

The Cabinet

30th October 2019 at 3.30pm
at the Sandwell Council House, Oldbury

Present: Councillor Y Davies (Leader);
Councillors Ali, Crompton, Hadley, Lloyd, Millard,
Shaeen, Taylor and Underhill.

Apologies: Councillors L Giles and Singh.

In attendance: Councillors Chidley, E M Giles, M Hussain, Moore
and Rollins.

121/19 **Declaration of Interest**

Councillor Hadley declared an interest in Minute No. 124/19, (Brandhall Golf Course), on the basis that a close friend owned the golf course. Councillor Hadley subsequently left the meeting during consideration of the item.

122/19 **Minutes**

Resolved that the minutes of the meeting held on 9th October, 2019 be approved as a correct record.

123/19 **Leader's Announcements**

The Leader provided an update as follows:-

- Cabinet meetings would be held fortnightly from the New Year;
- prior to today's meeting, Cabinet had visited Tipton, in particular the Sheppard's Cottage site, the Lagoon site, the Red Lion site, Green Lawns, and had met with local businesses (Murray Hall), friends of Glebefields Library, Town Leads and local residents. One of the main concerns in Princes End was the unused derelict sites.

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Cabinet received a short video showcasing that day's Cabinet visit. The video can be viewed here <https://youtu.be/gO-t1B0pjus>.

The Leader explained the importance of visiting areas and talking to those people directly affected by issues. The Leader confirmed that more frequent visits would be made by the Cabinet to listen and learn from local people.

124/19 **Brandhall Golf Course – Potential Options for Future Use**

Consideration was given to the findings of the Built Facilities Strategy Steering Group regarding the future use of Brandhall Golf Course and club house.

The Group was established to develop the opportunities contained within the Built Facilities Strategy. External consultants were appointed to investigate the golf provision and need in Sandwell and subsequently recommended that:-

- the Council explored further the long-term sustainability of Council-owned golf facilities as well as how best to deliver the golf development pathway;
- due to the high-level supply of golf courses in Sandwell and the low latent demand for participating in golf, there was an over-supply of golf facilities in Sandwell.

There were currently seven golf facilities in Sandwell, including one pitch and putt facility. Two of these facilities, Brandhall Golf Course and Sandwell Valley Pitch and Putt/Crazy Golf, were operated by third party operators on behalf of Sandwell Council.

Brandhall Golf Course operated as a municipal golf course, managed by Sandwell Leisure Trust (SLT). There was also a golf club on site, Brandhall Golf Club, members of which could only play at Brandhall Golf Course via SLT.

Members noted that, since 2013/14, attendance had declined from 30,767 to 23,019.

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Of the current members, 125 (39%) lived in Sandwell, 193 of the members (61%) were not Sandwell residents. A total 48 of the 318 members (15%) lived within the immediate vicinity (B68 postcode) of Brandhall Golf Course.

The facility currently operated at a net cost £257,372 to SLT which was a direct cost to the Council as part of the annual subsidy that the Council provided to SLT. Taking into account membership numbers, the Council was providing a subsidy of £157,000 for golfers from outside of Sandwell.

The facility, including the course and ancillary facilities, was currently in poor condition. Major improvements were required to bring it up to the required standard and support a robust business plan. The cost to undertake the improvements was estimated to be in the region of £3,000,000.

As agreed by the Cabinet on 31st January 2018 (Minute No. 19/18 referred) alternative options had been explored for the use of the site in accordance with the emerging local priorities of improvements to green space, education and housing provision.

Redevelopment proposals forthcoming from the proposed consultation would need to be tested in respect of viability which would require a significant amount of design work and a suite of financial appraisals. Intrusive site investigations and a detailed pre-application process would be required prior to the submission of a potential future planning application.

Brandhall Golf Course was classed as an Outdoor Sports Facility; it was not classified as public open space. Access to the site by the general public was restricted although there were public rights of way that crossed the site and afforded limited access to walk across the site.

As outlined in Sandwell's Green Space Strategy, the golf course was excluded from the Unrestricted Green Space calculations for Sandwell. This, as well as the semi-private nature of the site, meant that the site was not accessible green space.

The redevelopment of the site would provide a unique opportunity to increase the amount of unrestricted open space in the Old Warley ward.

