

# Agenda Cabinet

**Wednesday, 20 October 2021 at 3.30 pm  
at Council Chamber, Sandwell Council House, Freeth Street, Oldbury,  
B69 3DB**

**This agenda gives notice of items to be considered in private as required by Regulations 5 (4) and (5) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.**

**1 Apologies for Absence**

**2 Declarations of Interest**

Members to declare any interests in matters to be discussed at the meeting.

**3 Minutes (Pages 7 - 34)**

To confirm the minutes of the meeting held on 29 September 2021 as a correct record.

**4 Additional Items of Business**

To determine whether there are any additional items of business to be considered as a matter of urgency.

**5 Recommendations of the Scrutiny Review of Special Educational Needs and Disabilities Transport Models (Pages 35 - 42)**

**Chair of Children & Education Scrutiny Board/Children**



To consider the recommendations of the Children's Services and Education Scrutiny Board into Special Educational Needs and Disabilities (SEND) Transport Models.

**6 Childcare Sufficiency Report 2021/2022 (Pages 43 - 84)**

To consider the eight recommendations of the Sandwell Childcare Sufficiency Report 2021-2022.

**7 Storage Area Network (SAN) refresh, associated professional services and ongoing support and maintenance - 2022 to 2027 (Pages 85 - 90)**

To award a contract for providing a Storage Area Network (SAN) refresh, for the period 1 April 2022 to 31 March 2027.

**8 Composite Door Programme (Pages 91 - 100)**

To award a contract to undertake the Composite Door Programme to various properties within the North of the housing stock owned by Sandwell Council.

**9 Contract for the Supply of Mains Gas - Appointment of Contractor (Pages 101 - 104)**

To utilise Eastern Shires Purchasing Organisation (ESPO) Framework to supply Mains Gas to Council sites for the period 1 April 2023 to 31 March 2027.

**10 Extension of Domiciliary Care Framework Agreements (Pages 105 - 116)**

To seek approval for the extension to the existing Community Care (Domiciliary Care) Framework Agreements for the period 1 March 2022 to 31 August 2022.

**11 Proposal to Declare the Whole of Sandwell as a Smoke Control Area (Revoking and replacing the existing 51 SCAs) (Pages 117 - 144)**

To consider proposals for the Council to announce

their 'Intention to Declare' the whole Borough of Sandwell as a Smoke Control Area (SCA) under the Clean Air Act 1993.

12 **Tenant Home Contents Insurance** (Pages 145 - 154)

To award a contract for the renewal of the tenant's home contents insurance scheme for the period 1 April 2022 to 31 March 2025.

13 **Implementation of a Public Space Protection Orders for West Bromwich Town Centre** (Pages 155 - 176)

To consider proposals to introduce a Public Spaces Protection Order (PSPO) for West Bromwich Town Centre.

**Kim Bromley-Derry CBE DL**

**Interim Chief Executive**

Sandwell Council House  
Freeth Street  
Oldbury  
West Midlands

**Distribution**

Councillor R Singh (Leader of the Council)  
Councillors Ahmed, Bostan, Carmichael, Crompton, Hartwell, Millard,  
I Padda, Piper and Simms

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## Minutes of The Cabinet

**Wednesday 29 September 2021 at 3.30pm  
in the Council Chamber, Sandwell Council House, Oldbury**

**Present:** Councillor Crompton (Chair);  
Councillors Ahmed, Bostan, Carmichael, Hartwell and  
Simms.

**Also present:** Councillors Mabena, Moore and Shackleton.

**Officers:** Kim Bromley-Derry (Interim Chief Executive), Nicholas Austin (Interim Director of Borough Economy), Melanie Barnett (Acting Operational Director – Children and Education & Statutory Director of Children’s Services), Neil Cox (Director of Business Strategy and Change), Gillian Douglas (Director of Housing), Simone Hines (Director of Finance), Lisa McNally (Director of Public Health), Katharine Willmette (Interim Strategic Director – Children and Education), Mark Bodley (Solicitor – Trading Business Partner), Elaine Newsome (Service Manager – Democracy), Maria Price (Service Manager – Legal Services) and Suky Suthi-Nagra (Democratic Services Manager).

156/21 **Apologies for Absence**

Apologies were received from Councillors R Singh, Millard, I Padda, Piper and L Giles.

157/21 **Declarations of Interest**

Councillor Crompton declared a personal interest in Minute No. 170/21 (Sandwell Land and Property Ltd. – Future Use and Options) on the basis that her partner was a Director on the Board.

158/21 **Minutes**

**Resolved** that the minutes of the meeting held on 1 September 2021 be confirmed as a correct record.

159/21 **Additional Items of Business**

There were no additional items of business to consider at the meeting.

160/21 **Corporate Plan 2020 – 2025 - Refresh 2021**

Consideration was given to the refreshed Corporate Plan, which set out the strategic priorities for the council and details future service provision to achieve them.

The Corporate Plan would inform how each directorate would spend the target budget available to them.

Following approval of the Corporate Plan by Council on 10 March 2020, it was proposed to work with staff, members, partners and the community to develop delivery plans detailing the action needed to achieve the strategic priorities. However, due to the coronavirus pandemic, the Council's and partner focus had been diverted to the initial response and establishing longer term support mechanisms.

A series of engagement events with members, staff and partners had subsequently been undertaken to understand the impact of the pandemic on our communities and to develop actions to address key issues affecting residents.

A refresh of the detailed actions that underpin the delivery of the strategic objectives was required at this time to ensure that the Corporate Plan took into account the impact of the pandemic on Sandwell as a whole and on the organisation.

In developing the revised actions that underpin the strategic outcomes, all Directors had been provided with individual comments received during the engagements sessions in order that these were considered to help shape each outcome.

In addition, conversations had led to changes from the original iteration of the Corporate Plan and had now strengthened:-

- our commitment to improving standards of cleanliness across the borough;
- our drive to ensure that everyone feels safe in the communities they live in;
- our commitment to whole life care and choice.

It was proposed to go back to stakeholders, including each school that had been visited, in the autumn to tell them how their feedback had helped to shape our plan, and get their help to develop a young person's version of the Corporate Plan.

The Chair of the Economy, Skills, Transport and Environment Scrutiny Board felt that the Corporate Plan should include performance detail and benchmark data so that the Council could see clearly where it currently is and what targets we needed to achieve in order to measure the impact of COVID-19 and measure the success of the plan against tangible outcomes. Clarity was also sought on whether the plan had been costed and if the Council had the funds to carry out its plan. In response, the Interim Chief Executive confirmed that the next phase of the plan would be realigned to Directorate business plans and financial plans with clear targets and timelines to enable members to measure outcomes. This would be shared with members in February 2022.

### **Reason for Decision**

The Corporate Plan had been refreshed to ensure the key issues and concerns of a wide range of the Council's stakeholders were considered.

The proposed refreshed Corporate Plan captured these findings in a draft set of actions that would achieve the strategic outcomes and address the key issues affecting the borough and our organisation.

### **Alternative Options**

The Corporate Plan was originally approved by Full Council in March 2020 (Minute No. 20/25) for a five-year period, this would expire in 2025. The existing document could have remained in place without refining its actions, however this would not ensure that the Council's resources were focused on responding to the impact of the pandemic on the borough or the Council.

**Agreed** that Council be recommended to approve the Corporate Plan 2020 – 2025 – Refresh 2021.

### 161/21 **Use of COVID-19 Emergency Funding & Contain Outbreak Management Fund**

Approval was sought for the use of the COVID-19 Emergency Funding and the Contain Outbreak Management Fund (COMF).

#### **Reason for Decision**

The Council received a total of £33m COVID-19 Emergency Funding between 2020 and March 2021. An allocation of £11.2m had also been received for 2021/22. This funding was not ringfenced and could be used more flexibly than most other COVID grants.

The Council had also been allocated £2.9m of Contain Outbreak Management Fund for 2021/22 and brought forward a grant of £7.6m from 2020/21. This must be used for more specific purposes aimed at reducing the chances of any COVID outbreaks within the borough.

At the beginning of the pandemic, the Council's Financial Regulations were revised to allow the S151 Officer to make use of this emergency funding in the most appropriate and efficient way. Any significant spending decisions were approved by Emergency Committee. As the Council is no longer considered to be in an 'emergency' situation, Cabinet were now required to approve planned expenditure against these grants.

In response to questions raised by the Chair of the Economy, Skills, Transport and Environment Scrutiny Board and the Chair of the Safer Neighbourhoods and Active Communities Scrutiny Board, the Deputy Leader and Cabinet Member for Finance and Resources confirmed that:

- funding had been directed towards the maintenance of the Covid-19 temporary measures in Oldbury Town Centre and Smethwick High Street, however, a more detailed breakdown of the proposed projects and locations where funding had been allocated would be provided;
- Sandwell Children's Trust (SCT) had submitted a Type 1 Change Request for additional funding of £0.522m in the current financial year to recruit additional agency staff due to staff absences and vacancies.

### **Alternative Options**

The alternative option would be for these proposals to not be agreed and for Cabinet to request alternatives to be presented for approval. This would delay the expenditure against these grants. A sum of £26,390 was allocated against the maintenance of temporary social distancing measures that are no longer funded from the Emergency Active Travel Fund.

### **Agreed:-**

- (1) that approval be given to the COVID-19 Emergency Funding to be used as set out in **Appendix 1**, totalling £18.377m;
- (2) that approval be given to the use of some of the Contain Outbreak Management Fund (COMF) to cover the continuation of the Contact Tracing team (£0.701m) and various additional deep clean/sanitising requirements at the Aquatic Centre build site (£0.415m).

## **Extension of contract for a non-executive director of Sandwell Children's Trust board**

Approval was sought to the extension of contract for a non-executive director of Sandwell Children's Trust Board for the period of up to two years from 1 November 2021.

### **Reason for Decision**

The appointment of the current non-Executive Director took effect from 1 November 2017 and was for an initial term of 4 years. The board now sought to secure the continuity of the current non-executive directors at a time when there were personnel changes in the Chief Executive Officer post, and in light of the full Ofsted inspection expected in 2021.

The Trust wrote to the Secretary of State for Education requesting consent to extend this appointment for a period of up to two years from 1 November 2021. The Parliamentary Under Secretary of State for Children and Families had approved the recommendation.

Following the completion of the required process to consult the Secretary of State, the Cabinet was asked to approve the recommendations set out in the report.

### **Alternative Options**

The alternative option would be for Sandwell Children's Trust to begin a recruitment process for a new non-executive director. However, this would cause uncertainty at a time when there were personnel changes in the Chief Executive Officer post and a full Ofsted inspection expected in 2021.

### **Agreed:-**

- (1) that the completed sequence of events that are contractually required to extend the contract of a non-executive director of Sandwell Children's Trust board be noted;

- (2) that the response from the Secretary of State for Education in relation to the extension of the non executive director on the Sandwell Children's Trust be noted;
- (3) that approval be given to the extension of contract to Stephen Rimmer as a non executive director of Sandwell Children's Trust for the period of up to two years from 1 November 2021.

163/21

**Appropriation of 34/36 Bridge Street West Bromwich B70 9HN, General Fund into Housing Revenue Account**

Consideration was given to authorise the appropriation of 34/36 Bridge Street, West Bromwich, formerly known as The Willows, West Bromwich, to accommodate subsequent use by housing as part of the housing stock within the remit of the housing revenue account (HRA). The property would then be refurbished to provide a specially adapted large dwelling to meet urgent housing need and would support the Council's ambition in providing new homes and accessibility to meet a full range of housing needs.

**Reasons for Recommendations**

The Willows was currently within the general fund allocation. The property was to be appropriated into the HRA account. Housing and Strategic Asset and Land sought to obtain approval from Cabinet for the appropriation.

The property was currently unoccupied but previously used as temporary bedsit accommodation, the two existing dwellings had provided various care and housing provision over the years. Notwithstanding this the property still sat in the General Fund accounts. Given the proposed use, it was considered appropriate to move it to the HRA.

The proposed project was being undertaken by Urban Design and Building Services on behalf of Housing. The project consisted of the conversion of an existing property to create a suitable dwelling to house a large family with specific disabled housing requirements.

The family consisted of 7 adults, 5 of which were disabled adult children that required urgent accommodation suitable to their needs.

**Alternative Options Considered:**

One alternative option would be to do nothing. The building was currently under used and there was an opportunity to make better use of this asset.

Another option would be to sell the building. This would prevent the council from providing much needed social housing in the West Bromwich area. A sale would also mean the council losing influence on how this building, which was within a residential area, was managed. A sale of the building increased the risk of future anti-social activity.

**Agreed:-**

- (1) that approval be given to declare 34/36 Bridge Street, West Bromwich, B70 9HN, formerly known as The Willows, surplus to the current council services provision under General Fund (Site plan identification reference SAM/06980/005);
- (2) that subject to Resolution (1) above, the Director - Regeneration and Growth be authorised to appropriate the land and premises shown for identification purposes as Appendix B from the general fund to the housing revenue account at a value of £210,000;
- (3) that the Director – Housing be authorised to manage and let the premises as referred to in Resolution (1) above as part of the council's housing stock;

- (4) that the Director of Finance be authorised to make the appropriate adjustments to the Capital Financing Requirement of the General Fund and the Housing Revenue Account to reflect the appropriation as set out at Resolution (2) above.

164/21      **Sandwell Local Development Scheme 2021**

Approval was sought to accept the updated Local Development Scheme (LDS) 2021. The LDS was the Council's three-year project plan that identified which local plan documents would be produced by the Council, in what order and by when. All documents would be subject to Cabinet and Full Council approval at the relevant stages.

**Reasons for Decision**

The Council needed to review its planning documents at regular intervals to assess whether some or all of them required updating. The LDS, therefore, also provided information on the timetabling of several existing approved planning documents which needed to be reviewed. Local Planning Authorities were required to prepare their LDS and make it available to the public; there was no longer a requirement to submit or report on them to the Secretary of State.

**Alternative Options Considered**

Preparation of a LDS was a requirement of the Planning & Compulsory Purchase Act 2004. As such there was no alternative to its preparation.

**Agreed:-**

- (1) that approval be given to the updated Sandwell Local Development Scheme (LDS) 2021 as now submitted;
- (2) that the Director for Regeneration and Growth be authorised to make minor changes to the Local Development Scheme that may be required prior to making it available to the public, in consultation with the Cabinet Member for Regeneration and Growth.

## **Refurbishment of Low Rise Blocks of Flats – The Lakes, Lion Farm**

Approval was sought to award a contract to undertake the refurbishment of low rise blocks of flats at The Lakes to continue the substantial investment in the Council's housing stock. The contracted works would deliver an upgrade to the 5 blocks and 20 new units of social housing by adding an extra storey to each block.

The project aimed to provide modern council owned accommodation to a high standard suitable for rent to council tenants and would provide an additional 20 new affordable homes. In order to comply with the Council's Procurement and Contract Procedure Rules, tenders were invited using the Homes England framework agreement. This ensured that only contractors with suitable refurbishment experience were invited to tender.

Invitations to tender were issued in June 2021 and 2 tenders were received. An exemption was therefore sought to the Council's Procurement and Contract Procedure Rules as a result of fewer than three tenders being received from advertisement through the Council's procurement portal.

The Chair of Economy, Skills, Transport and Environment Scrutiny Board welcomed the Council's continuing investment in new housing. Clarification was however sought on when the Council had last reviewed its procurement procedures in relation to the letting of contracts for low rise and high-rise blocks. In response, the Cabinet member for Housing confirmed that the Council would be reviewing its contract procedure rules in the current financial year. The internal audit programme for the current year also included procurement and contract compliance audit, which would incorporate a review of the Council's procurement procedures and processes.

### **Reasons for Decision**

In accordance with the Council's Procurement & Contract Procedure Rules (Rule 15) an exemption from any rule for a contract above £250,000 must be approved by Cabinet.

**Alternative Options Considered:**

The alternative was to not invest in Council housing stock which in turn may lead to dissatisfaction from existing and potential new tenants as well as disrepair and additional burden on the Housing Revenue Account.

**Agreed:-**

- (1) that approval be given to authorise the Director of Housing to award a contract for the refurbishment of low rise flats at The Lakes, Badsey Road, Lion Farm, Oldbury to Lovell Partnerships Limited, for the sum of £10,962,999.41 and for a period of 86 weeks, from November 2021 to June 2023;
- (2) that the Director – Law and Governance and Monitoring Officer be authorised to enter into an appropriate contract for the Refurbishment of Low Rise Blocks of Flats – The Lakes, Badsey Road, Lion Farm, Oldbury with Lovell Partnerships Limited;
- (3) that any necessary exemptions be made to the Council's Procurement & Contract Procedure Rules to enable the course of action referred to in Resolution (1) above to proceed;
- (4) that resources of £1.096m are allocated from the balance of receipts generated for 1-4-1 housing replacement from the sale of council properties under Right to Buy.

**166/21 Roofing Repairs to Council Properties**

Approval was sought to award the contract to undertake roofing repairs to Council properties. The Council was seeking to appoint three contractors to five contracts to undertake roofing repairs to Council properties for a contract period of three years, from 1 October 2021 to 30 September 2024.

This tender had been divided into the following lots:

- Lot 1 Pitched Roofing
- Lot 2 Built up Felt Roofing
- Lot 3 Asphalt Roofing

Two contractors were to be appointed to Lots 1 and 2 with one contractor to be appointed to Lot 3. The Contractors with the winning submissions were:

- Lot 1: Hardyman Group Limited/Roy Hankinson Limited
- Lot 2: IJS Roofing and Building Limited/Hardyman Group Limited
- Lot 3: Roy Hankinson Limited

The anticipated combined value of the contracts, including all Lots, was £2.7 million (£900,000 per annum) for a period of three years.

### **Reason for Decision**

The current contract was due to expire on the 31 January 2023. Expenditure levels on the current contract were forecast to exceed the contract sum figure. To comply with Public Contract Regulations 2015, a decision was made in conjunction with Procurement Services to terminate the current contracts in accordance with the termination provision contained within the contract and to re-procure the contracts to ensure compliance. Correspondence was issued to all contractors in February 2021, including a termination date of 30 September 2021.

### **Alternative Options Considered:**

Sandwell MBC's Asset Management and Maintenance team had eight directly employed roofers. This contract was required to pick up the overspill of work. The contract also included a provision to repair and renew Asphalt walkways and balconies as the council did not have suitably trained employees to undertake this work.

### **Agreed:-**

- (1) that approval be given to authorise the Director – Housing to award contracts for the delivery of Roofing Repairs to: -

- (a) Hardyman Group Limited and Roy Hankinson Limited – Lot 1 Pitched Roofing Repairs, for the sum of approximately £796,500 (£265,500 per annum) to Hardyman Group / £265,500 (£88,500 per annum) to Roy Hankinson Limited and for a period of 3 years, from 1 October 2021 to 30 September 2024;
  - (b) IJS Roofing and Building Limited and Hardyman Group Limited – Lot 2 Built Up Felt and Sheet Roofing Repairs, for the sum of approximately £888,750 (£296,250 per annum) to IJS Roofing and Building Limited / £296,250 (£98,750 per annum) to Hardyman Group Limited and for a period of 3 years, from 1 October 2021 to 30 September 2024;
  - (c) Roy Hankinson – Lot 3 Asphalt Roofing Repairs, for the sum of approximately £453,000 (£151,000 per annum) and for a period of 3 years, from 1 October 2021 to 30 September 2024;
- (2) that the Director – Law and Governance and Monitoring Officer be authorised to enter into appropriate contracts for Roofing Repairs with Hardyman Group Limited, Roy Hankinson Limited and IJS Roofing and Building Limited.

167/21

**Smethwick to Birmingham Area Framework and Grove Lane Masterplan Revision**

Approval was sought to revise documents on the Draft Smethwick to Birmingham Regeneration Corridor Area Framework and Grove Lane Masterplan and provide the Director of Regeneration and Growth authorisation to make minor changes to the area framework or Masterplan prior to consultation commencing if required.

### **Reason for Decision**

The Draft Area Framework and Masterplan were presented to Cabinet on 16 June 2021 and approved for consultation. As the documents were a cross boundary commission with Birmingham City Council, they were also presented to the Director of Planning at Birmingham for sign off who then requested changes to be made to the Area Framework only, prior to being released for public consultation.

