

**The Cabinet**

**8<sup>th</sup> January 2020 at 3.30pm  
at the Sandwell Council House, Oldbury**

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

**Apologies:** Councillors Lloyd and Rollins.

**In attendance:** Councillors E M Giles, L Giles, M Hussain, S Jones,  
Moore, Singh and M Yaseen.

1/20 **Minutes**

**Resolved** that the minutes of the meeting held on 20<sup>th</sup>  
November, 2019 be approved as a correct record.

2/20 **Leader's Announcements**

Details of the next Cabinet visit would be communicated to  
members of the public via the Council's website soon.

3/20 **Climate Change Strategy**

A report was considered, which set out the Council's proposed  
approach to address climate change.

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

The Cabinet heard that radical action was required locally,  
regionally, nationally and internationally to limit global temperature  
increases to levels that would not have a catastrophic impact on the  
population.

## The Cabinet – 8<sup>th</sup> January 2020

Action had already been taken across the Council to both reduce carbon emissions (mitigation) and prepare for the impacts of climate change (adaptation). This included activity in:

- housing delivery strategy – looking at energy efficient developments;
- heat networks – developing heating systems to reduce energy usage and cost for residents;
- our own property – on demand lighting, heating mechanisms, moving away from single use plastics;
- highways e.g. LED lighting;
- vehicles – moving towards hybrid vehicles, electric charging points;
- waste and recycling – encouraging more people to recycle; and
- our tree planting strategy – a tree for every child starting school.

Sandwell's carbon emissions had also been reducing in recent years, however, per capita emissions (4.6 tonnes per person) were higher than the regional average (4.0 tonnes per person), therefore a strategy was therefore required to set out how the Council would reduce the rate of emissions to achieve net-zero emissions by 2041, ideally sooner.

Given the importance of this agenda and to contribute to West Midlands Combined Authority's aim to become carbon neutral by 2041, it was proposed to prepare a Climate Change Strategy which would set out measures that would be taken to reduce the amount of carbon produced (mitigation) and preparation for impacts (adaptation).

The Strategy on its own could not implement the full range of actions required and would need to influence other plans and strategies that guided the Council's operations and how its services were delivered. It would also need to influence external stakeholders.

The Council already had a number of documents and policies relevant to climate change, however, these documents required refreshing, in particular, the 2009 Air Quality Action Plan (AQAP).

## **The Cabinet – 8<sup>th</sup> January 2020**

An integrated approach to tackling air quality and climate change was required as emissions that polluted our air and those that warmed the planet had common sources - vehicles, buildings, power generation and industry. Therefore, it was proposed that the Climate Change Strategy and the updated Air Quality Action Plan were developed and consulted on in parallel. Consultation on both documents would take place during January to March 2020 with a view to the publication of the final documents in June 2020.

The consultation process would ensure that Council staff, a range of local and regional stakeholders and the public (including both businesses and residents) were consulted. A wide range of consultation methods would be used, including events across each of the six towns in schools and community venues and an online survey.

Work was also taking place with partners across the borough, across the sub-region (e.g. the Black Country Plan refresh) and across the region (e.g. working with the West Midlands Combined Authority and Sustainability West Midlands) to ensure that future strategy documents considered climate change.

It was proposed that the current Air Quality Working Group be re-designated to “Climate Change Working Group” to enable a focus on a wider agenda. Membership would be extended accordingly and specific workstreams established.

The emerging work on Sandwell’s inclusive economy deal and community wealth would also be a key part of the strategic approach.

In response to a question from the Chair of Health and Adult Social Care Scrutiny Board, the Cabinet was informed that the hot spots in the Air Quality Action Plan (AQAP) had been identified by Defra based on its modelling. However, assurance was given that a holistic approach was being taken to tackling air pollution which would look at how the Council could improve air quality across the whole of the borough.

### **Resolved:-**

- (1) that the Council produces a Climate Change strategy (2020-2041) and that the Strategy be reviewed on a five-yearly basis;

## **The Cabinet – 8<sup>th</sup> January 2020**

- (2) that the Council sets a target of becoming carbon neutral no later than 2041;
- (3) that the current Air Quality Working Group be re-designated “Climate Change Working Group” to enable focus on a wider agenda and that membership be extended accordingly and specific workstreams established;
- (4) that consultation on the draft Climate Change Strategy, be carried out in parallel with the consultation on the updated Air Quality Action Plan, for a period of six weeks, commencing 20<sup>th</sup> January 2020.