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Developing a new park in the site would provide the opportunity to develop the first new major public park in the Borough's history.

Three potential options had been developed that provided some indicative ideas of how these three objectives of reducing the housing need in the Borough, reducing the deficit in open space in Oldbury Town and addressing the need to replace Causeway Green Primary School could be addressed:-

- Option 1: New school, 4.5 hectares of open space and housing scheme;
- Option 2: New school, 6 hectares of open space and housing scheme;
- Option 3: New school, 8.5 hectares of open space and housing scheme.

The Built Facilities Steering Group made a recommendation to Cabinet to close Brandhall Golf Course and to consult with local residents, as soon as possible, in respect of options for the land and the proposed closure of the Golf Course.

As a result of the findings of the Steering Group, it was proposed that public consultation should be carried out regarding the proposed closure of Brandhall Golf Course and club house, as well as consultation on the potential alternative future use of the Brandhall Golf Course site.

In response to questions from the Chair of the Safer Neighbourhoods and Active Communities Scrutiny Board, the Leader confirmed that consultation would commence on 7th November and finish on 19th December with a report back to Cabinet in February to allow for collation of consultation feedback. A report could be submitted to the Scrutiny Board in January that took into account the needs and views of local people.

Resolved:-

- (1) that the Executive Director – Neighbourhoods undertake all requisite steps necessary to ensure effective consultation with regards to the proposed closure and alternative uses of the Brandhall Golf Course site;

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- (2) following consultation referred to in Resolution (1) above, a further more detailed report on the future use of the site be submitted to Cabinet.

125/19

Award of contract to Agilisys Limited to Deliver Technology Modernisation Programme

Approval was sought for an exemption in accordance with the Council's Procurement and Contract Procedure Rules to make a direct award to Agilisys Ltd for the implementation of Sandwell's Technology Modernisation Programme.

Crown Commercial Services G-Cloud 11 framework - Transformation & Migration Services - had been used for this procurement.

Work would commence in October 2019 and be completed in September 2020. The value of the contract would not exceed £2,208,725.

Agilisys would work in partnership with the ICT Service to complete the Technology Modernisation Programme. This programme would deliver the following:-

- roll out of Windows 10 devices across the Council;
- decommissioning of Citrix environment;
- rationalisation of applications and infrastructure;
- migration of the Council's infrastructure to Microsoft Azure Cloud Services;
- roll out and adoption of Microsoft Office 365 collaboration tools such as OneNote, OneDrive, SharePoint and Teams - this would also include a cleanse of legacy file structures and documentation ready for transition to SharePoint;
- improved security, compliance and resilience;
- connectivity to critical systems 24/7 with no reliance on our current data centre;
- reduction in cost of utilities for the data centre;
- improved performance;
- improved agility and collaboration.

Migrating the infrastructure to Azure Cloud Services would also present several new opportunities, such as:-

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- improved disaster recovery/business continuity;
- use of robotics and artificial intelligence;
- data analytics.

Resolved:-

- (1) that the Executive Director – Resources award a contract to Agilisys Ltd for the implementation of Sandwell's Technology Modernisation Programme for a maximum value of £2,208,725;
- (2) that the Executive Director - Resources to execute any documents necessary to give effect to the recommendations set out above;
- (3) that any necessary exemptions be made to the Council's Procurement and Contract Procedure Rules to enable the course of action referred to in Resolution (1) above to proceed.

126/19

Sandwell Playing Pitch Strategy Refresh Needs Assessment Report and Strategic Document

Approval was sought to the Sandwell Playing Pitch Strategy (PPS) Refresh (2018) and to seek alternative options to the Parklife Football Hubs Programme.

The primary purpose of a Playing Pitch Strategy was to provide a strategic needs assessment report and a strategy document which ensured that the provision of outdoor playing pitches met the local needs of existing and future residents within an area.

A PPS Needs Assessment report informed the development and implementation of planning policy by providing evidence and context for the National Planning Policy Framework.

The scope of a PPS was to carry out a Needs Assessment assessing the quality and quantity of outdoor sports facilities based upon current and projected future demand. It then made recommendations within a supplementary Strategy Document, including an Action Plan which included identifying facilities that required improvements and which existing facilities and/or additional facilities were required to meet current and future demand.