Although the Cabinet report authorised the Interim Director Regeneration and Growth to make minor changes if necessary, it was considered that the scale of changes made were more significant and that the revised documents should be presented to Cabinet for approval again. Following approval from Cabinet, it was intended to commence consultation in October.

It was intended to commence with public consultation for a period of six weeks in October following approval of the amended documents. A report on the consultation responses and proposed changes would be brought to Cabinet in due course.

### **Alternative Options Considered**

Not progressing with a Masterplan for the area surrounding the new Midland Metropolitan University Hospital would not create a platform from which to promote development opportunities in this area. The continued regeneration envisioned for this area would not be achieved and it would prevent the development of up to 800 much needed homes, a primary school and employment opportunities not being realised within one of the most deprived areas of Sandwell. The changes proposed in the revised documents did not dilute the strategy for this area but ensured the information is more succinct and focussed on demonstrating the contribution to net zero and inclusive growth.

### **Agreed:-**

- (1) that approval be given to revise documents on the Draft Smethwick to Birmingham Regeneration Corridor Area Framework and Grove Lane Masterplan, to be consulted on for six weeks commencing October 2021;

- (2) that the Director Regeneration and Growth be authorised to make minor changes to the Area Framework or Masterplan prior to consultation commencing if required.

## 168/21 **Additional Restrictions Grant (ARG) Top Up**

Approval was sought to accept the revised Additional Restrictions Grant Top-Up policy. The Additional Restrictions Grants policy was being changed because since the earlier part of 2021, businesses had now returned to trading as usual and the previous policy was focussed largely based on businesses which had been adversely affected by lockdown restrictions. In this instance, it was proposed to reward businesses who retained staff, particularly given that the Government's furlough scheme had ended in September 2021.

On 3 March 2021, BEIS announced that a further £425 million would be made available for local authorities, through a conditional top-up to the ARG Grant, subject to local authorities having spent their previous ARG allocations for financial years 20/21 & 21/22 by the 30 July 2021.

Sandwell Council had reported to BEIS that all ARG funding had been spent, and the Council had received £1.66m of ARG top-up in late August 2021.

Sandwell Council's Business Growth team had already administered over £9.6 million of ARG directly to businesses and sole traders. The ARG Top Up funding scheme aimed to support businesses severely impacted by the recent economic downturn created by the pandemic. Local authorities could use ARG funding for business support activities and for funding a form of discretionary grants.

All funding must be spent by the 31 March 2022 and as such, the way in which the council utilised this funding must be aligned to available resources; the council's decision-making processes; and procurement regulations. Flexibility would also be required to enable the council to respond to any changing circumstances over the grant period.

### **Reasons for Decision**

To agree a policy whereby businesses can benefit from the remaining ARG funding and agree how the funding was to be distributed to businesses who qualified for support in line with criteria set by the funder the Department of Business Energy and Industrial Strategy (BEIS) and Sandwell Council. The Council was ensuring that ARG policy and process were in accordance with the guidance provided by BEIS.

### **Alternative Options Considered**

An alternative option was to provide £1.66million (100%) in grants directly and not offer the £120,000 (7.2%) Business Support interventions. The downside of this is that it removed a level of extra support advice for up to 200 businesses, specialist guidance on trade and exporting goods for up to 20 Sandwell companies, and removed the opportunity for Sandwell Residents to participate in an 'Entrepreneurial Business School'.

It was clarified that the scheme would go live on Monday 4 October.

### **Agreed:-**

- (1) that approval be given to revise the Additional Restrictions Grant Top-up policy;
- (2) that the Director for Regeneration and Growth, in consultation with the Cabinet Member for Regeneration and Growth and the Director of Finance, be authorised to allocate and administer £1.54m of Additional Restriction Grants;
- (3) that the Director for Regeneration and Growth, in consultation with the Cabinet Member for Regeneration and Growth and the Director of Finance, be authorised to allocate and administer £120,000 in business support activities;

- (4) that the Director for Regeneration and Growth, in consultation with the Cabinet Member for Regeneration and Growth and the Director of Finance, be authorised to make any changes necessary to the Additional Restriction Grant Policy, including amounts allocated between Resolutions (2) and (3) above; in order to respond to any unforeseen circumstances which may arise between October 2021 and March 2022, in order to ensure all grant funding is expended within time frame.

## 169/21 **Establishing an Equality Commission Team**

Approval was sought to fund the Equality Team from Council Reserves for the current financial year 2021/2022 and a budget allocated to meet the costs of the Team for subsequent financial years. To support the Equalities Diversity and Inclusion Agenda, it was imperative a dedicated core team was established which supported the delivery of the Council's ambitious equalities, diversity and inclusion agendas.

In response to questions raised by the Chair of the Children and Education Scrutiny Board in relation to the timing of the establishment of the Equalities Commission Team, with the Equalities Act being passed in 2010 and the mixed response from other local authorities in the comparisons provided in the report and about the action plan of the Equality Commissions Team and whether the Council would be updated on its progress, the Cabinet Member for Communities and Neighbourhoods confirmed that:-

- the Council had met the requirement of the 2010 Act, however, it involved staff members from different departments of the Council to address equality needs and now it was felt that there was a need to have a dedicated team as it allowed a greater focus on diversity and delivering the equalities agenda;

- upon the approval and establishment of the Equalities Commission Team, several project teams would be set up to focus on different areas with the Council being updated regularly on its progress. The current arrangement utilised existing council resources, however, it was recognised that a dedicated resource was required in order to drive the equalities agenda.

### **Reasons for Decision**

Emergency Committee approved the establishment of the Sandwell Equalities Commission as a catalyst to drive forward the Council's equalities agenda. To achieve this, it aimed to break down barriers prohibiting an inclusive society, tackle unfairness caused by inequality and encourage community cohesion through increased understanding and awareness. For this reason, the scope of this project was extensive and far reaching.

Initially the resources for the Commission were met from internal staff. However, additional resources were required to deliver the Equalities, Diversity and Inclusion Agenda.

It was therefore proposed that a new team to support the Equalities, Diversity and Inclusion Agenda be established. There was no specific allocated/approved budget for the cost of this addition, however sufficient budget had been identified in reserves to meet the cost of this team during 2021/22 with further funding to be secured for subsequent years as part of the forthcoming budget setting process.

### **Alternative Options Considered**

An alternative option considered was for the Council to continue with the existing arrangements, which consisted of support being provided by various departments to help deliver the Equalities Agenda. This did not provide the level of capacity, skills, expertise needed to drive this agenda with the level of pace and vigour required. Alternatively, the Council could second 2 or 3 employees to support and lead on the work of the Commission. While this option would result in some benefits, it would not be sufficient to achieve the ambitions and outcomes sought by the council.

**Agreed** that approval be given to fund the Equality Team from Council Reserves for the current financial year 2021/2022 and a budget allocated to meet the costs of the Team for subsequent financial years.

170/21 **Sandwell Land and Property Ltd – Future Use and Options**

Approval was sought to approve the recommendation of the Board of Directors of Sandwell Land and Property Ltd (SL&P) made on 10 May 2021, that the Company had served the purpose for which it was incorporated, had reached the end of its useful life and that the company be placed into Members' Voluntary Liquidation.

The transfers necessary to other bodies (such as the Governing Body of a Foundation School or Lichfield Dioceses) would be undertaken following a thorough due diligence exercise to ensure only transfers that were legally required were executed.

In response to a question from the Chair of Children and Education Scrutiny Board on whether the scheme would cause any financial implications for the Council, it was clarified that the scheme would not impact any interests that could be acquired in the estate, but instead would make it easier for the administration of the education portfolio going forward.

**Reason for Decision**

The current position was that the Board of Directors of SL&P, having considered the advice obtained, the legal position, and the recommendations of the Council's external auditors, had resolved that the company should be placed into Members Voluntary Liquidation as it had reached the end of its useful life, should cease to be used by the Council as a property holding company, and the company's interest in the properties transferred back to the Council. It currently created an administrative barrier to the smooth operation of the Education portfolio and was preventing or hindering the rectification of historical anomalies with regard to the registration of a number of Education assets.

### **Alternative Options Considered**

The alternative options were considered and summarised in a report to the Board of Directors prepared by the external advisors (with input from Kroll).

#### **Agreed:-**

- (1) that approval be given, on behalf of the Council as sole shareholder of Sandwell Land & Property Limited agrees the recommendation of the Board of Directors of Sandwell Land and Property Ltd made on 10 May 2021, that the company has served the purpose for which it was incorporated, has reached the end of its useful life, and that the company be placed into Members' Voluntary Liquidation;
- (2) that approval be given to provide an indemnity on the terms as now submitted to the appointed Insolvency Practitioner concerning Sandwell Land and Property Limited;
- (3) that the Director of Law and Governance & Monitoring Officer be authorised to take the necessary steps to appoint appropriate professional practitioners and requisite actions necessary to administer the Members Voluntary Liquidation of Sandwell Land and Property Ltd.

171/21

### **Co-operative Working with Sandwell and West Birmingham Hospitals NHS Trust**

Approval was sought to authorise the extension of the Co-operative Working Arrangement for Public Health Services with Sandwell and West Bromwich Hospitals NHS Trust.

This aimed to strengthen the governance around the Co-operative Working Agreement with Sandwell and West Birmingham Hospitals NHS Trust (SWBH). In particular, in relation to Regulation 12(7) of the Public Contracts Regulations 2015.

By extending the current agreement and reducing the duration of the new agreement by the same time period, the Council and SWBH would gain an opportunity to strengthen the governance around the new agreement without any impact on patients, services or budgets.

### **Reason for Decision**

The Co-operative Working Arrangement were operational however the contract ended on 30 September 2021.

The governance arrangements were in place and working effectively including the Co-operative Working Management Board, the Cooperative Working Steering Group and the joint performance management of services under Co-operative Working. The operation of the Co-operative Working relationship had been assessed and was considered to satisfy the conditions of Public Contracts Regulations 2015, regulation 12(7); however, there was a need to elaborate the collaborative arrangements in the new Co-operative Working Agreement for Public Health Services. The extension period of 4 months to the existing contract would enable this to be undertaken.

Following the proposed extension, the contract would be for four years and 8 months. An initial period of 2 years 8 months from 1 Feb 2022 to 30 September 2024, and an option to extend for a further two years to 30 September 2026.

### **Alternative Options Considered**

An alternative option considered was for the Council to consider the procurement of the services in question; however, that was likely to result in less co-ordinated, efficient and cost effective services being delivered. The collaborative approach with the NHS Trust ensure greater proficiencies and enabled both public sector bodies to achieve more effectively key objectives.

### **Agreed:-**

- (1) that the Director of Public Health be authorised to extend the Cooperative Working Agreement for Public Health Services with Sandwell and West Birmingham Hospitals NHS Trust by 4 months on the same terms and conditions for the period 1 October 2021 to 31 January 2022;

- (2) that in connection with Resolution (1) above, approval be given to the cost of the extension to the Co-operative Working Agreement for Public Health Services with Sandwell and West Birmingham Hospitals NHS Trust, which totals approximately £2,709,670;
- (3) that with reference to Minute No. 117/20 taken by the Cabinet on 9 December 2020 in relation to the term of the new Co-operative Working Agreement, this now be reduced by 4 months as a means of offsetting the costs of the extension;
- (4) that the decision taken by the Cabinet on 9 December 2020 in relation to the new contract (see Minute No. 117/20), the term of the contract be amended for an initial period of 2 years 8 months, namely from 1 February 2021 to 30 September 2024 (reduced from three years) with an option to extend for a further two years to 30 September 2026;
- (5) that the Director of Law and Governance & Monitoring Officer, in consultation with the Director of Public Health, be authorised to approve variations up to a maximum of 10% of the contract value, should they be necessary;
- (6) that the Director of Law and Governance & Monitoring Officer be authorised to execute any documentation necessary to enable the above recommendations to be implemented;
- (7) that subject to approval of recommendations above, any necessary exemptions be made to the Council's Procurement and Contract Procedure Rules to enable the course of action to proceed.

172/21 **Exclusion of the Public and Press**

**Resolved** That the public and press be excluded from the rest of the meeting to avoid the possible disclosure of exempt information under Schedule 12A to the Local Government Act, 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, relating to the financial and business affairs of any person, including the authority holding that information.

173/21 **West Bromwich Towns Fund – Digital Den Full Business Case Approval**

Approval was sought to the Full Business Case and associated reports of the West Bromwich Towns Fund Digital Den Project, following a positive recommendation by the Council's Strategic Finance Team, for submission to the Department for Levelling Up, Housing and Communities for approval to be delivered by Greets Green Community Enterprises.

**Reason for Decision**

The Towns Fund Business Case Guidance, December 2020 set out that local assurance process should be followed for Towns Fund business case appraisal and approval led by the Council as the Accountable Body for the Towns Fund. In Sandwell, the process was for Full Business Cases to be reviewed by the Council's Strategic Finance Team and put to Cabinet for approval once an appraisal threshold was met.

The Town Deal Superboard considered this Full Business Case at its meeting on 22 July 2021 and subsequently approved it (see Minute No. 49/2021). The Full Business Case had been submitted to the Council's Strategic Finance Team (Strategic Investment Unit) for appraisal. However, the results and recommendations of the appraisal were not yet available. Therefore, the recommendation to Cabinet was subject to the outcome of this appraisal.

The appraisal would include a review of each of the 5 cases contained within the Full Business Case (strategic, economic, financial, management, commercial) and would ensure compliance with the Government's Green Book Standards for business cases. As the value of this project was less than £250,000 the Strategic Investment Unit would not score the appraisal but would provide a recommendation to the s.151 officer.

The Digital Den project value was £154,600 comprising £42,600 from Towns Fund and match funding of £112,000 from Greets Green Community Enterprise.

### **Alternative Options Considered**

The alternative option considered would be to not approve the Digital Den Full Business Case, however this would conclude Sandwell's partnership with Greets Green Community Enterprises. This would result in the loss of £0.0426m investment to West Bromwich from the Towns Fund and project benefits not being achieved.

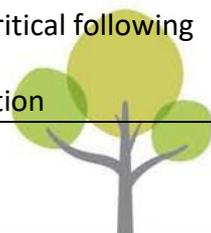
**Agreed** that the Director – Finance be authorised to consider and approve the Full Business Case and associated reports for the West Bromwich Towns Fund Digital Den Project for submission to the Department for Levelling Up, Housing and Communities, to be delivered by Greets Green Community Enterprises.

Meeting ended at 4.25pm

Contact: [democratic\\_services@sandwell.gov.uk](mailto:democratic_services@sandwell.gov.uk)



Strategic Outcomes	Challenges
<b>One Council, One team</b>	<ul style="list-style-type: none"> <li>• Balancing the budget</li> <li>• Developing the new operating model and transformation agenda</li> <li>• Developing the digital offer</li> <li>• Combatting digital exclusion</li> <li>• Embedding senior management restructure</li> <li>• Strategic communication</li> <li>• Positive mental wellbeing of staff</li> <li>• Equalities Commission</li> <li>• Updating our governance arrangements</li> </ul>
<b>Best Start in Life for Children and Young People</b>	<ul style="list-style-type: none"> <li>• Rising poverty and household stress, notably food insecurity</li> <li>• Increasing safeguarding concerns and need for family support</li> <li>• Young people disproportionately affected by the pandemic</li> <li>• Lost teaching in pandemic worsening existing education gap and risk of those Not in Employment, Education or Training (NEET) increasing</li> </ul>
<b>People live well, age well</b>	<ul style="list-style-type: none"> <li>• Widening health inequalities</li> <li>• Pandemic gravely affected specific groups, notably BAME and disabled people</li> <li>• Combatting mental ill health and social isolation</li> <li>• Promoting wellbeing and preventing the need for longer term support.</li> <li>• Joined up care</li> <li>• Vaccination take-up and risk of localities where Covid persists</li> </ul>
<b>Strong, Resilient Communities</b>	<ul style="list-style-type: none"> <li>• Rising reliance on benefits, poverty, debt and inequality</li> <li>• Impact on our high streets</li> <li>• Anticipation of increasing homelessness</li> <li>• Building on the increase in civic participation</li> <li>• Digital exclusion made worse</li> <li>• Action to address climate change as an organisation and in the community, a green recovery</li> <li>• 40% increase in waste collection</li> </ul>
<b>Quality Homes in Thriving Neighbourhoods</b>	<ul style="list-style-type: none"> <li>• Aspiration for new house building programme delivering green, environmentally-friendly and affordable homes</li> <li>• Fire safety in our high and low-rise blocks critical following Hackitt Report</li> <li>• Vulnerability in private rented accommodation</li> </ul>



<p><b>A Strong, Inclusive Economy</b></p>	<ul style="list-style-type: none"> <li>• Isolation of families in high rise blocks</li> <li>• Low wages, low Skills, and higher levels of deprivation</li> <li>• Meeting additional skills and retraining needs</li> <li>• Increasing need for digital skills and equipment</li> <li>• Increasing need for improved support for businesses</li> <li>• Disadvantaged groups being left behind</li> <li>• Impact on high streets and other economic scarring</li> <li>• Making the most of government funding opportunities</li> </ul>
<p><b>A connected and accessible Sandwell</b></p>	<ul style="list-style-type: none"> <li>• Continuing development of sustainable travel opportunities to build on increased walking/cycling</li> <li>• Securing funding/investment and delivering major transport projects</li> <li>• Implementing 5G infrastructure</li> </ul>



# REGENERATION AND PLANNING

STRATEGIC ASSET MANAGEMENT



NORTH



LEGEND	DESCRIPTION	SANDWELL	TERRIER
	34 BRIDGE STREET WEST BROMWICH B70 9HN	S09991NE	180
		SCALE 1:1250	CENTROID 399702/291672
		DRAWN JR	DATE 23-AUG-2021
		<small>THIS MAP IS BASED UPON ORDNANCE SURVEY MATERIAL WITH THE PERMISSION OF ORDNANCE SURVEY ON BEHALF OF THE CONTROLLER OF HER MAJESTY'S STATIONERY OFFICE</small> ©CROWN COPYRIGHT	
	AREA 425.1 M2    508.4 Y2	<small>UNAUTHORISED REPRODUCTION INFRINGES CROWN COPYRIGHT AND MAY LEAD TO PROSECUTION OR CIVIL PROCEEDINGS</small> SANDWELL MBC LICENCE NO 100032119 2021	
	PLAN NUMBER SAM/06980/005		

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## Report to Cabinet

20 October 2021

<b>Subject:</b>	Recommendations of the Scrutiny Review of Special Educational Needs and Disabilities Transport Models
<b>Cabinet Member:</b>	Cabinet Member for Children and Education, Councillor Karen Simms
<b>Director:</b>	Director – Law and Governance Surjit Tour
<b>Key Decision:</b>	Yes
<b>Contact Officer:</b>	Alexander Goddard, Democratic Services Officer alexander_goddard@sandwell.gov.uk

### 1 Recommendations

- 1.1 That the administration of Special Educational Needs and Disabilities Transport be reviewed to ensure consistency of approach and that resourcing is adequate in light of increasing demand on the service.
- 1.2 That the Parent Group for Children with Special Educational Needs and Disabilities be communicated and consulted with on any changes to the Special Educational Needs and Disabilities Transport service and, where possible, the views of affected children and young people are also sought.
- 1.3 That Education Health Care Plan assessments are carried out without delay to ensure early identification of recommended provision, including Special Educational Needs and Disabilities Transport requirements.
- 1.4 That child to adult ratios for minibuses be re-evaluated to ensure that they are appropriate and reflect assessed risks and needs on a case by case basis.



- 1.5 That the Independent Travel Training Programme be continued and increased.
- 1.6 That awareness campaigns relating to Personal Budgets and the Independent Travel Training Programme be refreshed to ensure all families are aware of the options available.
- 1.7 That Early Years provision in each town be reviewed, which may help reduce transport costs.
- 1.8 That time lengths of Special Educational Needs and Disabilities Transport journeys be reviewed to ensure that children are not needing to travel for more than 50 minutes in normal circumstances.
- 1.9 That place provision be reviewed and strategically located throughout the borough to minimise journey times for children using Special Educational Needs and Disabilities Transport.
- 1.10 That the following be considered in relation to the contracting of Special Educational Needs and Disabilities Transport for February 2022:-
  - (a) providers should ensure drivers and Passenger Assistants are trained, and accredited where appropriate, in First Aid, non-verbal communication, use of safety harnesses and manual handling. In addition there should be Advanced Passenger Assistants who are specifically trained to provide emergency medication on transport, including but not limited to administering pre-loaded EpiPens or pre-loaded buccal midazolam devices;
  - (b) a market position statement be prepared, encouraging competition from a wide range of suppliers;
  - (c) small and medium enterprises should be afforded opportunities to tender for the contracts;
  - (d) that local/mainstream schools should be the first consideration if they can address the needs of pupils, whilst recognising that some parents may prefer alternative places;
  - (e) some harmonisation of provision should be considered to balance effective management of contracts whilst retaining a diversified group of providers;
  - (f) the model for provision should avoid the increased risk associated with awarding contracts to a small number of providers.