4/20

### **Council Tax Base 2020/2021**

The Cabinet considered the Council Tax Base for 2020/2021.

The Council Tax Base was an assessment by each billing authority of the number of chargeable dwellings, converted to Band D equivalents (the average band), allowing for discounts, exemptions, non-collection and new properties. The figure represented the amount that could be raised by the Council for every £1 of Council Tax levied in the borough. This information was used when setting the Council’s budget.

Members noted that, for the last three years, Sandwell had been rated the best performing metropolitan borough council in respect of Council Tax in-year collection. This excellent performance maximised income levels for the Council.

The Council Tax Base for 2020/21 had been calculated as 75,031.22.

The actual levels of Council Tax for 2020/2021 would be dependent upon final decisions yet to be taken on both Sandwell budgets and those of the precepting bodies, together with consideration of any surplus or deficit on the Collection Fund.

## The Cabinet – 8<sup>th</sup> January 2020

### **Resolved to recommend to the Council:-**

- (1) that the Council Tax Base for 2020/2021 to be set at 74,280.91;
- (2) that the Executive Director - Resources adjust the Council Tax Base as required following approval of the 2020-2021 Council Tax Reduction Scheme by Council on 14<sup>th</sup> January 2020.

5/20

### **Business Rates Retention Forecast - 2020/2021**

A report was considered which detailed the estimated business rates expected to be collected by the Council in 2020/2021. This information was used when setting the Council's budget.

The effective collection of business rates maximised income levels for the Council. Based on information received from the Director – Regeneration and Growth, it was not expected that there would be any growth in business rates in 2020/2021.

The National Non-Domestic Rate (NNDR1) 2020/2021 form (used to calculate the estimated business rates expected to be collected by the Council) was yet to be received from the Ministry of Housing, Communities and Local Government (MHCLG), assumptions had therefore been made regarding the information included and the final estimate.

### **Resolved:-**

- (1) that, subject to any changes arising from the issue of the National Non-Domestic Rate (NNDR1) form by the Ministry of Housing, Communities and Local Government (MHCLG) and Autumn Statement announcements, the business rate retention forecast for 2020/21, based on 99% Business Rates Retention be set at £100.2m;

## **The Cabinet – 8<sup>th</sup> January 2020**

- (2) that the Executive Director - Resources adjust the estimate to take account of any required changes arising from the issue of the National Non-Domestic Rate (NNDR1) form, Spending Review, Budget Statement announcements and funding arrangements for Business Rates retention.

6/20

### **Local Council Tax Reduction Scheme 2020/2021**

The Cabinet considered the Local Council Tax Reduction Scheme for 2020/2021.

The Local Council Tax Reduction Scheme provided crucial support to low income families and Sandwell's most vulnerable residents. The Scheme was based on income bands and residents on very low incomes would be able to continue to receive 100% support. Sandwell was now the only Council in West Midlands to provide up to 100% support.

Significant changes had been made to the Scheme in 2019/2020 and it had been operating well, therefore no changes were proposed to the Scheme for 2020/2021. Consultation had taken place in October 2019 and no responses had been received, which indicated support for the current Scheme.

#### **Resolved to recommend to the Council:-**

- (1) that no changes are made to the Local Council Tax Reduction Scheme for 2020/2021;
- (2) that the Local Council Tax Reduction Scheme for 2020/2021 be approved.

7/20

### **Review of Council Tenant Rents and Housing Related Property Charges Over 3 year Period Commencing 2020/2021**

The Cabinet considered proposals for council tenant rents and housing related property charges for 2020/2021.

## **The Cabinet – 8<sup>th</sup> January 2020**

Rent income was a key component of the financial well-being of the Housing Revenue Account (HRA). Rent income offset operational expenditure and financing charges and the surplus was then used to invest in capital improvements, in particular, the Council's ambition to build more new and affordable council homes.