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The Sandwell Playing Pitch Strategy Needs Assessment Report and Strategy Document had been developed by external consultants, 4 Global Ltd, in line with Sport England's Playing Pitch Strategy Guidance. In line with this guidance, a steering group was formed including Sport England, the Council and a representative from all sports included in the scope of the PPS. It was recommended that this steering group signed off the PPS before it could be finalised.

This version of the PPS had been developed via a refresh process as opposed to a full update and was a refresh of the existing version Sandwell Playing Pitch Strategy (October 2014), approved by the Cabinet on 16th September 2015 (Minute No. 156/15 referred).

The refresh approach was followed on the recommendation of Sport England primarily to ensure the Artificial Grass Pitch (AGP) modelling section was up to date for the purposes of the Council's Parklife Football Hubs Application. A full update was usually conducted every 3 to 5 years, depending on the extent of changes in demand and supply over that time.

In January 2017, the Council submitted an Expression of Interest (EOI) to the Football Foundation to enter into the application process for the Parklife Football Hubs Programme (approved by the Cabinet on 11th January 2017, Minute No. 13/17).

The Parklife Football Hubs programme committed the Council to a contribution of 40% of the overall project costs in partnership funding (circa £3,000,000 contribution from the Council). The Council's EOI was successful and invited to proceed to stage 2 of the application process, subject to carrying out an update (refresh) of the existing Playing Pitch Strategy (October 2014).

The Parklife Football Hubs programme outlined a set of principles and aimed to develop hub sites for football which included at least two Artificial Grass Pitches (AGPs), natural turf (grass) provision and the required ancillary facilities.

The refreshed PPS outlined that Sandwell required four additional 3G AGPs to meet current demand. To meet future demand, it recommended that a further one would be required, therefore, Sandwell required five additional 3G AGPs, to meet current and future demand for football.

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The refreshed PPS outlined that the current level of existing natural turf (grass) football pitches were required to meet current and future demand. Therefore, if any grass pitches were lost in the future there would need to be a like for like replacement of provision.

Following completion and sign off of the PPS, the Council was required to formally respond to the Football Foundation to indicate whether the Council was committed to proceeding to stage 2 of the Parklife Football Hubs application process. This would commit the Council to a capital contribution of circa £2,400,000 or 40% of total project costs.

A number of local stakeholders, including schools, had expressed an interest in taking the lead on the development of a 3G AGP. This would include obtaining external funding, providing partnership funding and managing and maintaining the facility. Proceeding with the Parklife Football Hubs Programme would prohibit external local stakeholders from securing Football Foundation or Sport England support for such projects as Parklife would absorb all of the required need for 3G AGPs.

An options appraisal was being undertaken to identify an efficient and effective strategy to deliver the required number of 3G AGPs in Sandwell. This would include site feasibility and consider local need in line with the PPS. This options appraisal included the Parklife Football Hubs programme and would also consider other options.

The options appraisal would consider the option of working with local partners who had expressed an interest in developing a 3G AGP as an alternative approach to the Parklife Football Hubs Programme to achieve the quantitative gain of 3G AGP's required in Sandwell. This would significantly reduce/eliminate the capital financial commitment of the Council and allow local stakeholders to develop their own schemes. The Council may wish to consider contributions to projects on an individual basis.

In consultation with Sport England, and in line with their guidance, a further options appraisal was being undertaken to identify sites that could be utilised for the future development of new natural turf pitches, if required, and would include a feasibility study identifying sites in Sandwell where new natural turf pitches and associated ancillary facilities could be developed.

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In view of the above, approval was sought to withdraw from the Parklife Football Hubs application process and consider alternative options for the delivery of required 3G AGPs to allow the Council to work with local partners to secure the partnership funding required.

The recommendations of the Safer Neighbourhoods and Active Communities Scrutiny Board had been taken into consideration and a response would be provided to the Scrutiny Board within two months, setting out any approved recommendations, and how they would be implemented.

Resolved:-

- (1) that the Playing Pitch Strategy Needs Assessment and Strategic Document, and the actions and recommendations contained within, be approved;
- (2) that in connection with Resolution (1) above, the Director - Homes and Communities approve the delivery of the key identified actions recommended within the Playing Pitch Strategy in line with local priorities;
- (3) that the existing application for the Parklife Football Hubs Programme be not proceeded with;
- (4) that alternative options to the Parklife Programme be explored for the delivery of the required number of Artificial Grass Pitches in Sandwell;
- (5) that Cabinet responds to the recommendations of the Scrutiny Board within two months, setting out any approved recommendations, and how they will be implemented.