- 1.11 That a trial scheme for providing Passenger Assistants in-house, or in partnership with schools, be undertaken as part of the contracting of Special Educational Needs and Disabilities Transport and that a full analysis is carried out on the trial scheme to determine its effectiveness.
- 1.12 That the feasibility of taking Special Educational Needs and Disabilities Transport provision in-house be assessed, this should include risks, costs, benefits, potential timescales and suitable performance indicators, and it should include the following options:
- (a) full Special Educational Needs and Disabilities Transport service in-house;
  - (b) combined provision with existing Adult Social Care Transport;
  - (c) only Passenger Assistants service provided in-house.
- 1.13 That, however the Special Educational Needs and Disabilities Transport service is provided in future, Passenger Assistants:-
- (a) must be trained, and accredited where appropriate, in First Aid, communication with non-verbal children; and
  - (b) during their induction and onboarding a clear and strong emphasis should be placed on relationship building between the Passenger Assistant, the family, the school and the transport provider;
  - (c) also include Advanced Passenger Assistants who are specifically trained to provide emergency medication on transport, including but not limited to administering pre-loaded EpiPens or pre-loaded buccal midazolam devices;
- 1.14 That how children with Autism Spectrum Disorders can receive earlier diagnoses be reviewed with partners, to help improve outcomes, including around transport needs, for that group.
- 1.15 That research relating to Special Educational Needs and Disabilities is considered whenever it is available to identify potential areas of improvement in Sandwell's service provision.



## 2 Reasons for Recommendations

2.1 The recommendations have been identified by the Children’s Services and Education Scrutiny Board in order to address the findings of a scrutiny working group into Special Educational Needs and Disabilities (SEND) Transport Models. These recommendations cover matters for Cabinet to consider in relation to the commissioning of SEND Transport at the end of the current extended contract period, matters relating to the longer-term delivery of SEND Transport and other, more general, recommendations on the topic.

## 3 How does this deliver objectives of the Corporate Plan?

	Best start in life for children and young people – providing transport to Sandwell’s children and young people with SEND so that they can access education is a vital component of this objective.
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## 4 Context and Key Issues

4.1 A proposal was approved by Cabinet on 12 August 2020 to establish a new Dynamic Purchasing System (DPS) for the Provision of Passenger Transport for 2021-25 (minute No 65/20 refers). Pursuant to the creation of the DPS, a closed bid tender process was held for the award of four passenger transport related contracts, such contracts to be effective from 1 September 2021.

4.2 At its meeting on 16 June 2021, the Cabinet deferred any decision relating to Special Educational Needs and Education Transport Contracts for 2021-25 until a suitable review had been undertaken due to questions relating to the process that had been followed. Cabinet has therefore not yet considered the outcomes of the closed bid tender process.



- 4.3 The requested reviews have been and continue to take place into the process and the Audit and Risk Assurance Committee (ARAC) is carrying out a piece of work in accordance with its terms of reference. The Budget and Corporate Scrutiny Management Board agreed that to add value by considering Special Educational Needs and Disabilities Transport from another lens would be beneficial. It therefore proposed a scrutiny review by the Children's Services and Education Scrutiny Board of Special Educational Needs and Disabilities Transport Models.
- 4.4 It was acknowledged from the outset of the Scrutiny Review that the role of ARAC will be focused on the tendering arrangements and the internal/external review so the Scrutiny Review focussed on the duty on the Council, ways in which it does and could dispense that duty and to formulate a view on the best model for the provision of SEND Transport.
- 4.5 The Children's Services and Education Scrutiny Board formed a cross-party Working Group, including members of the Budget and Corporate Scrutiny Management Board and parent governor representatives, and agreed a scope for the Scrutiny Review. It was acknowledged that the Review needed to be carried out at pace in order to ensure suitable transport provision could be procured by February 2022, when the current interim arrangements would cease. To this end, the Chair of the Scrutiny Board directed the members of the Working Group to each take responsibility for a specific workstream that had been identified in the scope of the Review.
- 4.6 Members carried out a range of research including collating data from local, regional and national sources; speaking to a range of officers and stakeholders (including parents and school staff); and liaising with other local authorities. The findings of this research were discussed at multiple meetings of the Working Group and members have identified a range of recommendations to Cabinet relating to Special Educational Needs and Disabilities Transport Models, which are presented to the Children's Services and Education Scrutiny Board for consideration.



4.7 The Working Group acknowledged that Special Educational Needs and Disabilities Transport is a vital component of the Corporate Plan objective relating to ‘Best Start in Life for Children and Young People’. Furthermore the Council has statutory duties around the provision of transport for children with Special Educational Needs and Disabilities (Education Act 1996) and the recommendations identified by the Working Group reflect this, together with the requirements placed upon the Council by the Equality Act 2010 and the Public Sector Equality Duty.

## 5 Alternative Options

5.1 The Cabinet could decide to not consider the recommendations of the Children’s Services and Education Scrutiny Board arising from the Scrutiny Review of Special Educational Needs and Disabilities Transport, however any potential service improvements would then not be realised.

## 6 Implications

<b>Resources:</b>	The main implications for the Council’s resources relates to financing of SEND Transport. These would be fully determined prior to Cabinet making any decisions on commissioning arrangements.
<b>Legal and Governance:</b>	The Council has a statutory duty (Education Act 1996) in relation to SEND Transport.
<b>Risk:</b>	The Scrutiny Board acknowledges the need to properly assess risk, especially of potential future models of SEND Transport delivery and recommends that this be part of a comprehensive feasibility study for longer-term options.
<b>Equality:</b>	Children and young people with special educational needs and disabilities (SEND) have protected characteristics under the Equality Act 2010.
<b>Health and Wellbeing:</b>	SEND Transport contributes to the health and wellbeing of those residents who use it.
<b>Social Value</b>	The recommendations include proposals that the Scrutiny Board feels would increase opportunities for local businesses.



## 7. Appendices

None

## 8. Background Papers

[Scoping Document for Scrutiny Review of SEND Transport Models](#)  
[Council's Statutory Duties in relation to SEND Transport](#)  
[Background to the Commissioning of Passenger Transport](#)



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## Report to Cabinet

**20 October 2021**

<b>Subject:</b>	Childcare Sufficiency Report 2021/2022
<b>Cabinet Member:</b>	Cabinet Member for Children and Education, Councillor Karen Simms
<b>Director:</b>	Katharine Willmette - Interim Strategic Director Children and Education  Melanie Barnett – Acting Operational Director Children and Education
<b>Key Decision:</b>	Yes
<b>Contact Officer:</b>	Sally Dowie, Data Management Officer <a href="mailto:Sally_dowie@sandwell.gov.uk">Sally_dowie@sandwell.gov.uk</a> Sara Baber, Lead Manager, Early Years Services <a href="mailto:Sara_baber@sandwell.gov.uk">Sara_baber@sandwell.gov.uk</a>

### 1 Recommendations

#### 1.1 That Cabinet:

- (i) Consider the eight recommendations of the Sandwell Childcare Sufficiency report 2021-2022, now submitted as appendix 1 and endorse the report and recommendations.
- (ii) Recommend that subject to the above, the Director Children and Education will develop and implement a Childcare Strategic Action Plan for 2021-2022 to be monitored based on the 8 recommendations of the Childcare Sufficiency Report to meet the Council's obligations under the Childcare Act, 2006.



- (iii) Note that the Childcare Strategic Action Plan will be monitored by the Early Years Strategic Group and progress will be reported termly to The Director Children and Education Extended Divisional Management Team meeting.

## 2 Reasons for Recommendations

- 2.1 The Children and Families Act 2014 states that local authorities should report annually to Elected Council Members on how they are meeting their duty to secure sufficient childcare and make this report available and accessible to parents.
- 2.2 The 2021-2022 Childcare Sufficiency Report has been developed based on the June 2018 Early Years and Childcare Statutory Guidance.
- 2.3 The supply of childcare places has been assessed against the potential demand for places and the findings have been formulated into the eight recommendations.
- 2.4 Cabinet is requested to consider the eight recommendations of the Sandwell Childcare Sufficiency report 2021-2022 (appendix 1 attached) and recommend that a Childcare Strategic Action Plan for 2021-2022 be implemented and monitored as outlined in decision recommendations above.
- 2.5 The Childcare Act 2006 gives local authorities a key role in shaping the childcare market in their area. Working with providers from the private, voluntary, independent and maintained sectors, the local authority will look to create a strong, sustainable and diverse childcare market that meets the needs of parents. It focuses on sufficient, sustainable and flexible childcare that is responsive to parents' needs.
- 2.6 Section 6 of the 2006 Act gives local authorities a duty of securing, so far as is reasonably practicable, that the provision of childcare (whether or not by them) is sufficient to meet the requirements of parents in their area to enable them to:
- a) take up, or remain in, work, or



- b) undertake education or training which could reasonably be expected to assist them to obtain work.

2.7 Local authorities are responsible for determining the appropriate level of detail in their report, geographical division and date of publication.

The Department for Education publishes annual Early Education and Childcare Statutory Guidance for local authorities. The June 2018, document which is available at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/718179/Early\\_education\\_and\\_childcare-statutory\\_guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/718179/Early_education_and_childcare-statutory_guidance.pdf)

states that the 2021-2022 Childcare Sufficiency Report should include:

- A specific reference to how they are ensuring there is sufficient childcare available to meet the needs of: disabled children, children from families in receipt of the childcare element of Working Tax Credit or Universal Credit, children with parents who work irregular hours; children aged two, three and four taking up early education places; school age children and children needing holiday care.
- Information about the current and projected supply and demand of childcare for age ranges of children, and the affordability, accessibility and quality of provision; and
- Details of how any gaps in childcare provision will be addressed.

### 3 How does this deliver objectives of the Corporate Plan?

	<p>Best start in life for children and young people</p> <p>The Sandwell Childcare Sufficiency Report 2021-2022 supports the Council’s Ambition 4. Our children benefit from the best start in life and a high-quality education throughout their school careers with outstanding support from their teachers and families. The report assesses the gaps in early education and childcare across the borough.</p>
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	<p>The findings of the Childcare Sufficiency Report provide an opportunity to deliver Early Help to our most disadvantaged families who are most at risk of poor outcomes in Sandwell, through the recommendations children will be able to access good quality early education and childcare.</p> <p>Support for families to achieve better outcomes for their children and themselves by ensuring childcare and early education is available to allow parents to remain in or return to employment/training.</p> <p>Support access to positive activities including holiday play schemes and after school activities.</p> <p>Ensure that children and young people are safeguarded and have improved outcomes by supporting early education and childcare providers to access training, advice and support regarding health and safety and child protection issues.</p>
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#### 4 Context and Key Issues

- 4.1 The Childcare Sufficiency report 2021/22 will be circulated to the Members of the Children’s Services and Education Scrutiny Board and any comments or observations will be submitted to Cabinet at the meeting.
- 4.2 The Childcare Sufficiency Report (appendix 1) was undertaken between June and August by the Family Information Service Data Management Officer.
- 4.3 Supply of childcare places was extracted from the Local Authority Open Objects database.
- 4.4 Quality data was extracted from the Local Authority Open Objects database and feedback from the Quality Early Years Team.
- 4.5 Gaps were identified against demographic data and supply of childcare.
- 4.6 The report is based on findings for Sandwell overall and for the 24 wards.



4.7 The findings have been used to develop the below eight recommendations.

4.8 The 8 recommendations will be used to formulate a Childcare Strategic Action Plan for 2021-2022 which will be monitored termly to assess the progress being made against the actions.

#### 4.9 **The current position**

4.10 Sandwell's Childcare Sufficiency Report 2021-2022 is attached as Appendix 1. The 2020-21 Action Plan had 7 actions, all of which have been met. No actions are carried forward. The 7 actions achieved in 2020-21 were:

- (i) Support visits to childcare providers carried out between September 2020 and July 2021.
- (ii) 39 support visits to inadequate and requires improvement settings.
- (iii) Early Years monitored and supported childcare providers throughout the pandemic.
- (iv) Unmet demand monitored by FIS and Early Years and supported by brokerage service.
- (v) HAF 21 Summer activities took place in Wednesbury South and Oldbury wards but not Tividale ward.
- (vi) 52% of eligible families took up a 2 year old place. 48 schools offered 30 hours to working families.
- (vii) A Marketing and Communication Apprentice employed to develop social media promotion and engagement.

The 2021-22 report is presented within the context of the continuing Covid-19 global pandemic. There are no further budgetary implications for the 8 recommendations



4.11 The following 8 recommendations arising from the findings of the report, are:

- (i) To continue to support childcare providers to deliver high quality, sustainable provision.
- (ii) To improve the quality of the providers which are judged by Ofsted as Requires Improvement or Inadequate by working intensively with them and those that deliver early education funded places.
- (iii) To undertake a parent survey, increase social media engagement and strengthen links with Jobcentre Plus to understand local demand for childcare.
- (iv) To continue to monitor take-up of 2, 3 and 4 year old funding and 30 hours codes. To increase promotion of free entitlement ELT and 30 hours and create a more nuanced, targeted approach to marketing.
- (v) To undertake parent consultation to understand demand for wraparound childcare and how flexible it needs to be. To monitor wraparound childcare to ensure sufficient places are available for families.
- (vi) To continue to work with childcare providers to ensure business viability and monitor for any “red flags” where providers are at greater risk of closure. To monitor capacity and childcare places to ensure sufficiency through the borough. To promote childminding as a business opportunity.
- (vii) To increase parental engagement to determine how SEND provision should be delivered post-pandemic. To consult with childcare providers to assess any potential short and medium term gaps for SEND provision, particularly wraparound childcare.
- (viii) To continue to promote the Family Information Service to parents and professionals. To raise awareness of brokerage and online chat facility and engage with families through social media channels.



## 5 Alternative Options

- 5.1 The Childcare Sufficiency Report assesses the supply of childcare places against the demand for childcare places and identify any gaps. Findings are developed into recommendations. There are no other alternative options.

## 6 Implications

<p><b>Resources:</b></p>	<p>This area of work to establish sufficiency is a statutory duty funded through Target Funding.</p> <p>Capacity to achieve the recommendations of the Childcare Sufficiency Report 2021-2022 falls within the remit of staff within the Quality Early Years Team and Family Information Service and the recommendations have been taken into consideration.</p> <p>The financial impact of changes to the number of childcare places is funded from the Early Years Block grants based on take up on Early Years Census dates for which annual adjustments to funding are made.</p> <p>There is also Target funded budget to support providers with sustainability.</p>
<p><b>Legal and Governance:</b></p>	<p>The Childcare Act 2006 –The Local Authority has strategic responsibility to plan, support and commission childcare and should only provide childcare directly if no other person is willing to do so or it is appropriate for the local authority to do so.</p> <p>The Childcare Act 2006 - Local Authorities must secure the free minimum amount of early year’s provision for all three and four year olds whose parents want it and to assess the sufficiency of childcare and to secure sufficient childcare.</p> <p>The Education Act 2011 gives parents of disadvantaged two year olds a new right to free early year’s education and care.</p>



	<p>The Children and Families Act 2014, states that local authority should report annually to Elected Council Members on how they are meeting their duty to secure sufficient childcare and make this report available and accessible to parents.</p> <p>The Department for Education published in June 2018, the Early Education and Childcare Statutory guidance for local authorities. This document also addressed changes with regards to securing sufficient childcare.</p>
<b>Risk:</b>	<p>There are no specific crime and disorder implications arising from the content of this report.</p> <p>The Corporate Risk Management Strategy (CRMS) has been complied with - to identify and assess any significant risks associated with this decision/project. This includes (but is not limited to) political, legislation, financial, environmental and reputation risks. Based on the information provided, it is the officers' opinion that no significant risk has been identified.</p> <p>Risk is continuously monitored through the Early Years Strategic Group, to ensure we meet the needs of children and their families.</p> <p>If the Cabinet Report is not approved and the action plan not developed, then the local authority would fail to meet its statutory duty under the Childcare Act 2006 to publish a Childcare Sufficiency Report. It would also fail to develop an action plan to deliver the 8 recommendations from the findings of the Childcare Sufficiency Report. The 7 actions from the 2020-21 report were achieved (see 4.10 above) and none are carried forward. No other significant risks are identified from the 8 recommendations.</p>
<b>Equality:</b>	<p>An Equality Impact Assessment screening has been carried out. However, a full assessment is not required for the purposes of this proposal.</p>
<b>Health and Wellbeing:</b>	<p>A sufficient supply of high quality early years and childcare places:</p>



	<ul style="list-style-type: none"> <li>• enables young children to access safe early learning and play opportunities</li> <li>• enables school aged children to access positive activities including holiday play schemes, before and after school activities</li> <li>• supports parents to return to or remain in employment/training</li> <li>• ensures that children and young people are safeguarded and have improved outcomes by supporting early education and childcare providers to access training, advice and support regarding health and safety and child protection issues.</li> </ul>
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**7. Appendices**

Appendix 1 – Childcare Sufficiency Report 2021/22

**8. Background Papers**

2.8 DfE June 2018 Early education and childcare. Statutory guidance for local authorities

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/718179/Early\\_education\\_and\\_childcare-statutory\\_guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/718179/Early_education_and_childcare-statutory_guidance.pdf)



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# Sandwell Childcare Sufficiency Report

## 2021 – 2022



Produced by:  
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Sandwell Metropolitan Borough Council  
Sandwell Family Information Service

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The Childcare Act 2006 gives local authorities a key role in shaping the childcare market in their area. Working with providers from the private, voluntary, independent and maintained sectors, the local authority aims to create a strong, sustainable and diverse childcare market ensuring there are sufficient places to meet the needs of parents.

The Department for Education published a revised [Early Education and Childcare Statutory Guidance](#) for local authorities in June 2018 which states that:

*local authorities **are required** by legislation to secure sufficient childcare, so far as is reasonably practicable, for working parents, or parents who are studying or training for employment, for children aged 0-14 (or up to 18 for disabled children).*

To secure sufficient childcare places, local authorities should consider what is 'reasonably practicable' when assessing what sufficient childcare means. They must consider the local childcare market, work force, quality and capacity of childcare, schools and expansion and sustainability of childcare provision in the local area.

The local authority must report annually to elected council members on how they are meeting their duty to secure sufficient childcare and make this report available and accessible to parents.

This report is Sandwell's eighth annual Childcare Sufficiency Report for elected council members and will be made available and accessible to parents and include the information required in the statutory guidance.

Sandwell's seventh annual Childcare Sufficiency Report (CSR) was completed and published in October 2020. A Childcare Strategic Action Plan (CSAP) was developed based on the recommendations of the CSR. The plan is monitored by the Early Years Strategic Group and achievements against the actions are detailed later in the report. The plan has also been monitored by the Director of Education, Employment and Skills Management Team on a quarterly basis and this will continue.

Upon completion and approval of this report, a CSAP will be developed, implemented and monitored termly by the Early Years Strategic Group. Any outstanding actions from the previous CSAP will be included.

The Childcare Act (2006) duties around Childcare Sufficiency continue in 2021-22 to be placed within a global and local context.

The Covid-19 global pandemic and the national and local restrictions throughout 2020 and 2021 continue to have a massive impact on families lives and childcare businesses.

Pressures on the local childcare market have continued, as Covid-19 has gone through, and continues to go through, different phases. The expectation is that these pressures will continue throughout the lifetime of the pandemic.

Job retention, business grants and sustainability funding, fluctuations in demand for childcare places as schools closed and then re-opened in phases, government guidance on social distancing and PPE, keyworker, vulnerable children and shielding status, all these have had an impact on the childcare market in Sandwell.

The many uncertainties around the global pandemic have had an impact on the local economy. Demand for childcare and in particular 2,3 and 4 year old and 30 hours places has been

affected by government lockdowns, furlough and redundancy. More families have become eligible to claim Universal Credit, which is allocated to the 40% most disadvantaged children. This means more families are entitled to a funded childcare place for their 2 year old.