The Welfare Reform and Work Act 2016 directed that all social housing providers must reduce their housing rents by 1% per year for four years, commencing in 2016/17. 2019/2020 had been the final year of reductions and the Council now had control over its own rent setting.

It was proposed to increase rents for existing tenants by 2% each year for a three-year period. The average annual increase to tenants would be £78.52 a year. The rents for new tenants in existing Council stock were set on a Sandwell social rent formula basis and it was proposed that this policy continued.

Rents were currently collected over a 48 -week period. It was proposed to change this to collect rent over 52 weeks from 2020/2021. The removal of the 4 rent free weeks did not change the yearly chargeable rent debit, but reduced the amount paid per week. It was also proposed to collect service charges over a 52 week period in line with rent collection.

The Council would continue to charge affordable rents for some properties. These were either new property acquisitions (including new sheltered housing accommodation) or former Council house/flat properties, sold under Right to Buy, brought back into the council stock. An affordable rent could be up to 80% of market rent (inclusive of service charges) in the area and would be higher than the Council housing social rent. It was proposed that current affordable rents were increased in to 2% in line with social housing rent. These rents would also be reviewed upon changes in tenancies to ensure that they remained in line with any fluctuations in market rents.

In response to a question from the Chair of the Safer and Neighbourhoods and Active Communities Scrutiny Board, the Cabinet was advised that tenants would have the option as to whether they continued to pay over a 48-week period or pay over a 52-week period. It was also reported that, over the three-year period, the proposed increase would generate additional income of £6.8m.

## The Cabinet – 8<sup>th</sup> January 2020

The Housing Revenue Account's investment programme was being revised to enable the delivery of new build projects, the demands of current and future tenants as well as energy efficiency schemes. The additional income would be used to ensure that these aims and objectives were met and provided long-term benefits for tenants.

**Resolved** that the proposals for council tenant rents and housing related property charges from 2020/21 as set out in Appendix 1, are approved and effective from April 2020.

8/20

### **New Community Offer**

Approval was sought to invest Better Care Fund resources into a contemporary voluntary sector-led programme of social support for Sandwell, which would be known as the New Community Offer. The report to members was accompanied by a presentation from the Director – Prevention and Protection.

The original Community Offer programme had run from 2014 to 2016 and had been successful in delivering 11 schemes that provided support to vulnerable individuals and communities with low level social needs. Whilst largely positive however, the evaluation of the programme had failed to demonstrate the wider system savings upon which its sustainability depended, and additional funding was not available at the time to continue the programme.

Recent evidence from local stakeholder engagement undertaken by the Better Care Fund team had identified that the loss of the Community Offer continued to be felt by both residents and the community health and social care workforce. The Sandwell Joint Partnership Board had therefore recommended investment of £940,000 Better Care Fund resources annually for the next three years in a contemporary strength-based model of community support. The model combined the latest guidance on social prescribing (including developing strong links with the community link workers employed by the GP-led primary care networks) with an improved Community Offer capable of meeting the current and future social support needs of Sandwell's citizens.

Following an extensive programme of engagement with a wide range of stakeholders, the New Community Offer had been developed to provide:-

## The Cabinet – 8<sup>th</sup> January 2020

- a community-based wellbeing support service for Sandwell residents aged 18+ who may be socially isolated and/or at risk of needing formal health and social care support;
- practical support to enable people to engage with their community;
- referral to other available support options;
- welfare rights checks to maximise income;
- support for carers to continue in their caring role;
- community outreach to promote the offer.

Referral pathways for the Offer would be as flexible and inclusive as possible to maximise the uptake of support and support would be provided in a variety of ways (e.g. telephone, face to face, web-based)

The proposed delivery model for the new Offer had been agreed through negotiation with commissioners and the voluntary and community sector and would be based on a lead provider model, aligned to Sandwell's six town. A selection process would take place later in January 2020 to identify a lead provider within each town. The Offer would be launched from April 2020.

The New Community Offer would be subject to a robust and independent academic evaluation and evaluators would be engaged at the beginning of the programme to ensure that the right performance measures and quality indicators were collected and reported.