127/19

A Tree for Every Child Starting School in Sandwell

Approval was sought to purchase and plant a tree for every new school starter for 2019, 2020 and 2021 and to protect the sites in perpetuity to ensure the legacy of the project was maintained to allow generations of school children to visit their dedicated woodland into adulthood.

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There was an ambition to plant a tree for every new school starter in Sandwell for 2019 and the following two years, resulting in a minimum of at least 15,000 trees being planted in total, as part of the vision to enhance green spaces and improve the quality of the environment across the borough, as well as educate young people about the value of their natural environment.

The 2019 proposal would create two new school woodlands – one in the North and one in the South of the borough. For the following two years suitable new woodland sites would be selected on their ecological value/importance to the community and future planning proposals.

All infant schools in Sandwell would be contacted prior to the commencement of the project and would be provided with a certificate representing the planting of the new woodland. Each school would also have the chance to compete to provide the artwork for the onsite plaque and certificate design.

Two locations had been identified for 2019; Jubilee Park in Tipton and Barnford Park in Oldbury; with each location providing one hectare of land for the tree planting.

For 2019, the total cost for purchasing and planting the trees would be £8615.00 (this was due to 75% of the purchasing of the trees being funded by the Woodland Trust). There would be an ongoing purchasing maintenance programme for each planting season based on 5,000 planted trees per annum with a total number of 15,000 trees planted over a three year period.

The report was accompanied by a video and a presentation by the Director – Homes and Communities.

In response to questions from Chairs of Scrutiny Boards, the Cabinet Member for Safer Communities confirmed that:-

- each of the six towns would have trees planted by the end of the initial three year project;
- a review of the project would be carried out before the end of Year 3 as to the success of the scheme and a further report would be prepared for Cabinet regarding whether the scheme would be extended to cover the life of Vision 2030, which would contain information on ongoing funding and costs;

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- the Council was working with Woodland Trust who would be providing guidance as to which types of trees should be planted.

Resolved:-

- (1) that the Director – Homes and Communities purchase and plant a tree for every new school starter for 2019 and the following two years until a minimum number of 15,000 new trees have been planted throughout the borough;
- (2) that the Executive Director – Resources allocates £8,615.00 to facilitate the purchase and planting of 5,000 trees to create the 2019 Woodland and to allocate £20,360 per annum for the following two years to facilitate the purchase and planting of at least a further 10,000 trees;
- (3) that the Executive Director – Resources allocates £37,975 to facilitate the ongoing maintenance of the new woodlands;
- (4) that the dedication of the new woodlands sites in perpetuity be approved, to guarantee the legacy of the project will be protected for the lifetime of the woodland;
- (5) that, in connection with Resolutions (1) to (4) above, the Director – Law and Governance and Monitoring Officer enters into or execute under seal, if necessary, any other related documentation in connection with the protection of the land on terms and conditions to be agreed by the Executive Director - Neighbourhoods.

128/19

Proposed Restructure of HR Transactional Services

Approval was sought to the Business Case identifying the business need and proposed restructure of HR Transactional Services and to formal consultation being commenced with all affected staff (and Trade Unions).

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The Business Case underpinning the restructure recognised that:-

- (i) the Council had a key role to play in an ambitious borough-wide 2030 Vision and the Service would play a role helping to deliver it;
- (ii) the Service was a valued provider of in-house and traded services to maintained schools that must be fit for purpose by:
 - ensuring all statutory roles and functions were discharged effectively;
 - providing sound judgement, advice and assistance to enable effective strategic decision and policy making;
 - ensuring all traded service delivery remained financially viable for the Council;
 - delivering high quality, value for money services;
 - adopting innovative and smarter working practices;
 - promoting and embedding good practice and standards; and
 - embedding a healthy professional work ethic;
- (iii) the demands placed upon the Service had significantly changed over recent years and it was essential that resources were realigned to address this change and enable the Service to effectively respond to future changes and needs;
- (iv) the Service was a provider of professional services which could only be effectively and efficiently delivered with a competent and agile workforce;
- (v) Vision 2030 and the review of the Service provided many opportunities to be maximised.