Families changing needs continue to shape the demand for childcare. Working from home has become more established in some sectors and is already influencing how families use childcare. The demand for paid for childcare and wraparound services has been particularly affected by this change. Anecdotally, there is evidence that parental confidence in using formal childcare dropped during the pandemic and this may take time to settle down. Parents may now be choosing to use informal childcare instead, such as grandparents or friends. However, the ending of all government restrictions and the furlough scheme may also mean more families return to using wraparound childcare in September.

The childcare market in Sandwell should begin to recover with the successful Covid-19 vaccination programme. The government road map for opening up society and the economy should lead to increased business confidence and growth in the childcare sector. The local childcare market may look different in the next 6 months, but hopefully the recovery will lead to positive changes. Regeneration in the borough also continues to bring more jobs and families in to the area, which will also have a positive benefit for childcare businesses.

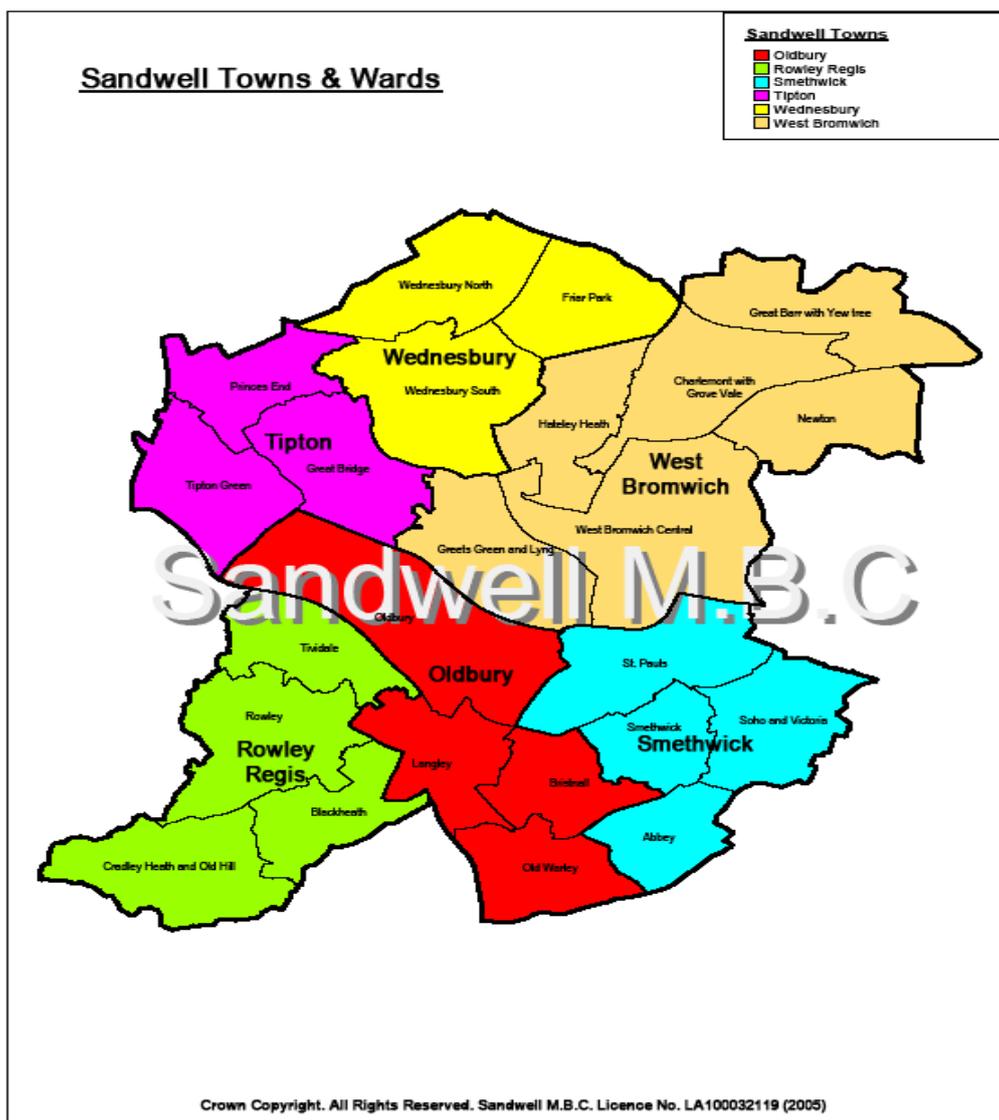
This report will examine what is already known about the childcare market in Sandwell. It will look at what childcare is currently available to families and what is likely to happen in the coming months. Although the Covid-19 vaccination roll out has improved the situation since 2020, there remains some uncertainty in society and the economy. The global pandemic is still not considered to be over. There may yet be further waves of the pandemic which impact on the childcare market for the remainder of 2021 and in to 2022.

The aim of the report is to present a summary of childcare sufficiency in Sandwell and to consider what the childcare market might look like during 2021-22. The report will consider the ongoing impact and risks to childcare sufficiency. A Childcare Strategic Action Plan will then be developed from the findings of the report.

The objectives are to produce a baseline of childcare sufficiency in Sandwell and report on how the supply of childcare places continues to be affected by the pandemic. The report will also show progress on the take up of 2,3 and 4 year old and 30 hours funded places and an update on previous recommendations from the 2020-21 Childcare Sufficiency Report.

The methodology for the report is to collate current data obtained from Sandwell Public Health, Sandwell Education Business Support Team, Sandwell Family Information Service (FIS) and the Quality Early Years and Childcare Team (Early Years) and to analyse this data into a report which shows supply and demand for childcare in Sandwell during 2021-22.

The 2020 mid-year estimates show that Sandwell has 329,042 residents. Under 5's now make up 8% of Sandwell's population (27,738).



6 Towns	24 Wards
Oldbury	Oldbury, Langley, Bristnall and Old Warley
Rowley Regis	Tividale, Rowley, Blackheath, Cradley Heath and Old Hill
Smethwick	St Pauls, Smethwick, Soho and Victoria, Abbey
Tipton	Princes End, Great Bridge, Tipton Green
Wednesbury	Wednesbury North, Wednesbury South, Friar Park
West Bromwich	Greets Green and Lyng, West Bromwich Central, Newton, Hateley Heath, Charlemont with Grove Vale, Great Barr with Yew Tree

The 2020-21 Action Plan had 7 actions, as follows, **all** of which have been met.

### **1. To continue to support childcare providers to deliver high quality, sustainable provision**

Early Years continues to provide:

- support visits to childcare settings
- advice and information under the Retained Function Duty - Childcare Act 2006
- pre-Ofsted registration, unannounced and Ofsted feedback visits
- Childminder Briefing Sessions
- termly Early Years Network Meetings

They also deliver mandatory courses on:

- Health and Safety, SCSP approved safeguarding child protection,
- Quality Improvement and Narrowing the Gap
- the Early Talk Boost Project

### **2. To improve the quality of the providers which are judged by Ofsted as requires improvement or inadequate by working intensively with them and those that deliver early education funded places**

Ofsted full inspections were put on hold from March 2020 – May 2021, only new registration and safeguarding complaint visits were undertaken.

Ofsted resumed its full routine early years inspections on 4 May 2021 and prioritised “*settings judged less than good at their last inspection (including those who received an interim visit in the autumn term)*”

Under normal circumstances “*All provision judged as inadequate will be re-inspected within 6 months*” Source: [Inspection of early years register providers: requirements for Ofsted Updated 26<sup>th</sup> May 2021](#)

Between September 2020 and July 2021, the Quality Early Years Team undertook:

- 26 support visits to requires improvement settings
- 13 support visits to inadequate settings

Between 1<sup>st</sup> January and 21<sup>st</sup> July 2021

- 1 Day Nursery became inadequate. (The provider was newly registered and subsequently de-registered and closed).
- 4 inadequate funded providers including 1 childminder and 2 school governor run provisions inspected as part of the school.
- 2 settings received a requires improvement judgement, 1 was previously rated good, the other was previously inadequate.
- There are 5 requires improvement funded providers in total, including 1 Childminder.

Seven Ofsted inspections undertaken with funded provision during this period

- 0 outstanding
- 4 good
- 2 requires improvement
- 1 inadequate

### **3. To ensure there are sufficient childcare places during the Covid-19 pandemic by working closely with childcare providers, giving them support to open safely and remain viable.**

Early Years monitored childcare providers throughout the pandemic and gave advice and guidance on how to open safely and remain open.

- Covid related incidents in childcare settings were reported to the Early Years team, including information on isolations, positive tests, closures and notifications to DfE and Ofsted.
- DfE data collection recorded settings open or closed, numbers of children affected by closures including children with EHCP plans and Looked After Children.
- Government Covid updates disseminated to all settings as they were published, ensuring relevant information was available to all childcare providers.
- Advice and guidance given by Early Years team to childcare settings, including risk assessments.
- Online training given to settings including Health and Safety training, supporting children and staff mental health and how to prioritise learning to help children 'catch up'.

### **4. To monitor demand for childcare places through FIS helpdesk and childcare providers**

The FIS continues to offer a helpdesk which can be accessed by email or phone. Enquiries are dealt with on a daily basis, as they are received, and a brokerage service is offered to families who may require additional support to find childcare and other family services. An online Childcare Support Session is now also available to families, where a member of the FIS Team can talk via MS Teams to parents about their childcare and family support needs. Unmet demand continues to be monitored by FIS and Early Years so that support can be offered to families and settings.

### **5. To work with schools, existing and new providers in Tividale and Wednesbury South wards to ensure holiday provision in these wards meets parent's needs, offering greater choice and flexibility.**

Demand for holiday provision fell during the pandemic and schools were not able to run holiday playschemes in the same way as pre-pandemic because of government restrictions. However, during Easter and Summer holidays 2021, Sandwell Holiday Activities and Food Programme 21 (HAF 21) funded project supported families who would not normally access Ofsted registered holiday provision. Summer activities took place in Wednesbury South ward but not Tividale ward. There were summer activities in neighbouring Oldbury ward.

### **6. To continue to promote the take up of 2,3 and 4 year old funding, including 30 hours.**

The Local Authority regularly receives DWP lists for 2 year old funding and sends out letters to qualifying families on these lists.

- 240 funded settings in Summer Term 2021
- 79 schools funded to deliver Nursery Education Fund (NEF) in their nursery classes
- 86 childminders funded
- 100 private and voluntary providers funded
- 1170 children accessing an Early Learning for Two's (ELT) place
- 52% of eligible families took up a place
- Early Years are supporting 48 schools to offer 30 hours provision from September 2021.
- Promoting 2-year-old offer (ELT) continues. Outreach events resumed in 2021.

**7. To continue to promote the Family Information Service Hub and Local Offer.** The FIS Hub website includes Go Play Sandwell, the Local Offer for children, young people and families with Special Education Needs and Disabilities (SEND). A Marketing and Communication Apprentice is now employed by the service to develop social media promotion and engagement.

### **Quality Early Years and Childcare in Sandwell**

Early Years provide information, advice, support and training to the early years and childcare sector.

The Early Years Workforce Strategy identifies that Ofsted results and improved outcomes for children are linked to a highly qualified workforce and high quality provision.

Childcare settings must have a well-trained, qualified and professional workforce who understand the needs of all families including the most vulnerable children and families.

The team offer advice and support on:

- career options in the early years and childcare sector
- childcare business start-up and sustainability
- childminder business start-up and Ofsted registration
- short course training programmes
- child protection and safeguarding concerns
- Ofsted registration and inspection

A termly online training programme supports quality of teaching practices, awareness of mandatory safeguarding requirements and ongoing development and sustainability of early years and childcare provision.

The training programme is produced in partnership with the Inclusion Support Early Years (ISEY) Team, Play Service and Sandwell MBC Health and Safety and is delivered by internal and external local support agencies and professional training providers. All training reflects the local and national changing needs of the Statutory and PVI (Private, Voluntary and Independent) Early Years and Childcare sector. This enables providers to fulfil their legal duties as detailed in Early Years Foundation Stage (EYFS) framework, Ofsted registration and inspection and local authority requirements.

Childcare providers, schools, children centres, and foster carers can purchase training packages to suit their needs. Child Protection and SEND remain key priorities and are currently provided free of charge in partnership with Sandwell Children's Safeguarding Partnership (SCSP) and ISEY.

Sandwell continues to provide Level 4 progression modules focusing on Special Educational Needs and Disabilities (SEND) and supporting the most vulnerable 2-year olds.

Sandwell's early years recruitment web pages attract numerous people considering childcare careers.

During the Covid-19 pandemic, training courses and briefing sessions continued to be offered online. With the relaxing of government restrictions, it is hoped to start classroom based sessions again but with a more blended approach to include online learning.

The Early Years team provide ongoing support, advice and guidance to new and established early years and childcare provision including:

- Support visits to settings Ofsted graded inadequate and requires improvement.
- Good and Outstanding termly visits from the local authority area teacher with Qualified Teacher Status (QTS).
- Support from the Funding, Workforce and Development Team.
- New provider support from initial enquiry to final registration.
- Advisory site visits and recruitment support.
- Support with registering to deliver funded places.
- 2,3 and 4 year old funding audits.
- Advice on Local Provider Agreement to deliver funding.
- Quality Support monitoring.
- Safeguarding monitoring.
- Child development monitoring through supporting settings to make accurate assessments.

## **Equality and Inclusion**

The Early Years Foundation Stage sets the standards that all early years providers must meet to ensure equality of opportunity and anti-discriminatory practice, ensuring that every child is included and supported.

Early Years engage with childcare settings to promote and embed equality of opportunity into practice, as part of their legal duties under the Equality Act 2010. They do this by delivering a range of training programmes, giving one to one support, advice and guidance, holding network meetings and advising on social media and information accessibility.

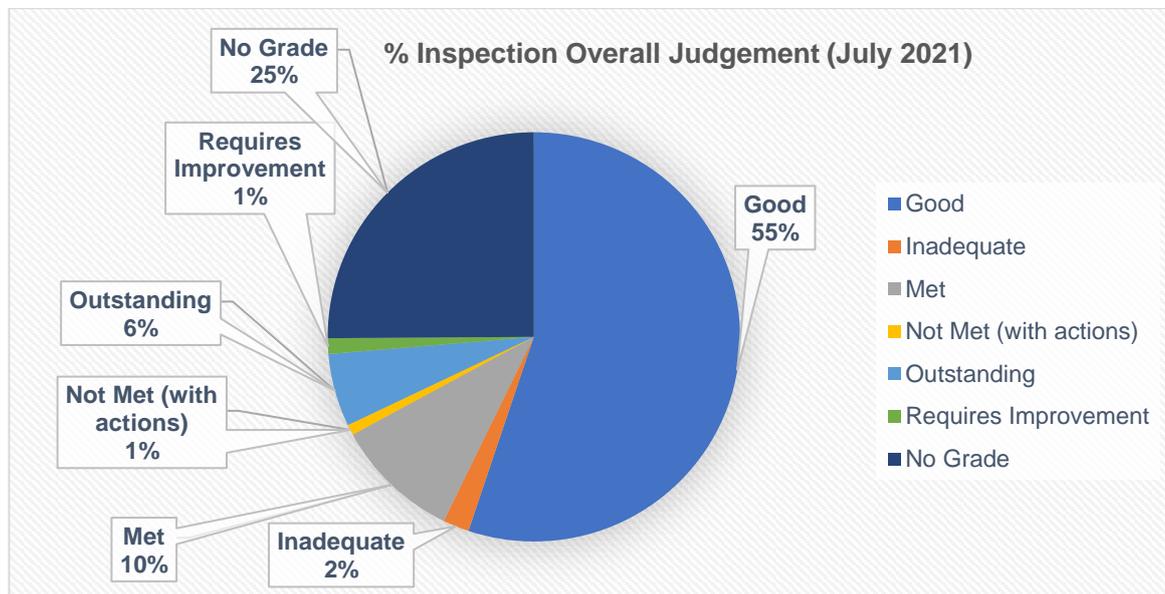
## **Grant Funding**

The local authority provides funding to settings who need sustainability support. This is limited and based on an assessment process relating to quality and including Ofsted judgements. The funding is an application process which is administered through our Early Years Grant Panel which was established to assess grant applications received from childcare providers.

## **Ofsted Inspections**

Ofsted resumed full graded early inspection framework (EIF) inspections in early years on 4<sup>th</sup> May 2021. Prior to that date Ofsted were only carrying out safeguarding monitoring visits and part or full remote registration visits. 25% of providers have no grade as they are awaiting their first inspection within 30 months of opening.

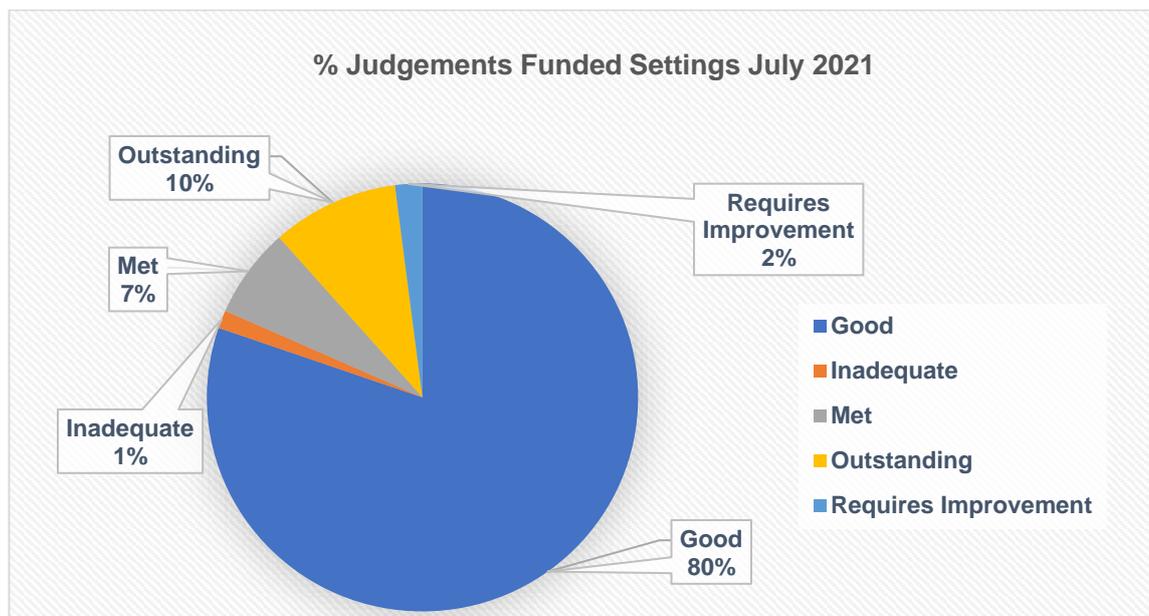
**61% of all Ofsted registered providers are rated good or outstanding.**



### Funded Providers Inspection

7 providers offering 3 & 4 year old funding were inspected between October 2020 and July 2021.

**90% of Funded Providers are rated as good or outstanding**



Ofsted Early Years Inspections data is published on [gov.uk website](https://gov.uk).

Currently data is available up to 31 March 2021.

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### Number and % of Ofsted Early Years Inspections at 31 March 2021

	Number of providers					
	EYR providers	Total number inspected	Outstanding	Good	Requires Improvement	Inadequate
<b>All England</b>	<b>56,748</b>	<b>41,314</b>	<b>7,233</b>	<b>32,610</b>	<b>1,143</b>	<b>328</b>
<b>West Midlands</b>	<b>4,726</b>	<b>3,465</b>	<b>573</b>	<b>2,746</b>	<b>110</b>	<b>36</b>
Birmingham	871	613	78	493	34	8
Dudley	211	152	35	112	4	1
Sandwell	226	155	16	129	6	4
Walsall	148	108	10	96	1	1
Wolverhampton	142	100	4	87	8	1

Overall effectiveness: The quality and standards of the provision	Percentage of inspected providers			
	Outstanding	Good	Requires Improvement	Inadequate
<b>All England</b>	<b>18</b>	<b>79</b>	<b>3</b>	<b>1</b>
<b>West Midlands</b>	<b>17</b>	<b>79</b>	<b>3</b>	<b>1</b>
Birmingham	13	80	6	1
Dudley	23	74	3	1
Sandwell	10	83	4	3
Walsall	9	89	1	1
Wolverhampton	4	87	8	1

Pie Charts on page 10 use Ofsted data received by the Family Information Service in their daily feed between October 2020 and July 2021. 2 data sets on Pages 10 and 11 are sourced differently and therefore should be examined separately.