### **Resolved:-**

- (1) that £940,000 per annum of Better Care Fund resources is invested in a 3-year community social support programme for Sandwell to be known as the New Community Offer;
- (2) that the Director - Prevention and Protection is authorised to award the New Community Offer grants via a competitive grant process to successful voluntary and community sector organisations;
- (3) that the Director - Prevention and Protection work jointly with partners in the NHS and the voluntary and community sector to codesign a delivery model and implementation plan to be overseen by the Joint Partnership Board.

## The Cabinet – 8<sup>th</sup> January 2020

9/20

### **Introduction of Householder's Duty of Care fixed penalty notice for incidents of fly-tipping**

Approval was sought for the Council to introduce fixed penalty notices for breaches of a duty of care by householders relating to the disposal of their waste under section 34(2A) of the Environmental Protection Act 1990.

The Environmental Protection Act 1990 required occupiers of a domestic property to take all reasonable measures available to them to ensure that they only transferred household waste produced on that property to an authorised person. Failure to do so was considered a breach of their duty of care.

Sandwell's Environmental Enforcement Team responded to reports of waste accumulations from domestic properties, fly tipping and offered a rapid response service to assist with the clearance of waste accumulations. Prior to the removal and clean-up of this waste, efforts were made to identify where the waste originated from. Intelligence had highlighted that on many occasions householders paid to have their waste taken away by cold-callers who attended their property offering waste removal services. A large majority of these 'so called' waste removal services were actually unlicensed and simply fly-tipped the waste they had been paid to dispose of.

On average, there were five cases each week where evidence showed that the householder had paid for their waste to be disposed of by an unlicensed company. This represented a breach of the householder's duty of care to dispose of their waste to an authorised person under the Environmental Protection Act 1990.

The introduction and adoption of section 34(2A) of the Environmental Protection Act 1990 allowed the Council to issue a Fixed Penalty Notice to householders who had failed to comply with their duty of care. It was proposed that Sandwell adopt the maximum level of fine of £400 to act as a deterrent, which would be reduced by 50% if payment was made within 10 days.

Where it was possible to demonstrate that a householder who had used an unlicensed waste carrier was a vulnerable person, consideration would be given to the appropriateness of issuing a fine and additional advice and information would be provided to help avoid the situation occurring again.

## **The Cabinet – 8<sup>th</sup> January 2020**

Payment plans would also be considered in acknowledgment of the levels of deprivation in Sandwell and the consequent differing abilities to pay.

A Borough-wide communication plan would be drawn up, including educational advice to residents, prior to the introduction of these fixed penalty notices.

### **Resolved:-**

- (1) that a new fixed penalty notice for breaches of a duty of care by householders relating to the disposal of waste, under Section 34(2A) of the Environmental Protection Act 1990 - Householder's Duty of Care be approved;
- (2) that in connection with Resolution (1) above, the maximum level of fine of £400 be adopted, including the adoption of a reduced 'early payment' incentive;
- (3) that supported payment plans be made available to ensure proportionality and acknowledge levels of deprivation within the Borough that could impact on an individual's ability to pay the fixed penalty notice.

10/20

### **Sandwell Local Development Scheme 2019 and Sandwell Local Plan Update**

Approval was sought for the Council's updated Local Development Scheme. The Local Development Scheme was the Council's three-year project plan that identified which local plan documents would be produced by the Council and the timetabling of reviews for existing documents. Local planning authorities were required to prepare their Local Development Scheme and make it available to the public.

Sandwell's Local Plan currently consisted of:-

- Black Country Core Strategy – adopted in 2011
- Sandwell Site Allocations & Delivery Development Plan Document - adopted 2012
- West Bromwich Area Action Plan – adopted 2012
- Smethwick Area Action Plan – adopted 2008
- Tipton Area Action Plan - adopted 2008

## **The Cabinet – 8<sup>th</sup> January 2020**

The existing Core Strategy, adopted in 2011, provided the framework for various site allocation documents and area action plans, which set out local policies and site allocations for individual authority areas. The existing Strategy had shaped the housing, industrial and retail growth of the area, whilst protecting the environment and greenbelt. It has also been successful in supporting regeneration for the past eight years.