The identified business need detailed within the Business Case required the current staffing structure to change to ensure that the business need was effectively met, and opportunities maximised. The current staffing structure of the Service could not achieve this.

Further to the applicable priorities arising from the Resources Directorate Business Plan 2019-2022 and Peer Review in January 2018, the Business Case identified a number of key operational priorities that needed to be delivered.

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The proposed realignment of staff and other resources set out within the Business Case would be supported by updated operational procedures and ways of working for the Service.

The Business Case and procedural changes together created opportunities to further develop a skilled and agile workforce with the capacity to deliver the identified business need and support the Council in delivering Vision 2030. To achieve this, and meet the financial challenge, a revised structure was proposed which would focus internal resources in the delivery of services to Council organisations and employees.

Payroll, Pensions, HR Administration and Recruitment, HR Consultancy, Health and Safety and Templink Agency services currently offered/provided on a traded basis to Sandwell Children's Trust, Sandwell maintained schools and Trust schools for whom the Council retained statutory pensions reporting duties, would continue to be offered/provided.

Effective from 1st April 2020, Payroll, Pensions, HR Administration and Recruitment and HR Consultancy services would no longer be offered/provided by the Service to organisations external to the Council.

The new structure would deliver:

- a more resilient and capable workforce;
- a more agile workforce;
- the ability to better succession plan; and
- reduced operational costs for the Council.

The proposed staffing structure set out in the Business Case reduced the number of staff by 18.00 (16.81 FTE) from 64.00 (61.74 FTE) to 46.00 (44.93 FTE) employees.

Initial analysis of existing roles against the proposed structure showed that a number of staff may be displaced as a result of the proposals. However, formal consultation and other HR processes and policies had yet to be implemented which may mitigate this impact.

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An indicative job-matching exercise had been undertaken using existing Job Descriptions and current specialisms to provide an indication of the potential impact of the proposed restructure upon current staff roles.

Staff would be afforded the opportunity to appeal the job match to ensure that their full range of responsibilities, duties and obligations were captured through an additional duties exercise which would be undertaken as part of formal consultation with staff and Trade Unions and it was anticipated that this process may mitigate any potentially displaced staff.

Resolved:-

- (1) that the identified business need and analysis detailed within the Business Case, as now submitted, be approved;
- (2) that the proposed restructure, set out in the Business Case as now submitted, be approved as the basis of formal consultation with all affected staff (and Trade Unions);
- (3) that, subject to Resolution (4) below, the Executive Director - Resources determine and confirm the revised restructure for HR Transactional Services, having regard to all responses received during consultation referred to in Resolution (2) above;
- (4) that, in the event that significant changes are to be made to the proposed restructure (as set out in the Business Case) following formal consultation, a further report shall be presented to Cabinet concerning the proposed restructure of HR Transactional Services.

129/19

2019-20 Highway Winter Service Operational Plan

Approval was sought to the Highway Winter Service Operational Plan 2019/20.

Given high service costs it was not reasonably practicable to provide the service on all parts of the network nor ensure running surfaces were always kept free of ice or snow.

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Sandwell therefore applied a risk based approach that reflected advice and recommendations contained in the relevant Codes of Practice. Approval was therefore sought for the application of the risk-based decision-making process outlined within the Highway Winter Service Operational Plan 2019/20 such that Cabinet could demonstrate support for the decisions made.

Road users and the wider community placed a high value on keeping traffic moving safely in snow and freezing winter weather. Failure to do so could result in adverse economic and social impacts, public dissatisfaction and significant reputational damage.

The Council had a statutory duty to ensure, so far as reasonably practicable, that safe passage along a highway was not endangered by snow or ice. The duty was not absolute, but decisions must be taken on reasonable grounds with due care and regard to relevant considerations set out in best practice guidance.

To meet this duty, winter service operations were carried out to prevent ice forming (precautionary salting), melt ice already formed (post salting) and remove snow accumulations.

The report was accompanied by a presentation by the Executive Director – Neighbourhoods.

The Cabinet Member for Sustainable Transport wished to place on record her thanks to all of the Highways staff involved in keeping people safe on Sandwell's roads.

