. Records shall be kept of such treatment programs and these must be provided to the authority on demand

General

39. The licence holder must inform the licensing team of the authority within ten working days of any changes in their circumstances as follows:

(a) Details of any unspent convictions not previously disclosed to the authority that may be relevant to the licence holder and their fit and proper person status and in particular any such conviction in respect of any offence involving fraud or dishonesty, or violence or drugs or any offence listed in Schedule 3 to the Sexual Offences Act 2003;

(b) Details of any finding by a court or tribunal against the licence holder and /or the manager that he/she has practiced unlawful discrimination on grounds of sex, colour, race, ethnic or national origin or disability in, or in connection with, the carrying on of any business;

(c) Details of any contravention on the part of the licence holder of any provision of any enactment relating to housing, public health, environmental health or landlord and tenant law which led to civil or criminal proceedings resulting in a judgment or finding being made against him/her;

(d) Information about any property the licence holder owns or manages or has owned or managed which has been the subject of:

- i. A control order under section 379 of the Housing Act 1985 in the five years preceding the date of the application; or
- ii. Any appropriate enforcement action described in section 5(2) of the Act;

(e) Information about any property the licence holder owns or manages or has owned or managed for which a local housing authority has refused to grant a licence under Part 2 or 3 of the Act, or has revoked a licence in consequence of the licence holder breaching the conditions of his/her licence;

(f) Information about any property the licence holder owns or manages or has owned or managed that has been the subject of an interim or final management order under the Housing Act 2004;

(g) Advertising of the property for sale;

(h) Change in managing agent or the instruction of a managing agent;

(i) Change of address of licence holder or landlord

(j) The undertaking of any substantial works to the property including conversions and modernisations.

40. All staff are required to undertake appropriate training courses to enable them to carry out their duties and to provide the Council, on demand, a record of such training.