The Site Allocations and Delivery Development Plan Document identified sufficient sites and areas to meet the Borough's housing and employment needs, and protected the Borough's historic, built and green infrastructure. The respective area action plans set a vision and strategy for the future development of West Bromwich, Smethwick and Tipton and guided future change and development in these areas.

It was proposed to change the name of the Black Country Core Strategy to the Black Country Plan to reflect proposed changes in approach and recent changes to the National Planning Policy Framework (NPPF).

Public consultation on the Black Country Core Strategy review in 2017 had demonstrated that the scope of the Black Country Plan would need to be significantly wider than the higher level, strategic Plan adopted in 2011. There was a need for the new plan to allocate a significant proportion of housing and employment development sites, to demonstrate fully the housing and employment land capacity of the Black Country area. This approach would have the benefits of providing greater certainty for investment decisions and funding applications and supporting the delivery of sites where Compulsory Purchase Orders were required.

This change in scope significantly increased the evidence requirements and complexity of the process. However, the burden for second-tier plans would be correspondingly smaller. As the second-tier plans (Site Allocations and Delivery DPD and the West Bromwich Area Action Plan) required conformance with the first-tier plan (i.e. the Core Strategy) the change in approach and the delay to the BCP review timetable had impacted on their review.

The Cabinet noted the revised timetables for preparation of the Black Country Plan and the Sandwell Development Plan, which anticipated that both plans would be adopted by Spring 2023.

## The Cabinet – 8<sup>th</sup> January 2020

### Resolved:-

- (1) that the revisions to the Local Development Scheme are approved;
- (2) that, subject to Resolution (1) (above), the Director – Regeneration and Growth, in consultation with the Cabinet Member for Regeneration and Economic Investment, is authorised to make minor changes to the Local Development Scheme that may be required prior to publishing it.

11/20

### **Sandwell Safeguarding Adults Board Annual Report 2018/2019**

The Cabinet received the Sandwell Safeguarding Adults Board's Annual Report for 2018/2019.

The Safeguarding Adults Board had a responsibility to ensure that all agencies worked together to safeguard and promote the welfare and wellbeing of adults with support needs. The Board was responsible for developing shared plans for safeguarding with partner agencies and working with local people to enable adults with support needs/adults at risk, whether they were known to local services, to work in partnership to stay safe.

The number of concerns reported to the Council as the lead agency had increased to 903 from 691 the previous reporting year. 409 formal safeguarding investigations had been taken forward. Most of abuse in Sandwell happened in an individual's own home and this was reflective of regional and national data. Sandwell had consistently been able to demonstrate that all citizens involved in a safeguarding investigation were asked by a professional what they wanted to happen as an outcome. 93% of people reported that they felt that the outcome they had requested had been fully or partly met.

The numbers of concluded cases by age, gender and ethnicity was reflective of Sandwell's population. It was noted that was a higher number of concluded cases for men between the ages of 18 – 74 and that from 74 upwards there was an increase in concluded cases for women.

## **The Cabinet – 8<sup>th</sup> January 2020**

**Resolved** that the Sandwell Safeguarding Adults Board Annual Report 2018/2019 be noted and submitted to the Council at its next meeting.

### **12/20 Supply of Kitchen Cabinets and Sundries**

Approval was sought to award a contract for the supply of kitchen units and sundries.

The current contract had ended on 31<sup>st</sup> December 2019. A procurement exercise had been undertaken in compliance with the terms and conditions of a public-sector framework agreement, which had identified Richmond Furniture Limited as the preferred supplier.

The value of the contract was £480,000 (£120,000 per annum) over the four-year period and was included within the approved Housing Revenue Account budgets.

#### **Resolved:-**

- (1) that the contract for the supply kitchen cabinets and sundries be awarded to Richmond Furniture Ltd, for a four-year period ending 31 December 2023 in the sum of £480,000;
- (2) that in connection with Resolution (1) above, the Director – Law and Governance and Monitoring Officer enter into an appropriate contract with Richmond Furniture Ltd on terms and conditions to be agreed by the Director - Housing and Communities.

### **13/20 Supply of Decorating Materials**

Approval was sought to award a contract for the supply of decorating materials.