In response to a request from the Chair of the Economy, Transport, Skills and Environment Scrutiny Board, the Cabinet Member for Sustainable Transport confirmed that a performance report would be submitted to the Scrutiny Board following the winter period.

Resolved that the Highway Winter Service Operational Plan 2019/20 be approved.

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130/19 **Authorisation to use the East Riding Framework Arrangement to Supply Street Lighting Materials from October 2019 to September 2023**

Approval was sought to utilise the East Riding of Yorkshire Council's Framework to purchase street lighting related materials to enable the Highways Division to undertake planned and reactive highway maintenance work items.

There were no current contracts or framework agreements in place for the Supply of Street Lighting Goods. The Council had an on-going requirement for these goods to meet its legal obligation to maintain its street lighting infrastructure.

A tendering process had recently been undertaken by the East Riding of Yorkshire Council on behalf of the authorities listed below:-

- East Riding of Yorkshire Council;
- Barnsley Metropolitan Borough Council;
- City of York Council;
- Doncaster Metropolitan Borough Council;
- Dudley Metropolitan Borough Council;
- North Lincolnshire Council;
- Sandwell Metropolitan Borough Council.

The tender process was in compliance with the Public Contracts Regulations 2015 using an open OJEU procedure which ensured that only tenderers whom were of suitable economic and financial standing, with robust quality assurance mechanisms and offered products capable of delivering the required outputs were considered at award stage of the evaluation of the tender.

The anticipated value of the contract was in the region of £1million (£250,000 per annum) for a period of four years.

Resolved that the use of the East Riding of Yorkshire Council's Framework, to purchase street lighting related materials from November 2019 to October 2023 across 18 separate lots, be approved.

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131/19 **Change of Council Representatives on Sandwell Children's Trust Board**

Approval was sought to a change to the Council's appointed non-executive directors on Sandwell Children's Trust Board.

On 22nd March 2017, the Cabinet considered the types of decisions that would be of such strategic importance that they could not be decided at the board of the Trust but would be reserved to the owner of the Trust (the Council) for decision:-

- as the decision maker for the Council in its capacity as the body that was responsible and accountable for the discharge of the relevant children's social care services functions; and
- as the decision maker for the Council in its capacity as owner of the Trust in relation primarily to the Reserved Matters, as set out in the Memorandum of Understanding, and other legally required decisions.

The Cabinet agreed that in order to fulfil the role as sole owner of the Trust, it was recommended that the full Cabinet itself operated as the decision-making body for matters in relation to the Trust. It also agreed that, in order to clearly differentiate between decisions which Cabinet was considering in its two roles (i.e. as owner of the Trust and as children's services authority), separate reports be prepared to set out clearly which role the Cabinet was undertaking at any time. In relation to decisions taken in its role as owner of the Trust, the Cabinet agreed that any recommendations should include authority for officers to formalise the decision in relation to any company law paperwork.

The Memorandum of Understanding which the Council had entered into with the Department for Education set out the composition of the board of directors of the Trust as follows:

- a Chair (non-executive director) as appointed by the Secretary of State in consultation with the Council;
- three executive directors comprising the Trust's Chief Executive and two other members of the executive management team;
- three non-executive directors with collective knowledge and expertise across children's services, public services;

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- two additional non-executive directors appointed by the Council (e.g. members and /or officers).

Apart from the appointment of the Chair, all other appointments were required to be made in consultation with the Secretary of State for Education. The appointment of the two non-executive directors appointed by the Council was a Reserved Matter and therefore a decision to be taken by the Cabinet.

It was agreed by the Cabinet, on 22nd March 2017, that the Council would consider only elected members or officers for the non-executive director roles on the board. Furthermore, the Cabinet recommended to the Council, and it was agreed, that one elected Member and one officer be identified as the two Council appointed non-executive directors, and that the identification of the officer (Council appointed non-executive director) be delegated to the Chief Executive.

In both the member and officer role it was important to take account of any potential conflicts of interest that these appointments may have as the potential for conflicts of interest could hinder either/or the effective operation of the board or the Council itself. It was also important to recognise that the appointed individuals would, as non-executive directors of the Trust, have a fiduciary duty to the Trust board, meaning that they would act in good faith, and in the best interests of the company.