## Childcare in Sandwell July 2021

### In July 2021 Sandwell had sufficient childcare for 0-11 years

Tables 1 and 2 show the number of childcare settings and total childcare places for 0-8 years.

Table 3 shows the ratio of early years places to children; the ratio is 2 children to 1 place for 0-4 years in Sandwell.

Table 4 shows wraparound and pre-school provision in primary schools in Sandwell; there is sufficient provision for 3-11 year olds.

Table 1 Childcare Settings (0-8 years) July 2021							
Ward	Childminder	Day Nursery	Pre-School Playgroup	Before School Club	After School Club	Holiday Playscheme	Total Settings
Abbey	10	3	0	1	1	1	16
Blackheath	11	3	0	0	0	1	15
Bristnall	10	5	0	3	3	2	23
Charlemont	5	1	2	2	2	1	13
Cradley Heath & Old Hill	2	2	0	1	2	0	7
Friar Park	2	2	1	0	0	0	5
Great Barr	3	5	0	4	6	4	22
Great Bridge	3	5	1	4	5	3	21
Greets Green and Lyng	4	4	0	0	1	2	11
Hateley Heath	4	2	0	1	2	1	10
Langley	8	2	0	1	2	2	15
Newton	8	2	0	1	2	2	15
Old Warley	5	1	1	0	0	0	7
Oldbury	3	4	0	3	4	3	17
Princes End	5	3	0	0	0	0	8
Rowley	6	2	1	1	1	1	12
Smethwick	5	4	1	1	2	1	14
Soho and Victoria	4	7	2	4	4	3	24
St Pauls	1	2	2	0	1	1	7
Tipton Green	0	4	0	1	1	2	8
Tividale	4	2	0	0	0	0	6
Wednesbury North	1	3	0	1	4	2	11
Wednesbury South	2	3	0	0	0	0	5
West Bromwich Central	1	6	0	0	2	2	11
<b>Total</b>	<b>107</b>	<b>77</b>	<b>11</b>	<b>29</b>	<b>45</b>	<b>34</b>	<b>303</b>

Source: FIS Database July 2021

**Table 2 Childcare Places (0-8 years) July 2021**

Ward	Childminder	Day Nursery	Pre-School Playgroup	Before School Club	After School Club	Holiday Playscheme	Total Places
Abbey	162	233	0	50	100	50	<b>595</b>
Blackheath	122	198	0	0	20	44	<b>384</b>
Bristnall	132	462	0	178	250	129	<b>1151</b>
Charlemont	62	104	80	66	132	12	<b>456</b>
Cradley Heath & Old Hill	24	200	0	32	164	0	<b>420</b>
Friar Park	24	119	24	0	0	0	<b>167</b>
Great Barr	58	494	0	143	410	147	<b>1252</b>
Great Bridge	30	425	25	193	386	117	<b>1176</b>
Greets Green and Lyng	36	248	0	0	25	25	<b>334</b>
Hateley Heath	48	183	0	30	98	30	<b>389</b>
Langley	108	272	0	63	126	63	<b>632</b>
Newton	96	164	0	40	200	112	<b>612</b>
Old Warley	72	148	32	0	0	0	<b>252</b>
Oldbury	48	554	0	148	346	165	<b>1261</b>
Princes End	48	168	0	0	0	0	<b>216</b>
Rowley	60	298	20	112	112	112	<b>714</b>
Smethwick	54	248	30	30	148	44	<b>554</b>
Soho and Victoria	58	684	44	187	374	159	<b>1506</b>
St Pauls	24	141	70	0	89	30	<b>354</b>
Tipton Green	0	384	0	56	112	110	<b>662</b>
Tividale	60	216	0	0	0	0	<b>276</b>
Wednesbury North	0	454	0	74	514	177	<b>1219</b>
Wednesbury South	16	376	0	0	0	0	<b>392</b>
West Bromwich Central	12	774	0	0	120	145	<b>1051</b>
<b>Total</b>	<b>1354</b>	<b>7547</b>	<b>325</b>	<b>1402</b>	<b>3726</b>	<b>1671</b>	<b>16025</b>

Source: FIS Database July 2021

Table 3 Estimated Childcare Places for 0-4 Year Olds July 2021

Ward	Estimated CHDMD Places	Estimated DN places	Estimated PG Places	Estimated MSN Places	Estimated Places 0-4 years	Birth 0-4	Ratio of Children to 1 estimated 0-4 place in Sandwell (Sandwell benchmark 2:1)
Abbey	81	133	0	180	394	886	2
Blackheath	60	154	0	120	334	801	2
Bristnall	66	274	0	270	610	761	1
Charlemont with Grove Vale	31	52	80	240	403	829	3
Cradley Heath and Old Hill	12	100	0	210	322	957	3
Friar Park	12	87	24	240	363	923	2
Great Barr with Yew Tree	30	247	0	180	457	874	2
Great Bridge	18	269	25	330	642	960	1
Greets Green and Lyng	18	144	0	240	402	1040	3
Hateley Heath	24	131	0	210	365	1029	3
Langley	54	136	0	180	370	1011	3
Newton	48	112	0	150	310	725	2
Old Warley	36	74	32	180	322	711	2
Oldbury	24	277	0	270	571	1230	2
Princes End	24	102	0	180	306	1003	3
Rowley	30	186	20	180	416	840	2
Smethwick	33	180	30	420	663	1116	2
Soho and Victoria	30	362	44	180	616	1616	2
St Pauls	12	141	70	270	493	1306	2
Tipton Green	0	200	0	180	380	1112	3
Tividale	30	108	0	150	288	910	3
Wednesbury North	0	227	0	240	467	897	2
Wednesbury South	8	188	0	90	286	796	3
West Bromwich Central	6	387	0	150	543	1063	2
Totals	687	4271	325	5040	10323	23396	2

CM= Childminders; DN = Day Nurseries; PG = Pre-school Playgroup; MSN= Maintained School Nursery

Table 4 School Wraparound and Pre-School Provision (3-11 yrs.) by ward July 2021													
Ward	Total Primary Schools	Total Schools registered for 30 Hours	Total Schools registered to receive 3 and 4 year old funding?	Total Schools with On Site Pre-School	Total School Site Breakfast Clubs (run by school)	Total School Site After School Clubs (run by school)	Total School Site Holiday Playschemes (run by school)	Total School Site After School Activities (run by school)	Total External Breakfast Clubs	Total External After School Clubs	Total External Holiday Playschemes	Sufficient Childcare Pick-ups for Schools	Sufficient Wraparound for Schools
Abbey	4	3	2	1	4	4	0	0	0	0	0	Yes	Yes
Blackheath	2	1	2	0	1	0	0	1	1	1	1	Yes	Yes
Bristnall	5	2	3	1	5	3	0	1	2	2	0	Yes	Yes
Charlemont with Grove Vale	4	2	3	1	2	2	0	0	2	2	1	Yes	Yes
Cradley Heath and Old Hill	5	2	4	2	4	0	0	3	1	1	1	Yes	Yes
Friar Park	4	1	4	0	4	0	0	3	0	1	0	Yes	Yes
Great Barr with Yew Tree	4	2	3	1	0	0	0	1	2	3	2	Yes	Yes
Great Bridge	6	3	6	0	3	2	2	4	3	3	2	Yes	Yes
Greets Green and Lyng	4	1	4	0	2	0	0	3	0	1	1	Yes	Yes
Hateley Heath	4	2	4	1	3	1	0	1	1	1	1	Yes	Yes
Langley	3	3	3	0	3	1	0	2	0	0	0	Yes	Yes
Newton	3	2	2	0	3	3	2	0	0	0	0	Yes	Yes
Old Warley	3	1	1	3	3	3	1	0	0	0	0	Yes	Yes

Ward	Total Primary Schools	Total Schools registered for 30 Hours	Total Schools registered to receive 3 and 4 year old funding?	Total Schools with On Site Pre-School	Total School Site Breakfast Clubs (run by school)	Total School Site After School Clubs (run by school)	Total School Site Holiday Playschemes (run by school)	Total School Site After School Activities (run by school)	Total External Breakfast Clubs	Total External After School Clubs	Total External Holiday Playschemes	Sufficient Childcare Pick-ups for Schools	Sufficient Wraparound for Schools
Oldbury	5	4	5	1	3	1	0	1	3	4	2	Yes	Yes
Princes End	4	2	3	0	3	0	0	3	0	0	0	Yes	Yes
Rowley	3	1	2	0	3	2	0	2	0	0	0	Yes	Yes
Smethwick	4	3	4	2	3	3	0	0	1	1	0	Yes	Yes
Soho and Victoria	6	2	6	0	5	4	0	5	0	0	0	Yes	Yes
St Pauls	3	1	3	0	2	0	0	3	1	2	1	Yes	Yes
Tipton Green	4	2	3	1	3	2	0	2	0	0	0	Yes	Yes
Tividale	3	3	3	0	3	2	0	1	0	0	0	Yes	Yes
Wednesbury North	6	3	4	0	6	4	0	1	0	1	0	Yes	Yes
Wednesbury South	2	1	2	1	2	1	0	1	0	0	0	Yes	Yes
West Bromwich Central	3	2	3	0	3	0	0	1	0	2	0	Yes	Yes
Source: FIS Database July 2021													

## Childcare Costs in Sandwell

Tables 5 and 6 Coram Family and Childcare Costs Survey 2021, which was carried out in December 2020. It shows the average cost of childcare in Sandwell and the West Midlands.

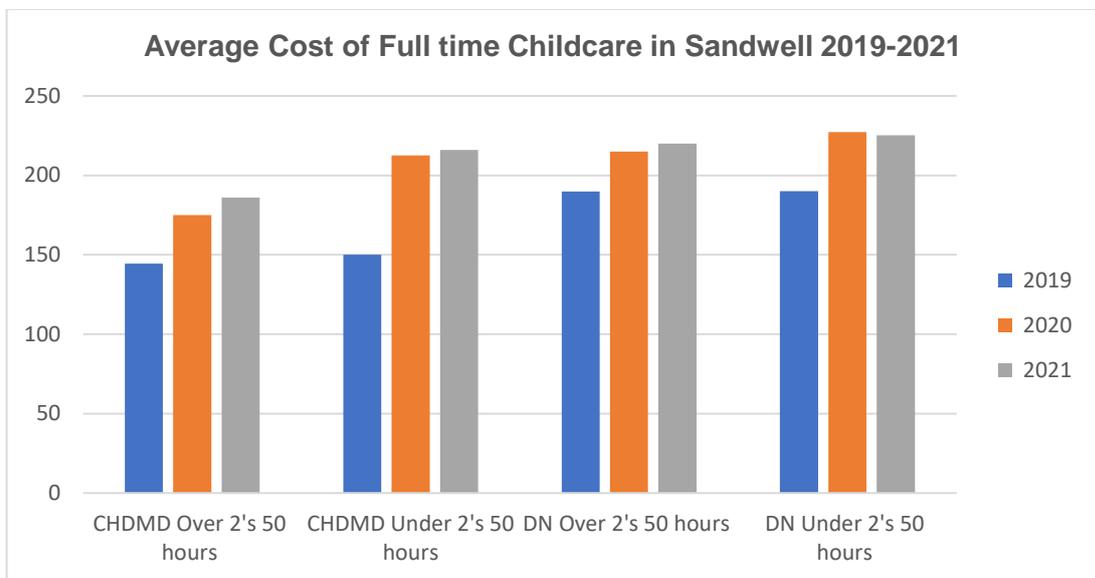
Table 5 Average Childcare Costs in Sandwell 2021		
Type of provision	Average weekly costs (part time place = 25hrs)	Average weekly cost full time = 50hrs
Childminders = under 2's	£108	£216
Childminders = over 2's	£93.30	£186
Day nurseries= under 2's	£112.50	£225.30
Day nurseries= over 2's	£110	£220
Out of school care		£88.65
Childminder after school		£64.80
Holiday Playscheme		£123.65

Source: [Coram Family & Childcare Survey 2021](#)

Table 6 Average Childcare Costs in the West Midlands 2021		
Type of provision	Average weekly costs (part time place = 25hrs)	Average weekly cost full time
Childminders = under 2's	£103.70	£192.87
Childminders = over 2's	£100.83	£195.68
Day nurseries= under 2's	£136.14	£268.90
Day nurseries= over 2's	£133.41	£262.78
Out of school care		£67.80
Childminder after school		£68.16
Holiday Playscheme		£152.54

Source: [Coram Family & Childcare Costs Survey, 2021](#)

In England, childcare for under 3's has risen above inflation in the past year. However, in Sandwell, the average cost of a full-time place in a day nursery or with a childminder for a baby or toddler before universal entitlement at 3 years has not increased significantly.



## Sandwell Family Information Service Childcare Provider Survey 2021

In July 2021, childcare providers completed an online survey about their experiences during the Covid-19 pandemic. **Figure 1** shows types of childcare providers responding to the survey.

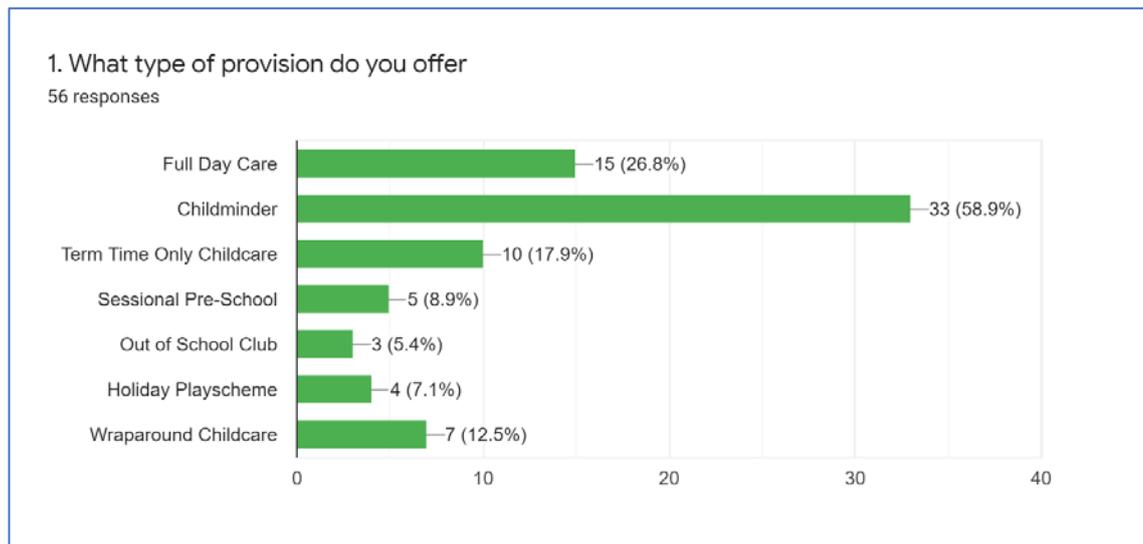


Figure 1 Type of Childcare Responding to survey

### Survey Findings

Overall almost 90% of childcare providers said they were likely to continue in 2022.

84% felt positive about the next 12 months.

68% thought they might change the services they offer in the next 12 months.

90% had a good experience with online training.

The past 12 months has been extremely challenging for childcare providers; however, settings have been supported both financially and with their health and well-being.

Demand for free childcare for 2,3 and 4 year olds remains steady and providers have not changed the number of places offered; however, 3 day nurseries now open term time only, changing the hours available to working parents.

The hourly rate and the number of hours offered has not changed significantly either.

There has, however, been less demand for paid for childcare and in particular before and after school childcare. The impact of working from home and furlough scheme has affected childcare providers.

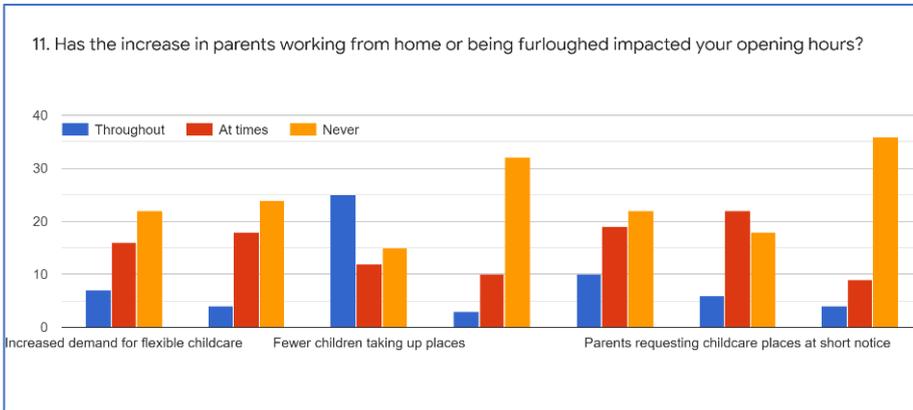
It remains to be seen if this trend will continue or be reversed as the furlough scheme ends and more people return to working as they did pre-pandemic.

**Survey Analysis**

Childcare providers were asked about the impact of working from home and furlough on their opening hours.

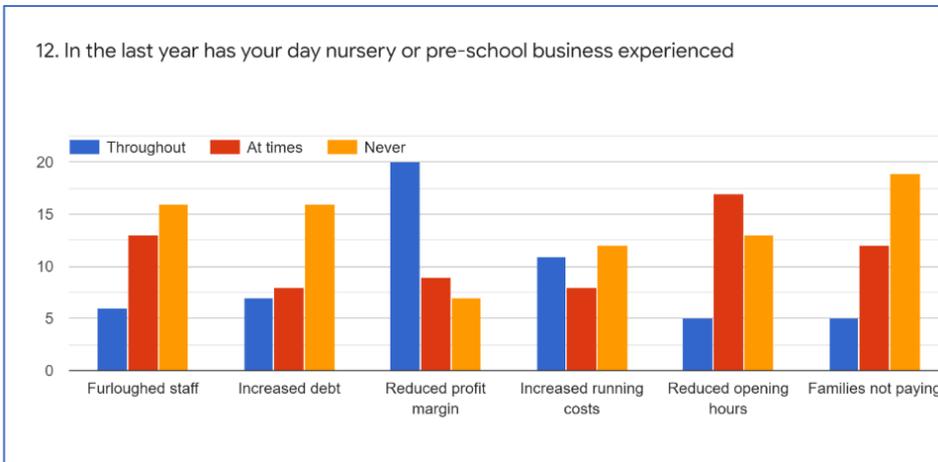
**Figure 2** shows parents working from home or being furloughed did have an impact.

Providers reported having fewer children throughout the pandemic, an increase in parents requesting or cancelling childcare at short notice but no increase in requests for before and after school childcare.



*Figure 2 Impact on Day Care Settings of Parents working from home or being furloughed*

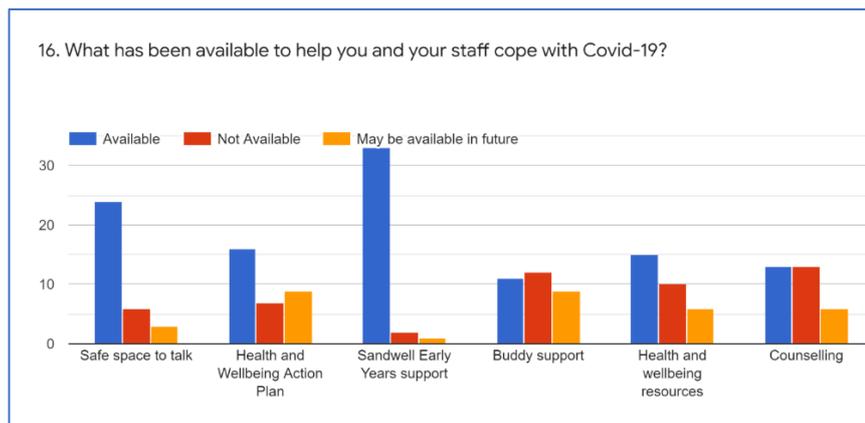
**Figure 3** shows that day care and pre-school providers experienced reduced profit margins, increased running costs, furloughed staff, a reduction in opening hours and some problems with families paying for childcare.