The current contract was due to end on 31<sup>st</sup> January 2020. A procurement exercise had been undertaken and 16 expressions of interest had been received.

## The Cabinet – 8<sup>th</sup> January 2020

The value of the contract was £449,071.56 (£112,267.89 per annum) for a period of four years, which would be met from the Housing Revenue Account.

### Resolved:-

- (1) that the contract for the supply of decorating materials be awarded to PPG Architectural Coatings UK Ltd for a period of four years, with effect from 1<sup>st</sup> February 2020 to 31<sup>st</sup> January 2024 in the sum of £449,071.56;
- (2) that, in connection with Resolution (1) above, the Director – Law and Governance and Monitoring Officer enter into an appropriate contract with PPG Architectural Coatings UK Ltd on terms and conditions to be agreed by the Director - Housing and Communities.

14/20

### **Action Taken on Matter of Urgency - Request to submit a bid to the Department of Education for Holiday Activities and Food 2020**

The Cabinet noted the detail of urgent action taken by the Director – Public Health, to submit a bid to the Department of Education for grant funding of £1,538,000 to fund the co-ordination of free holiday activities and healthy food for disadvantaged children during 2020 school holidays.

Due to limited publicity, the Council had only been made aware of the invitation to bid on 1<sup>st</sup> November, 2019 and the deadline for submissions was 13<sup>th</sup> December.

Holiday hunger was a politically sensitive subject and it was therefore important that the Council considered its options took advantage of such opportunities, noting recent pressures on families arising from the implementation of Universal Credit and the impact of Britain's exit from the European Union.

A minimum of 4 hours of provision a day, for 4 days a week and for 4 weeks of the holiday was required, but how this was provided was flexible. The Council would be supporting Sandwell organisations that provided, or wished to provide, food alongside holiday activities and helping those organisations to connect with families to a range of support to build long-term resilience.

## **The Cabinet – 8<sup>th</sup> January 2020**

The Council was confident that the local insight, intelligence and relationships were in place to be able to respond in time to the bid invitation and shape a scheme that met the aims and objectives of the programme.

The action had been taken in consultation with the Cabinet Member for Healthy Lives and the Chair of the Safer Neighbourhoods and Active Communities Scrutiny Board.

If successful, the funding agreement would be issued by the DfE in early March 2020.

(The meeting ended at 4.17pm)

<p>Contact Officer: Stephnie Hancock Democratic Services Unit 0121 569 3189</p>
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## Average rents and service charges

### Rents

Typical average rents by property type and size  
The rents below are based on a 52 week payment year.

Increase (%)			2%	2%	2%
Property	Property	2019/20	2020/21	2021/22	2022/23
Type	Size				
		£ per week	£ per week	£ per week	£ per week
House	2	79.99	81.59	83.22	84.89
	3	86.91	88.65	90.42	92.23
	4	94.01	95.89	97.81	99.77
Low rise flat	1	67.30	68.65	70.02	71.42
	2	74.74	76.24	77.76	79.32
	3	80.90	82.52	84.17	85.86
High rise flat	1	62.15	63.39	64.66	65.96
	2	68.93	70.30	71.71	73.14
	3	75.41	76.91	78.45	80.02

### Totals

#### Service Charges

The charges below are based on a 52 week payment year.

	2019/20	2020/21	Increase	Annual
				Increase
	£ per week	£ per week	£ per week	%
Cleaning - High rise blocks	4.55	4.63	0.08	1.7%
Cleaning - low rise blocks	4.06	4.18	0.12	3.0%
Cleaning - extra care housing	9.67	9.96	0.29	3.0%
Security - door entry system	1.70	1.70	0.00	0.0%
Security - CCTV only	3.54	3.60	0.06	1.7%
Security - CCTV & concierge	5.30	5.39	0.09	1.7%
Security - door entry,CCTV & concierge	8.43	8.57	0.14	1.7%
Digital aerials	0.42	0.42	0.00	0.0%
<b>Totals</b>				
<b>Other charges :</b>				
Garages - private householders inclusive of VAT	8.09	8.25	0.16	2.0%
Garages - council tenants ( for lets below 3 garages)	6.74	6.87	0.13	2.0%