The Council could appoint and remove any person as Council appointed non-executive director from the Trust Board so long as, prior to any resolution to remove a Council appointed non-executive director, the Council had considered any comments from the Trust Board about the proposal, and that the Secretary of State be invited to *“make written representations to the Council within 10 working days of being notified of the matter.... In making its decision the Council must take into account the representations made by the Secretary of State.”*

The current Council appointed non-executive directors to Sandwell Children’s Trust Board were Councillor Sandars and Stuart Lackenby.

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Following the appointment of David Stevens to the Interim Chief Executive Officer role, Stuart Lackenby had recently been appointed as Director of Adult Social Care. This created a conflict of interest and Stuart Lackenby had resigned as non-executive director, and it had therefore become necessary to instigate the change procedure. This had also led to consideration of the elected Member appointment and the intention to replace both non-executive directors concurrently.

As required, the Trust Board had been consulted. Following receipt of the response from the Trust board, the Secretary of State for Education had been consulted. The Secretary of State had not responded and so it was assumed that he had no comments to make on the proposed changes.

At the meeting of the Council on 15th October 2019, the nominations for the Council's new non-executive directors of Sandwell Children's Trust were considered. Councillor Peter Allen was nominated as the councillor non-executive director, and it was noted that the Chief Executive had nominated Neil Cox, Interim Director of Prevention and Protection as the officer non-executive director.

Following completion of the required process to consult with the Trust Board and the Secretary of State, and to take into account their responses, Cabinet was recommended to note the change of officer nominee, and agree the change of Elected Member nominee from Councillor Paul Sandars to Councillor Peter Allen.

At its meeting on 19th October 2016, Cabinet was advised of the Government's Statutory Direction (under Section 479A of the Education Act 1996) to set up a new arrangement in the form of a children's trust to deliver children's social care services. As a result, Sandwell Children's Trust started operating on 1 April 2018.

Resolved that Cabinet, as sole owner of Sandwell Children's Trust:-

- (a) notes the completed sequence of events that are contractually required to initiate changes to the Council nominated non-executive directors of Sandwell Children's Trust Board;

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- (b) notes and takes into account in its decision-making, the responses from the Secretary of State for Education and also the Chair of Sandwell Children's Trust Board;
- (c) agrees the cessation of Councillor Sandars as the Council appointed, councillor non-executive director of Sandwell Children's Trust;
- (d) notes the resignation of Stuart Lackenby, Director of Adult Social Care, as the Council appointed, officer non-executive director of Sandwell Children's Trust;
- (e) agrees the nomination of Councillor Peter Allen as the Council appointed, councillor non-executive director of Sandwell Children's Trust;
- (f) notes the nomination via the previously agreed delegation to the Chief Executive Officer, of Neil Cox, Interim Director of Prevention and Protection, as the Council appointed officer, non-executive director of Sandwell Children's Trust.

132/19 **Sandwell Children's Trust Annual Review 2018-19 and Improvement Plan**

At the Cabinet meeting on 22nd March 2017, it was agreed that the Cabinet would perform this function on behalf of the Council in its executive role to agree certain reserved matters that were set out in the Contract.

Consideration was now given to the Sandwell Children's Trust Annual Review 2018/19 together with the refreshed partnership Improvement Plan 2019/22.

Consideration of these reports by the Cabinet formed an important part of the governance of Sandwell Children's Trust; providing assurance to the Council in its capacity as the body that was responsible and accountable for the discharge of the relevant children's social care services functions.

Resolved that the Cabinet, in its capacity as the body that is responsible and accountable for the discharge of the relevant children's social care services functions:-

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- (a) formally receives the Annual Review 2018/19 and the Improvement Plan 2019/22;
- (b) notes the progress made to date by Sandwell Children's Trust in delivering services as set out in the Contract between the Council and the Trust, as set out in the Annual Review 2018/19;
- (c) notes the feedback from the Department for Education following its recent 6-month review of Sandwell Children's Trust;
- (d) notes the reports from Ofsted for the period covering the Annual Review 2018/19;
- (e) notes the content of the Improvement Plan 2019/22 and the requirements of partners, including the Council, to ensure the delivery of improvements in children's services;
- (f) notes the comments made by the Scrutiny Board following its consideration of both reports at its meeting on 23 September 2019.

(The meeting ended at 4.22pm)

<p>Contact Officer: Trisha Newton Democratic Services Unit 0121 569 3193</p>
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