*Figure 3 Business impact of Covid-19 on Day Care and Pre-School Settings*

30% of providers reported an increase in staff sickness and nearly 40% reported difficulty recruiting staff. However less than 20% thought staff retention was an issue.

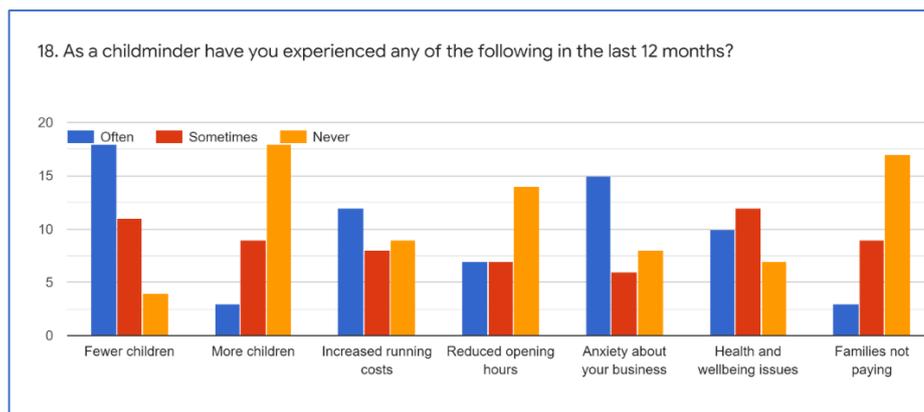
**Figure 4** shows that day care and pre-school settings were supported throughout by Sandwell Early Years. Providers also reported having other support systems in place for their staff.



**Figure 4** Health and Well-being support available to staff in Day Care and Pre-School Settings

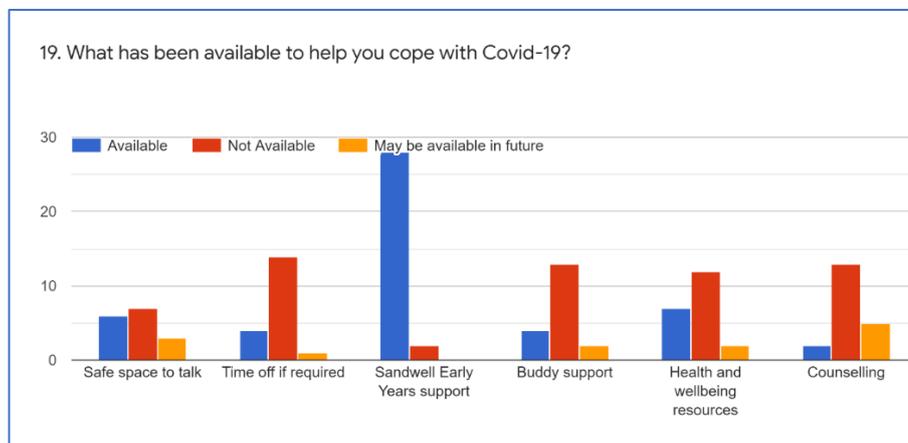
Childminders were asked similar questions to find out what their experience had been over the past year. Working in their own homes did not, however, mean their experiences varied from day care and pre-school settings.

**Figure 5** shows that childminders also reported having fewer children, increased running costs, anxiety about their business and some problems with families paying for childcare.



**Figure 5** Childminders experiences during Covid-19

**Figure 6** shows that childminders were also supported throughout by Sandwell Early Years but had limited access to other support systems for their health and well-being.



**Figure 6** Support available to childminders

## Support given by Quality Early Years and Childcare Team (Early Years)

**The Quality Early Years and Child Care Team has a statutory duty to provide advice, guidance and support to child care providers in the borough.**

Early Years and the Family Information Service continued to provide support for childcare providers and families during the lockdown.

A significant challenge for the Team has been supporting all providers with the publication of a new Early Years Foundation Stage Statutory framework, which all Schools and Providers must follow from September 2021. Virtual training sessions and drop in advice sessions have been offered, and this will continue into the Autumn Term 2021 to ensure that the Early Years Workforce understands the changes that need to be implemented. At the same time the Department for Education has introduced a national Baseline Assessment for all reception children from September 2021.

Between January and July 2021, the following support was given:

<b>Support visits</b> to Sandwell providers, including new providers, settings rated inadequate and requires improvement (RI), Ofsted preparation, quality improvement and new funded settings	313 visits and individual virtual contacts including; 26 to RI settings 13 to Inadequate
<b>Duty calls</b> take under the retained function to give advice, guidance and support	466 duty calls
<b>Network meetings</b> for all Sandwell providers	3 delivered to 75 nursery owners/ managers, OOSC leaders and childminders
<b>Training</b>	
20 x Health and Safety mandatory courses	238 delegates
15 x SCSP approved Safeguarding courses	209 delegates
85 x NEW EYFS, Quality Improvement and narrowing the gap courses	1334 delegates
3 Mental Health and Wellbeing courses	34 delegates
15 SEND courses were provided by ISEY	194 delegates.
46 workshops/ courses/ network meetings were delivered within cluster areas	420 attendees
<b>Childminders</b>	
3 Childminder briefing sessions	16
1 Introductory Childminding Practice (ICP) Course	6

- Supported visits included support for new providers, pre-Ofsted registration, unannounced visits and Ofsted feedback visits.
- Visits to outstanding and good settings upon request.
- Support related to meeting general welfare requirements, early years language pathway projects implementation, quality teaching and interactions, learning and development requirements and implementation of the NEW EYFS.
- Focussed support for requires improvement and inadequate Ofsted rated providers.

- Parent partnership support working and COVID risk assessments/ control measures, government restrictions and guidance.
- 3 Early Years Newsletters emailed to all providers.
- Significant duty calls from childcare providers seeking support, advice and information under the Retained Function Duty - Childcare Act 2006 and relating to COVID issues/ restrictions, risk assessments, disapplication and notifications.
- 1 grant panel was held during this period, 7 providers were awarded funding to support accessible holiday club provision throughout the year for working parents/ carers. Sandwell Early Years Development Worker is supporting 8 Ofsted registered providers to access Holiday Activities and Food (HAF) fund to support parents/ carers in receipt of free school meals during 2021 Easter and Summer School Holidays.
- COVID support funds were agreed and provided to settings who remained operational from March 2020 – June 2020.
- Workshops/ courses/ network meetings were delivered within cluster areas including communication, language, literacy and Early Talk Boost projects.
- Attendees included foster carers, Children Centre volunteers and family support workers, parents/ carers, library staff, Early Years practitioners from schools and PVI provision.
- Early Years worked in partnership with Sandwell Revenues and Benefits Team to communicate changes in provider details and ensure that eligible providers were aware of how to access discretionary business grants, also business rates subsidies.
- Government guidance updates were sent out continuously to all providers by the Early Years team ensuring information on Covid-19 regulations was readily available. Childcare settings were given advice, guidance and support throughout the pandemic.
- The DfE survey was set up to identify numbers of providers that were open along with attendance figures for funded and vulnerable children. Alongside the DfE attendance survey the Early Years QTS also completed telephone and email contact. There was only approximately 55% response rate to the survey.
- Early Years kept a record of providers who remained open from the end of March 2020 – September 2020. The COVID notifications and closures spreadsheet was developed and used from September 2020, the information supported Sandwell Public Health.

### **Support given to Childminders**

Ofsted registered childminders are supported with visits from Early Years. In the period from January to August 2021:

- 4 childminders had a support visit 6 months post registration
- 1 childminder had a support visit 12 months post registration
- 3 childminder had a support visit 18 months post registration
- 5 childminders had a support visit pre-Ofsted inspection

Childminder support has continued throughout the pandemic by phone, email, text and use of platforms such as Skype, ZOOM and Microsoft Teams. Government guidance and local information has been sent regularly to childminders by email and also via social media.

Online training has also proven particularly popular for childminders as it gives them greater flexibility to attend training sessions after they close. Accessing online courses means that there is no rush to get to a venue once the last child leaves for the day. It is anticipated that online delivery will continue as a training option in the future.

The type of support given during lockdown included business advice and how to access government grants. Childminders were also supported with information on Covid-19 government guidance and local health advice on vaccination and track and trace.

Childminders were given advice on how to support keyworker families and how to look after their own emotional well-being. Whilst business advice continues to form part of the requests for support, the emphasis in the past year has been on emotional support, particularly reconnecting with others. To facilitate this, online ‘Cuppa, chat and a virtual hug’ sessions were arranged.

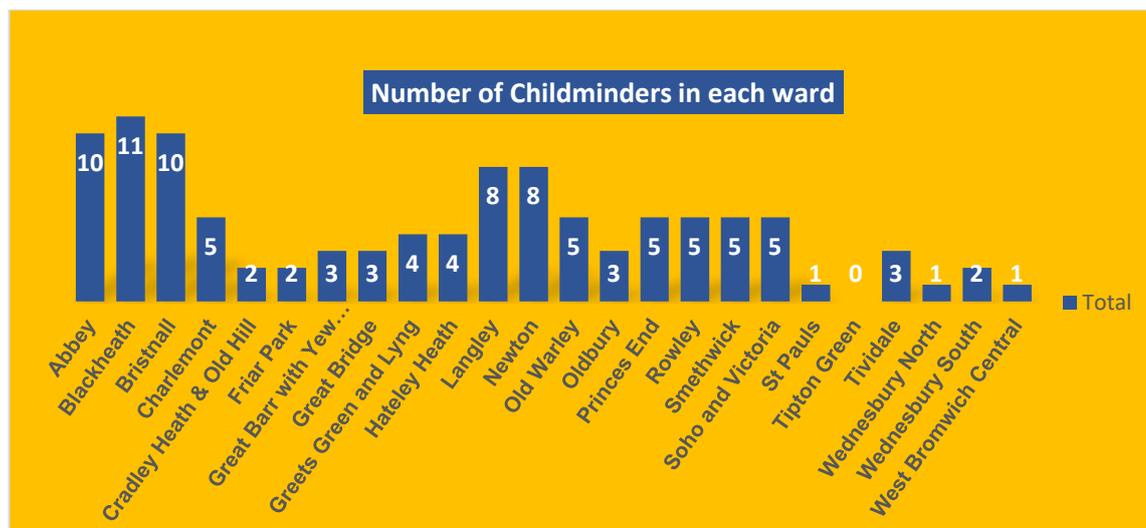
Good practice during lockdown and as the country slowly re-emerges, continues to be shared by childminders in Sandwell. Examples of good practice are included in the termly Quality Early Years and Childcare news update which is sent out to all childcare providers in the borough.

Childminders continue to be the most flexible part of the childcare workforce. Families making the gradual return to the work force have been supported by childminders, who have adapted their working patterns to reflect changing needs.

Prospective and new childminders are also supported as they worked towards full registration.

9 prospective childminders are being supported towards registration.

3 new childminders were registered in Wednesbury South, Smethwick and Blackheath wards between January and July 2021.

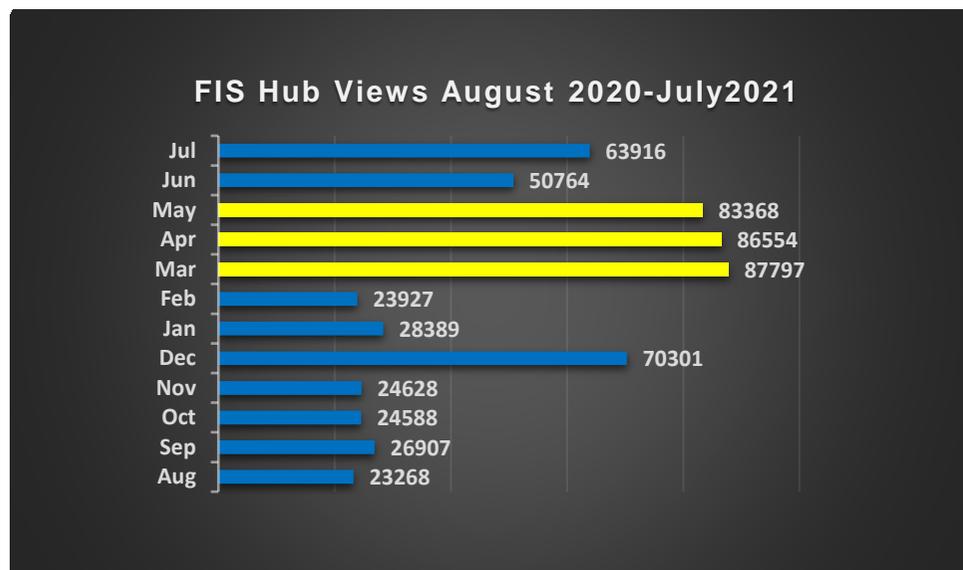


**No childminders in Tipton Green ward. 1 childminder in St Pauls, Wednesbury North and West Bromwich Central wards. Marketing and recruitment required in these wards.**

## Support given by Family Information Service (FIS)

The Family Information Service continued to support parents during the pandemic providing information, advice and guidance and a brokerage service. The childcare brokers dealt with 20 cases between January and July 2021. Over 60% of helpdesk enquiries related to 2,3 and 4 year old funding. In 2020 the service began an online Childcare Support session giving parents an opportunity to book a one to one chat with a member of the FIS team. 10 chat sessions were delivered between January and July 2021.

The [FIS Hub website](#) underwent some changes in 2021, with new features such as Google Translate. Web pages were added to support families and childcare providers during the pandemic, including Covid-19 Advice for Parents, Back to School and Provider Corner for childcare providers. The FIS also supported Sandwell Holiday Activities and Food Programme, promoting HAF21 on the FIS Hub. Pages were also added to support Sandwell Keeps Talking, a speech and language toolkit for professionals and parents. A Marketing and Communications Apprentice is now employed to boost social media and website hits for the service. From March-July 2021 [FIS Hub](#) users increased by 25% and Facebook Page reach increased by 57%.



Increase in people using FIS Hub website in 2021



[FIS Hub](#) Home Page

## Early Years Funding for 2,3 and 4 Year Olds

In 2021 there were 9190 funded childcare and early years places being offered by 254 early years and childcare providers (including 48 schools offering 30 hours). This compares with 2020 figures of 9275 funded places offered by 267 providers.

	Schools	PVI's	Childminders	Total
2 year olds places	73	1068	29	1170
3 and 4 year olds (15hrs Universal)	5040	1356	33	6429
3 and 4 year olds (15hrs Extended)	407	35	22	464
3 and 4 year olds (30hrs)	N/A	1080	47	1127
<b>Total</b>	<b>5520</b>	<b>3539</b>	<b>131</b>	<b>9190</b>

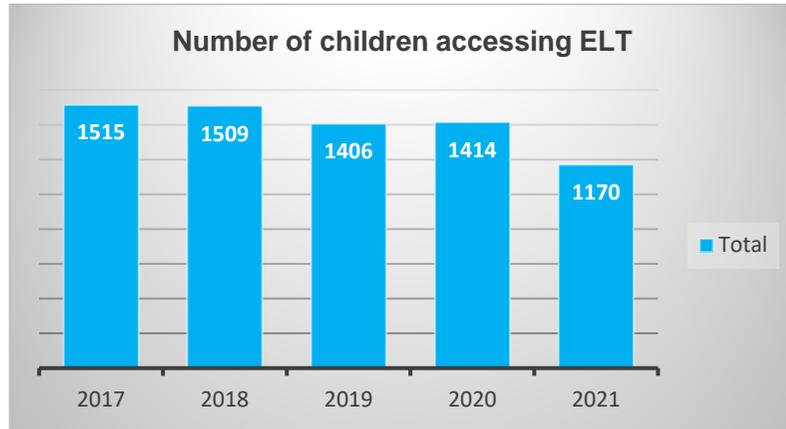
## Free funding for 2 year olds

The Department for Education (DfE) in conjunction with the Department for Works and Pensions (DWP) provides a list of eligible families with 2 year olds every 6-8 weeks for the academic year 2020/21.

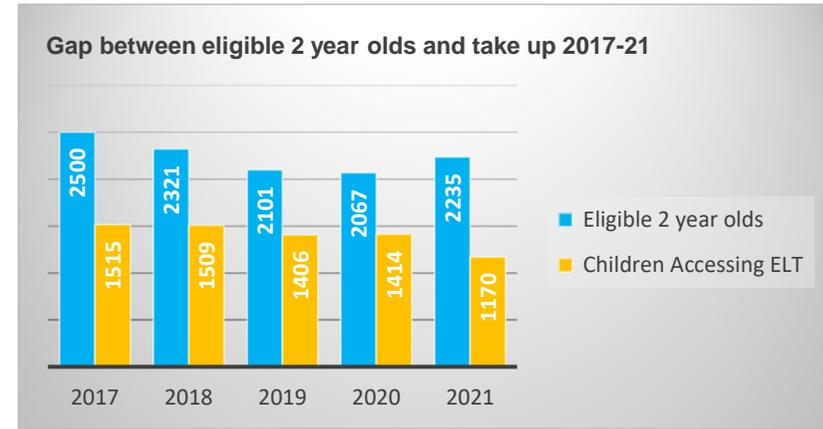
- 52% of eligible children were accessing 2 year old funding in Spring Term 2021.
- 60% of eligible children were accessing 2 year old funding in Summer Term 2021.
- Take up in the past 5 years has averaged 63%.
- 167 Providers currently offer 2 year old funded places.
- Cradley Heath and Old Hill, Friar Park, Tividale and Wednesbury South wards had little or no surplus capacity. However, there were places in neighbouring wards.

## Overall there were sufficient places for children accessing 2 year old funding





2 year old funding take up in Sandwell 2016-2021



Gap between eligible 2 year olds and take up 2017-2021

		England			% +/- change from 2019-2021	Sandwell			% +/- change from 2018-2020
		2019	2020	2021		2019	2020	2021	
Extended entitlement	Number of four year olds benefiting	92,040	97,305	93,666	+2	414	477	451	+9
	Number of three and four year olds benefiting	328,127	345,704	328,662	< 1	1,544	1,675	1,613	<1
	Number of three year olds benefiting	236,087	248,399	234,996	- <1	1,130	1,198	1,162	+3
Funded entitlement	Number of four year olds benefiting	651,479	650,193	637,146	-2	4,655	4,798	4,592	-1
	Number of three and four year olds benefiting	1,277,137	1,271,544	1,211,991	-5	9,186	9,269	8,624	-6
	Number of three year olds benefiting	625,658	621,351	574,845	-8	4,531	4,471	4,032	-11
	Number of two year olds benefiting	148,751	143,439	124,543	-16	1,471	1,422	1,171	-20

Table showing 'Children registered by age and provider type (2019 - 2021)' from 'Education provision: children under 5 years of age' in England and Sandwell between 2018 and 2021. Source [DfE Data](#) (Gov.UK)

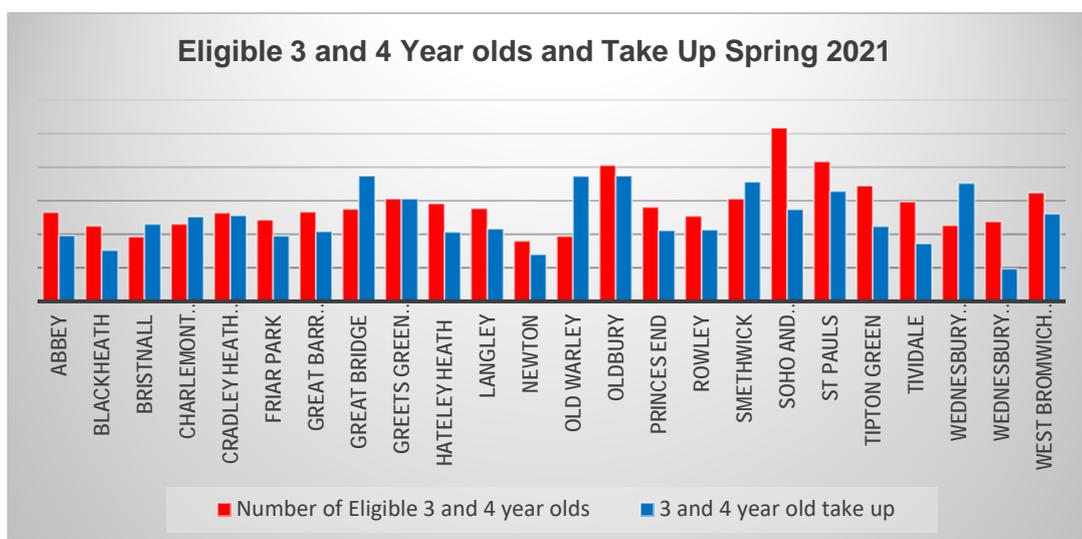
### 3 and 4 Year Olds Universal Entitlement (15 hours free funding)

All 3 and 4 year olds are entitled to 15 hours per week for 38 weeks of free funding from the term following their third birthday until they start in reception class in the September following their 4<sup>th</sup> birthday. Therefore, some children will access up to 5 terms of early education.

In the Spring term 2021 there were:

- 6821 children eligible for the Universal Entitlement (based on available birth data)
- 5968 children accessing the funding (87%)
- Some eligible children may access a nursery place in neighbouring boroughs.

**Overall there were sufficient places for 3 and 4 year olds for Universal Entitlement**



There was lower take up of places in Soho and Victoria (53%), Tividale (58%) and Wednesbury South (41%) wards. Marketing and promotion may be required in these wards.



There was little or no surplus capacity in Old Warley ward. However, there were places in neighbouring wards.

### 3 and 4 year olds Extended Offer (30 hours free funding)

The 30 hours free funding came into effect in September 2017 and is aimed at working families. Families who are eligible for free 30 hours are issued with a code from HMRC.

In the Spring term 2021 there were:

- 1591 children accessing 30 hours
- 166 PVI and Maintained Providers offering 30 hours
- 46 schools offering 30 hours places

### Overall there were sufficient places for 30 hours



Highest take up of 30 hours places was in Bristnall, Great Barr with Yew Tree and Old Warley wards. Lowest take up was in St Pauls, Greets Green and Lyng and Hateley Heath wards. Marketing and promotion may be required in these wards.

### Special Educational Needs and Disabilities (SEND) Provision

89% of childcare providers indicate that they would care for children with SEND.

### All wards have providers that would care for children with SEND

The Inclusion Support Early Years (ISEY) Service works with providers to support children to integrate into childcare and early settings. They also administer the Inclusion Support Grant and the High Needs Block Funding which enables children with SEND to have one to one support in a setting depending on the child's level of need.

There are also 17 short break services for children with a diagnosis / Education Health Care Plan who can access these services.

The Local Offer is available on the Family Information Service Hub, giving families and professionals all Local Offer information on one website.

## Findings and Recommendations of the Childcare Sufficiency Report 2021-22

### Findings

- There is sufficient childcare in Sandwell based on current data.
- The number of 2,3 and 4 year old funded places available remains the same.
- Childcare providers reported fewer children taking up non-funded childcare places.
- Demand for wraparound and out of school childcare not as strong as pre-pandemic.
- Childcare providers reported greater anxiety about business sustainability.
- 0-8 year old childcare settings and places remains broadly unchanged from 2020.
- There are 15% fewer holiday playscheme places available to families.
- All wards have providers who would care for children with SEND.
- Childcare costs increased slightly but remain lower than the West Midlands average.
- Cradley Heath and Old Hill and Princes End wards do not have childcare providers offering evenings, weekends and emergency childcare. However, there are providers in neighbouring wards that do offer evenings, weekends and emergency childcare.
- 90% of childcare providers intend to stay open in the next 12 months.
- The full impact of the pandemic has not yet emerged.

### Recommendations

To ensure the Local Authority meets the Statutory Duty to secure sufficient childcare, *so far as is reasonably practicable*, a detailed and comprehensive action plan will be developed to address the following **8 recommendations**. There are no further budgetary implications for these actions, but they give a clear focus for the work of the existing Early Years and Child Care team and the Family Information Service.

### Delivering childcare in the borough

Sandwell Early Years supports childcare providers by providing information, advice and guidance and monitoring childcare in the borough.

**Recommendation 1** - To continue to support childcare providers to deliver high quality, sustainable provision.

### Ofsted Judgements

Sandwell Early Years supports settings judged by Ofsted as inadequate and requires improvement. There is a risk that, with the resumption of Ofsted Inspections and changes to the EYFS Framework in September 2021, more providers will become inadequate or requires improvement.

**Recommendation 2** - To improve the quality of the providers which are judged by Ofsted as requires improvement or inadequate by working intensively with them and those that deliver early education funded places.

### Demand for childcare

Demand for childcare is dynamic and fluid. Many factors will continue to influence what kind of childcare families want to use, during and post pandemic. Parent consultation, Jobcentre Plus links and social media engagement will help to gather local data on the short and medium term impact of the pandemic on the jobs market, employment and demand for childcare.

**Recommendation 3** – To undertake a parent survey, increase social media engagement and strengthen links with Jobcentre Plus to understand local demand for childcare.

### **Eligibility and entitlements take-up.**

Families may fall in and out of entitlements as the employment market changes. Parents need to know their entitlements and childcare providers need to be supported to provide places for free entitlement. Childcare providers should also consider “stretched offer” flexibility to meet the needs of working parents throughout the year.

**Recommendation 4** – To continue to monitor take-up of 2 ,3 and 4 year old funding and 30 hours codes. To increase promotion of free entitlement ELT and 30 hours and create a more nuanced, targeted approach to marketing.

### **Wraparound childcare**

Home working and furlough temporarily affected demand for before and after school clubs and holiday playschemes. Government guidance during lockdowns also affected how wraparound was delivered. Childcare bubbles, restricted access to venues and staffing meant fewer wraparound places available for families. Childcare providers may have to change how they deliver flexible childcare to meet the needs of working families.

**Recommendation 5** – To undertake parent consultation to understand demand for wraparound childcare and how flexible it needs to be. To monitor wraparound childcare to ensure sufficient places are available for families.

### **Capacity and sustainability**

The pandemic has put extreme pressure on supply of childcare. Staff recruitment and retention is a risk to the childcare market locally. Ensuring childcare providers continue to meet parents needs must be monitored in the short and medium term. Promoting childminding as a business may be required in wards with little or no childminders.

**Recommendation 6** – To continue to work with childcare providers to ensure business viability and monitor for any “red flags” where providers are at greater risk of closure. To monitor capacity and childcare places to ensure sufficiency through the borough. To promote childminding as a business opportunity.

### **SEND Childcare**

SEND children have been shielding or attending settings in small bubbles during the pandemic. Demand for SEND places may, therefore, change as the effects of the pandemic ease. Capacity for SEND places needs to be understood, as does demand from parents.

**Recommendation 7** – To increase parental engagement to determine how SEND provision should be delivered post-pandemic. To consult with childcare providers to assess any potential short and medium term gaps for SEND provision, particularly wraparound childcare.

### **Information and brokerage**

Parents may need extra support, where gaps in provision prevent them accessing suitable childcare. Access to up to date online information will help parents make informed choices.

**Recommendation 8** – To continue to promote the Family Information Service to parents and professionals. To raise awareness of brokerage and online chat facility and engage with families through social media channels.

## **Summary of 8 Recommendations**

1. To continue to support childcare providers to deliver high quality, sustainable provision.
2. To improve the quality of the providers which are judged by Ofsted as requires improvement or inadequate by working intensively with them and those that deliver early education funded places.
3. To carry out parent consultation to understand changes in demand for childcare.
4. To continue to promote the take up of 2,3 and 4 year old funding, including 30 hours.
5. To monitor holiday playscheme and wraparound provision throughout the borough.
6. To continue to monitor childcare capacity and sustainability, ensuring there is sufficient childcare throughout the borough.
7. To consult with parents of SEND children to assess any potential gaps in SEND provision including wraparound provision.
8. To continue to promote the Family Information Service including promotion of FIS Hub website, brokerage and online chat services. Increase social media engagement with parents and professionals.

## **Conclusion**

The full impact of Covid-19 global pandemic on the local childcare market will become apparent in the next 12 months. There are risks to the supply of childcare and there are also actions that can be taken to mitigate these risks.

Staffing in childcare settings may be one of the biggest risks in the next 12 months. Staff may not return from furlough or may leave the childcare sector all together. Childcare providers may struggle with recruitment of appropriately qualified staff and increased stress and sickness levels.

Employment changes, including ending of furlough, redundancy and working from home, continue to create variations in demand for childcare, particularly paid for and wraparound childcare.

Childcare providers may need to become more flexible, particularly with stretched offer places so that working families can take their free 15 hours entitlement during school holidays.

The number of holiday playscheme places available to families fell during the pandemic. Holiday playscheme providers will need support to get back to pre-pandemic levels.

Childcare supply and demand must continue to be monitored, to ensure there is sufficient quality childcare in the borough.

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## Report to Cabinet

**20 October 2021**

<b>Subject:</b>	Storage Area Network (SAN) refresh, associated professional services and ongoing support and maintenance – 2022 to 2027
<b>Cabinet Member:</b>	Councillor Maria Crompton - Cabinet Member for Finance and Resources
<b>Director:</b>	Neil Cox – Director of Business Strategy and Change
<b>Key Decision:</b>	Yes
<b>Contact Officer:</b>	Sue Knowles <a href="mailto:Sue_knowles@sandwell.gov.uk">Sue_knowles@sandwell.gov.uk</a> Andy Saunders ICT Service Manager <a href="mailto:andy_saunders@sandwell.gov.uk">andy_saunders@sandwell.gov.uk</a> James Trickett ICT Strategic Lead <a href="mailto:James_Trickett@sandwell.gov.uk">James_Trickett@sandwell.gov.uk</a>

### 1 Recommendations

**That approval be given to:**

- 1.1 Authorise the Director – Business Strategy and Change, along with the Director Finance - Section 151 Officer and in consultation with Cabinet Member for Finance and Resources, to award a contract for providing a Storage Area Network (SAN) refresh, for the period 1 April 2022 to 31 March 2027 via a compliant further competition process under the NHS Shared Business Services, Digital Workplace Solutions Framework agreement SBS/19/WAB/9411.



- 1.2 That the Director Law and Governance – Monitoring Officer be authorised to execute any documentation necessary to enable the above.
- 1.3 That any necessary exemptions be made to the Council's Procurement and Contract Procedure Rules to enable the course of action referred to in 1.1 above.

## 2 Reasons for Recommendations

- 2.1 Authority is sought to authorise the Director – Business Change and Strategy, along with the Director – Finance - Section 151 Officer to approve and award the contract and accept a tender for supplying a SAN including professional services for implementation and migration from the current platform plus annual maintenance and support. The contract will be awarded following a compliant Further Competition and evaluation process under the NHS Shared Business Services, Digital Workplace Solutions Framework agreement.
- 2.2 The contract will allow for the procurement of new storage hardware (the SAN), data management / protection tooling, implementation, migration of data from the current platform and 5 years' support and maintenance for the period 1 April 2022 to 31 March 2027.
- 2.3 The new contract will provide an accredited channel reseller to transition the current SAN and replace with new products and services.
- 2.4 The value of the new contract for the 5-year period is estimated to be around £900,000 based on market engagement.



### 3 How does this deliver objectives of the Corporate Plan?

	Best start in life for children and young people	<p>Most service areas now rely on ICT systems to function effectively. The SAN provides onsite storage for the majority of council data including Office documents, business applications and other functional storage. This is complementary to some cloud services where other council data is stored.</p> <p>Awarding this contract will provide on premise data storage beyond the end of life of the current storage platform. This is necessary for the continuing delivery of most if not all council services and therefore supports the council's ability to achieve all the outcomes detailed in the Corporate plan.</p>
	People live well and age well	
	Strong resilient communities	
	Quality homes in thriving neighbourhoods	
	A strong and inclusive economy	
	A connected and accessible Sandwell	

### 4 Context and Key Issues

4.1 The current SAN is provided by the manufacturer - NetApp – some of which has now reached the end of supported life. The last refresh was in 2014. The current support contract also expires on 31<sup>st</sup> March 2022 and the council would then have to continue with a new, best endeavours contract, due to the potential reduction in the availability of spare parts.



- 4.2 Most, if not all, council services depend on data being stored on the SAN whether this is Office type documents e.g. Word, Excel, images and videos or data in business applications which are hosted from our data centre. It is imperative that the council maintains an up to date, well managed and resilient data storage platform due to the critical nature of its information.
- 4.3 It is also intended as part of this procurement to create a complementing second data storage platform (as part of the new SAN configuration) at a second site to provide resilience. This will ensure easier recovery in the event of a loss scenario at our main data centre or if our data is compromised through some form of cyber-attack or even maybe a malicious incident. Provision will also be made to update our copy to tape capability of all data, so we can be sure we have a totally offsite / offline version of all our data. The capacity and age of our current tape back-up system does not allow for this.
- 4.4 Storage vendors do not deal directly with their customers as is usual practice within the ICT industry. Therefore, the council needs to procure the SAN and services contract via a channel reseller. A procurement exercise will be conducted to appoint a reseller who will renew and support the new SAN and associated software covering the period 01 April 2022 to 21 March 2027.
- 4.5 Invitation to Tender documents will be issued to all suppliers capable of providing the requirements of this tender under the NHS Shared Business Services, Digital Workplace Solutions Framework agreement. Authority is sought to delegate to the Director – Business Strategy and Change and Director – Finance - Section 151 Officer to approve and award the contract and accept a tender for the continued provision of the SAN system and services, following a compliant procurement exercise.
- 4.6 The SAN contract will be a 5-year contract consisting of procurement of equipment, data management software and protection, software licenses, implementation, data migration plus support and maintenance services.



- 4.7 The intention is to procure implementation and data migration services which will have little or no impact on operational services and have negligible impact on service areas.
- 4.8 Given the critical nature of the data being stored and the constant threat from cyber-attack, it is essential that we procure tools to protect the council from such threats - particularly ransomware. Recent events at other local authorities such as London Borough of Hackney and Redcar and Cleveland Borough Council have demonstrated that these threats are very real, and the consequence of a successful attack leads to a “total loss” scenario with loss of all council information with little or no possibility of recovery. Such attacks are now so sophisticated that even back-up copies become encrypted. As part of the procurement we will include provision for a complete backup copy of data to tape, meaning we would be in a far better position to restore our data in this scenario. Costs for recovery of attacks run into many millions of pounds plus the impact onto the council’s reputation.

## 5 Alternative Options

- 5.1 A "do nothing" approach is not feasible, as it would result in no software updates being available and potentially a lack of availability of spare parts e.g. new discs or system boards in the event of failure. This would present both major cyber security and operational risks for the council if data could not be accessed or is totally lost.
- 5.2 A cloud data storage approach is feasible but not within the timescale for needing to refresh the current on-premise SAN. The council will continue a gradual migration to cloud services where this is the “smart” approach to take e.g. value for money, functionality etc. However, it is not easy to “lift and shift” data from on premise to a cloud service and time is necessary to ensure the data is cleansed and structured ready for migration.



As Covid still presents a significant challenge for the council, it would not be wise to radically change the way our workforce accesses its data and the strategic approach to buy a new SAN is a sound one both commercially and operationally. By the end of the 5-year SAN contract it is envisaged that the council will have orientated towards a “more cloud” than “on premise” approach meaning we would then be able to reduce the need for a SAN of the size we need to purchase now.

## 6 Implications

<b>Resources:</b>	The total value of the contract is estimated to be £900,000. This will be funded from the existing ICT revenue and capital refresh budget.
<b>Legal and Governance:</b>	The Council’s Contract and Procurement Procedures will be adhered to.
<b>Risk:</b>	The corporate risk management strategy has been complied with to identify and assess the risks associated with the recommendations being sought. This has concluded that there are no significant risks that require reporting. Further measures will be put in place to ensure that the risks identified during the procurement process are considered and mitigated to levels within the council’s appetite for risk.
<b>Equality:</b>	No implications
<b>Health and Wellbeing:</b>	No implications
<b>Social Value</b>	Social Value will be considered during the procurement process

## 7. Appendices

None

## 8. Background Papers

None



## Report to Cabinet

**20 October 2021**

<b>Subject:</b>	Composite Door Programme
<b>Cabinet Member:</b>	Cabinet Member for Housing, Councillor Zahoor Ahmed
<b>Director:</b>	Director of Housing Gillian Douglas
<b>Key Decision:</b>	Yes  an executive decision which is likely to result in the Council incurring expenditure, the making of savings or the generation of income amounting to: -£250,000 or more where the service area budget exceeds £10m;
<b>Contact Officer:</b>	Steve Greenhouse – Service Manager – Asset Management and Maintenance <a href="mailto:steve_greenhouse@sandwell.gov.uk">steve_greenhouse@sandwell.gov.uk</a> Jonathan Rawlins – Business Manager – Asset Management and Maintenance <a href="mailto:Jonathan_rawlins@sandwell.gov.uk">Jonathan_rawlins@sandwell.gov.uk</a>

### 1 Recommendations

- 1.1 That approval be given to award a contract to undertake the Composite Door Programme to various properties within the North of the housing stock owned by Sandwell Council to Sycamore Windows Limited for a contract period of two years, from November 2021 to October 2023 to a value of £5m per annum.



1.2 That the Director – Law and Governance and Monitoring Officer be authorised to enter into appropriate contract with Sycamore Windows Limited.

## 2 Reasons for Recommendations

2.1 This report seeks approval to award the contract to undertake composite door replacements to various locations within the North of the housing stock owned by Sandwell Council. The delivery of this will include both planned programmes of replacement as well as reactive maintenance where existing doors fail or are not fit for purpose.

2.2 Since Cabinet awarded these works within the North of the Borough at its Cabinet meeting of 17<sup>th</sup> March 2021, both the appointed contractor Lovell Partnerships Limited and the third-place contractor have formally withdrawn their bids owing to not being able to hold their bids at their prices as tendered, leaving the fourth placed contractor as being the most economically advantageous tender submitted for the North. The second placed contractor has already been awarded the contract to undertake composite door replacements within the South of the Borough and therefore could not be considered, as Contractors were afforded the opportunity of applying for one or both contract areas but would only be awarded one contract.

## 3 How does this deliver objectives of the Corporate Plan?

	<p>Quality homes in thriving neighbourhoods. This contract is required to allow Sandwell MBC to continue to maintain and upgrade its housing stock as and when required.</p>
	<p>The delivery of this contract will both improve the security and the appearance of the Council's Housing stock.</p>



## 4 Context and Key Issues

- 4.1 The Council is responsible for the management, upkeep and repair of Sandwell's housing stock. This is currently achieved utilising a mix of in house resources and external contractors.
- 4.2 This contract is required to enable the Asset Management and Maintenance section of the Housing Directorate to install composite front, rear and fire doors to tenanted Sandwell MBC properties on both a reactive and planned maintenance basis.
- 4.3 Composite doors are made from multiple materials including insulating and secure foam core enclosed by a weather resistant glass reinforced plastic (GRP) outer skin. With the insulating foam core and strong outer frame, the multi layered composition provides strength and resilience as well as excellent energy efficiency.
- 4.4 Some of the biggest impacts of a composite door are that they don't require time-consuming and costly maintenance as they're not prone to fading, warping, or cracking and they also enhance the security of properties by being an accredited Secured by Design product, as detailed further within the Implications section of this report.
- 4.5 At its meeting of 17th March 2021, Cabinet approved the award of contracts to undertake the Composite Door Programme to various properties to Lovell Partnerships Limited and Nationwide Windows Limited for a contract period of two years, from April 2021 to March 2023 to a value of £10m per annum.
- 4.6 Since the contracts have been awarded, Lovell Partnerships Limited who were awarded the contract in the North of the borough proposed to use an alternative product to that upon which they based their tendered rates. They have stated that if we were to insist on them using the specified doors, as priced, they would want an additional article added to the contract indemnifying Lovell for any direct cost and or losses due to any failure in the performance of the nominated doors.



- 4.7 The Council's Legal Services team have advised and confirmed that there can be no change to the terms and conditions from what was agreed in Lovells' original bid. This has been relayed to Lovell Partnerships Limited accordingly.
- 4.8 Lovell Partnerships Limited have subsequently stating in writing as at 9th July 2021 that due to the unpredictability in the industry, fluctuation in material costs, supply issues and labour shortages that they don't believe that the contract can be carried out successfully for the rates tendered and have returned their contract.
- 4.9 The Procurement Team, in conjunction with Legal Services subsequently approached the third placed contractor on 22nd July 2021, Solar Windows Limited, to establish whether they would still be interested in supplying the required products to the Council at their original tendered rates.
- 4.10 Solar Windows Limited replied on 2nd August 2021 stating that owing to raw material price increases they had no alternative but to formally withdraw their tendered price.
- 4.11 After further consultation with the Procurement Services Manager and receiving advice from the Councils Legal Services Team an agreement was reached to approach the fourth placed bidder from the procurement exercise, Sycamore Windows Limited, based on them being able to meet all requirements and their tender being both within budget and held at tendered rates.
- 4.12 The tender submission of Sycamore Windows Limited has been reviewed and is still deemed to provide a high-quality bid and the price, while £692k higher than Lovells original bid still represents value for money compared to the alternative options and is still within the original budget allocation for these works. Sycamore Windows Limited also scored very highly on quality so there are no concerns regarding their capability. Sycamore's bid has been confirmed as having been priced upon one of the specified doors, which has been evaluated by Officers and is fully compliant, meeting all the Councils requirements.



- 4.13 Sycamore Windows Limited were contacted on 19th August 2021 to establish whether they would still be interested in entering in to a contract for the supply of composite doors, which would be subject to them being able to supply on original tendered rates and agreement of terms and conditions.
- 4.14 Sycamore Windows Limited have replied indicating that having reviewed their tender submission they confirm they can still deliver on their tendered rates and on the same terms and conditions upon which they tendered.
- 4.15 It is therefore recommended that a contract be awarded to Sycamore Windows Limited to a value of £10million (£5million per annum) for a contract period of two years.

## 5 Alternative Options

5.1 The alternatives are: -

### Option 1

5.1.1 To award the works to the fourth placed bidder which is deemed to provide value for money and is still within the original budget allocation for these works. Sycamore Window Limited's bid will provide the Council with right quality product at a still competitive price.

### Option 2

5.1.2 To re-procure the works within the North of the Borough, however it is felt that owing to the current uncertainty around material prices within the industry that the tender of Sycamore Windows Limited provides the best value option and outweighs the cost of re-tendering and the risk of receiving higher bids. If we were to re-procure, alternative doors may have to be evaluated and there will be the possibility of costs being higher now due to the unstable market.



### Option 3

5.1.3 To award the works within the North of the Borough to Nationwide Windows Limited, who are the Contractor appointed to deliver these works in the South of the Borough. This is not an option as Contractors were afforded the opportunity of applying for one or both contract areas but could only be awarded one contract.

### Option 4

5.1.4 To continue to undertake the replacement of Composite Doors within the North via the Contractor currently delivering an External Refurbishment programme within the same area. This is not a viable option owing to the cost of the doors via this route being 50% more.

### Option 5

5.1.5 To not invest in our Council Housing Stock which in turn may lead to dissatisfaction from existing and potential new tenants as well as disrepair and additional burden on the Housing Revenue Account.

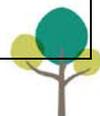
5.2 5 Options were explored and based on the above summary, Option 1 is recommended as the most viable option.

## 6 Implications

<b>Resources:</b>	<p>The proposed budget for the contract is £10m (£5m per annum) and will be funded by the Housing Revenue Account and reserves.</p> <p>The budget is intended to provide capacity to deliver replacement composite doors to every Council owned property.</p> <p>The funding set out within this report is part of an affordable programme that remains within our borrowing capacity limits.</p>
<b>Legal and Governance:</b>	<p>The contracts will be awarded in accordance with the Council's Procurement and Contract Procedure Rules and Public Contract Regulations 2015.</p>



<p><b>Risk:</b></p>	<p>All door sets must be Secure by Design accredited to BSI – BS: PAS 24.</p> <p>Secured by Design (SBD) is a Police initiative to guide and encourage those engaged within the specification, design and build of new homes, and those undertaking major or minor property refurbishment, to adopt crime prevention measures. Secured by Design is owned by the Police Service and is supported by the Home Office and referenced in Building Regulations 2010 Approved Document Q Security – Dwellings.</p> <p>The benefits of Secured by Design are supported by independent academic research consistently proving that SBD housing developments experience up to 75% less burglary, 25% less vehicle crime and 25% less criminal damage.</p> <p>Where burglaries and or forced entry occurs to Council owned housing stock, necessary repairs are undertaken through the Asset Management and Maintenance Service area in Housing and Communities. However, working closely with the West Midlands Police data identifies areas within the Borough where there is a concentration or repeat offences. To mitigate against this, as part of this contract, where specific areas are identified, these are undertaken as a priority to ensure doors are replaced where necessary.</p> <p>The sharing of any relevant data for the delivery of this contract will be in compliance with the General Data Protection Regulations.</p>
<p><b>Equality:</b></p>	<p>An Equality Impact Assessment was not undertaken as this is a Boroughwide contract.</p>
<p><b>Health and Wellbeing:</b></p>	<p>There are no health and wellbeing implications arising from this proposal.</p>
<p><b>Social Value</b></p>	<p>Social Value will be achieved through the inclusion of an Employment and Skills Plan (ESP) contained within the formal contract with Sycamore Windows Limited. The plan includes contractual performance indicators such as work experience placements, apprenticeships in addition to school engagement and community activities.</p>



	<p>Sycamore Windows Limited, through their tender submission, will fully embrace SMBC's Construction Employment Skills Plan as detailed for this Project. They view the requirements as minimum standards and are confident they will be able to improve on them in many instances.</p> <p>They intend that this Project will provide new, local opportunities and they already have a reserve list of experienced installers who live in Sandwell. They will provide a Project Waste Management Plan clarifying their objectives to effectively manage all waste arising on this project and will state their intention to reduce waste to landfill by minimising, reusing and recycling.</p> <p>They will incorporate a number of key Carbon Initiatives into this contract from the outset.</p>
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**7. Appendices**

Appendix 1, Tender return results.

**8. Background Papers**

Cabinet Report 17<sup>th</sup> March 2021

**Appendix 1  
Tender Return Results**

SMBC20101 – Composite Doors Evaluation			
	Price Score	Quality Score	Total Score
<b>North</b>			
<del>Lovell Partnerships Limited (withdrawn)</del>	<del>65.72</del>	<del>30.00</del>	<del>95.72</del>
Nationwide Windows Limited (awarded contract in the South)	69.49	24.78	94.27



Solar Windows Limited (withdrawn)	70.00	21.38	91.38
<b>Sycamore Windows Limited</b>	<b>60.55</b>	<b>30.00</b>	<b>90.55</b>
Contractor E	56.49	30.00	86.49
Contractor F	55.47	25.45	80.92
Contractor G	48.00	26.85	74.85
Contractor H	45.97	17.20	63.17



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## Report to Cabinet

**20 October 2021**

<b>Subject:</b>	Contract for the Supply of Mains Gas – Appointment of Contractor
<b>Cabinet Member:</b>	Cabinet Member for Finance & Resources Councillor Maria Crompton
<b>Director:</b>	Director of Finance Simone Hines
<b>Key Decision:</b>	Yes
<b>Contact Officers:</b>	Corporate Procurement Services Neil Whitehouse – Procurement Officer  Urban Design & Building Services Phil Kingston – Senior Energy Officer

### 1 Recommendations

- 1.1 That approval be given to utilise Eastern Shires Purchasing Organisation (ESPO) Framework 192\_23 to appoint Total Energies Gas and Power Ltd to supply Mains Gas to Council sites for the period 1 April 2023 to 31 March 2027.
- 1.2 That in connection with 1.1 above, the Director, Law and Governance and Monitoring Officer be authorised to enter into an appropriate contract with Total Energies Gas and Power Ltd.



## 2 Reasons for Recommendations

- 2.1 The Pan-Government Energy Project was launched back in 2007 to improve the standard of energy procurement across the public sector. The key recommendation was that all public-sector organisations adopted one of the aggregated, flexible and risk managed energy procurement frameworks that were put in place by the recognised Central Purchasing Bodies (CPB) that had been evaluated by the Government's Project Strategy Team against best practice criteria.
- 2.2 In 2011, the energy frameworks provided by these CPBs were reviewed by the Council's Corporate Procurement Service and approval was provided to participate in the agreements offered by ESPO. Since this time, the Council has participated in the ESPO energy frameworks and had a representative on their stakeholder governance panel that establishes and reviews the effectiveness of price risk strategy and purchasing performance.
- 2.3 The Council currently has 234 gas supply points that are included in the current ESPO energy framework arrangement that commenced in April 2019 and is due for expiry on 31 March 2023.
- 2.4 ESPO has recently undertaken a Public Contracts Regulations 2015 compliant tendering exercise for gas on behalf of over 100 Local Authorities, Schools, Housing Associations and Charities with a combined total of 26000 supply points. Following the evaluation of returned tenders, the bid submitted by Total Energies Gas & Power Ltd was the most competitive and was duly recommended for acceptance by the stakeholder governance panel for the period stated in 1.1 of this report.
- 2.5 By aggregating energy requirements under the ESPO Gas Framework and utilising a flexible purchasing strategy, ESPO are able to take advantage of market movements to the benefit of customers. This is achieved by purchasing energy in advance when commodity prices are at their lowest. Flexible purchasing also limits exposure to rising costs by securing energy requirements in advance at multiple opportunities rather than at a single decision point.



### 3 How does this deliver objectives of the Corporate Plan?

	<p>A connected and accessible Sandwell</p> <p>The securing of a continuous contractual source of supply of Mains Gas will ensure the Council's property portfolio is available to support the provision of all Council services</p>
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### 4 Context and Key Issues

- 4.1 A CPB is defined in the Public-Sector Contract Regulations as a 'contracting authority' that;
- acquires goods and services intended for one or more contracting authorities
  - awards public contracts intended for one or more contracting authorities
  - concludes framework agreements for goods, services or works intended for one or more contracting authorities.

The most recognisable CPBs are known as the Pro5.

- 4.2 The Pro5 is a group of regional local government CPBs that provide procurement services to the wider public sector and along with the Crown Commercial Service offer accredited Public Contracts Regulations 2015 compliant energy frameworks. The Pro5 members are;

- Central Buying Consortium (CBC Laser)
- Eastern Shires Purchasing Organisation (ESPO)
- North Eastern Purchasing Organisation (NEPO)
- Consortium Education (formerly West Mercia Supplies)
- Yorkshire Purchasing Organisation (YPO)

- 4.3 It is proposed that participation in ESPO Framework 192\_23 will be for the period 1 April 2023 to 31 March 2027 and based on current levels of consumption and price, the expenditure during the four-year period will have a value of £4,064 000.



## 5 Alternative Options

- 5.1 One alternative option would be to undertake tendering exercises on behalf of the Council in isolation of the Pro5 providers which would be against the best practice guidance published from the Pan-Government Energy Project. Alternatively, seek to transfer to another Pro5 Framework provider but this would result in the loss of representation on stakeholder governance panels.

## 6 Implications

<b>Resources:</b>	Based on current levels of consumption and expenditure, the estimated value of the contract for the Supply of Mains Gas over the proposed four-year period is £4,064,000. Funding will be drawn from existing service level budget provision.
<b>Legal and Governance:</b>	The use of the ESPO Frameworks is in accordance with the Public Contracts Regulations 2015 and the Council's Procurement & Contract Procedure Rules.
<b>Risk:</b>	There are no risk implications that need to be considered as part of this report.
<b>Equality:</b>	There are no equality issues that need to be considered as part of this report.
<b>Health and Wellbeing:</b>	There are no health and wellbeing issues that need to be considered as part of this report.
<b>Social Value</b>	When establishing the Framework, ESPO tested the suppliers' abilities to provide social value in line with the Public Services (Social Value) Act 2012.

## 7. Appendices

None

## 8. Background Papers

None



## Report to Cabinet

**20 October 2021**

<b>Subject:</b>	Extension of Domiciliary Care Framework Agreements
<b>Cabinet Member:</b>	Cllr Hartwell Cabinet Member for Adults, Social Care and Health
<b>Director:</b>	Rashpal Bishop Director of Adult Social Care
<b>Key Decision:</b>	Yes
<b>Contact Officer:</b>	Daljit Bhangal Operations Manager Daljit_bhangal@sandwell.gov.uk

### 1 Recommendations

It is recommended that Cabinet;

- 1.1 Give approval to an exemption to the Council's Procurement and Contract Procedure Rules to allow an extension to the existing Community Care (Domiciliary Care) Framework Agreements for the period 1 March 2022 to 31 August 2022 to allow for a Contract extension to be affected given no further extension provisions exist within the existing contract terms.
- 1.2 That the Director of Adult Social Care, subject to approval of 1.1, be authorised to to extend the existing Community Care (Domiciliary Care) Framework Agreements from 1 March 2022 to 31 August 2022 if the new model of purchasing domiciliary care is not deliverable by 1 March 2022.

1.3 That the Director - Law and Governance and Monitoring Officer, or their designated representative, be authorised to execute any documents necessary within a reasonable time to give effect to the proposal in recommendation 1.1 should the enactment of the recommendation be necessitated.

## 2 Reasons for Recommendations

2.1 It is the intention of the Council to secure a new model of delivering Domiciliary Care by 1<sup>st</sup> March 2022 and a procurement is underway to achieve that objective. However, approval for an extension to existing arrangements, as a contingency measure, is sought should the new model not be delivered for service commencement by 1 March 2022.

## 3 How does this deliver objectives of the Corporate Plan?

	<p>People live well and age well</p> <p>Domiciliary Care Services will support people to live longer, healthier lives and maintain independence to remain in their own home with the care and support they need.</p>
	<p>Strong resilient communities</p> <p>The overall aim of domiciliary care is to maintain independence and prevent or delay the need for long term care away from the home.</p>
	<p>A strong and inclusive economy</p> <p>Given the nature of the service and delivery of it to vulnerable people who reside in Sandwell, the successful organisations are very likely to employ people from the local area, supporting the local economy.</p>

## 4. Context and Key Issues

4.1 The Council is statutorily required under the Care Act 2014 to carry out an assessment of anyone who appears to require care and support.

The Local Authority role is seen as critical, and under section 5 of the Care Act 2014, the duty to shape and maintain an efficient and effective market of services for meeting care and support needs in the local area is firmly placed with them. The duty applies in relation to services that the Local Authority commissions directly, but also to other non-commissioned services in its area (including those used by self-funders), universal services and services provided by partners (such as health or charitable services) that together create the marketplace.

- 4.2 Domiciliary care is one of the services that the Council commissions to ensure that people with assessed needs under the Care Act 2014 have provision to support them to continue to live independently in the community, and thereby delaying or preventing the need to access residential care.
- 4.3 Currently the Council commissions domiciliary care using a hybrid approach; it has a framework of providers who receive the bulk of referrals for non-specialist care packages, and where the providers on that framework are unable to pick up the referral within the timeframe or geography required, the Council also has an Approved List of Non - Residential Providers it uses as a contingency measure should it be necessitated.
- 4.4 On 23 May 2021 Cabinet approved (minute reference 94/21) the procurement of a new model of domiciliary care to secure alternative contracting arrangements for when the existing framework contracts end on 28 February 2022. Approval was also given for the award of contracts to successful bidders once the procurement has been completed.
- 4.5 It remains the intention of the Council to secure alternative contracting arrangements by 1 March 2022 and a procurement is underway to achieve that objective. However, as a contingency measure should the new model not be delivered by 1 March 2022, it is proposed that a six-month extension be secured to existing framework arrangements. This option will not need to be effected if the new model is delivered by 1 March 2022, but given the time lag to achieve Cabinet authority, Commissioners consider it prudent to have in place an approval should it be necessary to invoke it quickly, which provides incumbent providers sufficient notice of the Council's plans.

4.6 There are a number of reasons for why a new model of commissioning domiciliary care may not be operational by 1 March 2022 that include:

- insufficient interest and successful bids being processed, thus jeopardising the ability of the Council to effectively meet its statutory obligations to provide care to those whom it has assessed as being in need. If there is not a wide pool of providers to choose from there is a risk that there will be delays in commencement of services, putting vulnerable people at risk. Therefore, when the procurement is completed, an assessment will take place to establish that the number of successful providers to join the new list is sufficient for the Council's purposes.
- The complexity of the model because it is contracting with a high volume of providers to deliver a new model from 1 March 2022 (potentially 80 or more providers) means that there may be logistical challenges to operationalise it from the proposed start date given there are interdependencies around systems and resources. It should be noted that a plan to mitigate these challenges is in place.
- there may be a delay as a result of pressures in the system due to the Covid-19 pandemic, or as a result of the Covid-19 pandemic, which may impact mobilisation, and therefore a start date of 1 March 2022.

The above risks were identified at the outset and were assessed as low. These risks continue to be assessed as low, however the recommendation being sought is purely to mitigate these risks further in the unlikely event that they materialise.

## **5 Alternative Options**

5.1 An options appraisal has been completed by Commissioners to consider alternative options should the new model of domiciliary care not be delivered for service commencement on 1 March 2022 and option 3 in the below table is the preferred solution.

	<b>Option</b>	<b>Risks</b>	<b>Strengths</b>
<b>1</b>	Allow the framework to lapse and close the approved list and encourage service users to take direct payments	<ul style="list-style-type: none"> <li>• Service users/representatives unhappy with having to commission their own care</li> <li>• Inability for some customers to receive a Direct Payment where they are unable to manage / have no one to take responsibility</li> <li>• Risks from an unregulated market and increased undetected safeguarding</li> <li>• The Council would have difficulty in holding providers to account without a contractual relationship, notwithstanding safeguarding procedures.</li> <li>• Providers becoming unviable with a rate that lags the Council set rate</li> <li>• Capacity to increase Direct Payment numbers within tight timelines</li> <li>• Cost of infrastructure within the sector</li> <li>• Loss of economies of scale within the market</li> </ul>	<ul style="list-style-type: none"> <li>• Increases choice and control</li> <li>• Increases the Council's figures around people taking a direct payment</li> <li>• Reduces pressure on the Adult Social Care Budget as the direct payment rate lags a year behind the framework rate, but this is not without risk</li> </ul>
<b>2</b>	Allow the framework to lapse and procure services	<ul style="list-style-type: none"> <li>• There may be delays in sourcing and therefore potential risk of starting packages later than having a</li> </ul>	<ul style="list-style-type: none"> <li>• Preferable to encouraging people to take a direct payment</li> <li>• Contracts already in place for Approved Providers,</li> </ul>

	<b>Option</b>	<b>Risks</b>	<b>Strengths</b>
	from the Approved Provider list until such time the new model starts	<p>framework, which has more favourable terms</p> <ul style="list-style-type: none"> <li>• No uniform rate and providers can charge what they like, thus this has a pressure on the Adult Social Care budget</li> <li>• Unable to hold providers to account if they can't provide packages as there is no contractual compulsion for them to do so given they are on approved provider contracts</li> </ul>	and therefore to some extent, there remains a continuity that both providers and Brokers and Care Management Teams are familiar with
<b>3</b>	Extend the current framework – will need an exemption to be approved by Cabinet. Under this option, the Approved List of providers would also continue to be used as a contingency where	<ul style="list-style-type: none"> <li>• Providers (all or some) may not want to extend contracts, and therefore this is not necessarily guaranteed</li> </ul>	<ul style="list-style-type: none"> <li>• This would allow a continuity of current arrangements for service users and providers</li> <li>• A uniform set rate that allows more budgetary certainty</li> <li>• More efficient sourcing as there are less providers on the Framework for brokers to contact</li> <li>• Provides business certainty to providers</li> </ul>

	<b>Option</b>	<b>Risks</b>	<b>Strengths</b>
	framework can't meet the care package needs,		

## 6.0 Implications

<b>Resources:</b>	<p>Based upon current fees and the volume of commissioned care the cost of a 6-month extension is projected to be £4.756 million and these costs would be funded from the Community Care Placement budget.</p> <p>Packages of care commissioned will be paid for on an agreed set rate on a 'spot' basis, therefore there will be no guaranteed volume of service commissioned from prospective providers and the Council will only pay for what has been delivered.</p> <p>There are no anticipated human resource implications for the Council arising from the award of the Agreements.</p> <p>There are no implications for the Council's material assets.</p>
<b>Legal and Governance</b>	<p>The Council has responsibilities under the Care Act 2014 to assess people who appear to have care and support needs and provide or commission services to meet these needs. The service proposed to be commissioned will support people to remain living in their own homes.</p> <p>The contracts proposed to be extended fall under the Light Touch Regime of the Public Contracts Regulations (PCR) 2015 and also the Council's Procurement and Contract Procedure Rules, both of which need to be complied with.</p>

The notice published in the Official Journal of the European Union ('OJEU notice') identified a value of £24million against each lot for the lifetime of the contract.

Legal Services has been consulted on the proposed extension and advice indicates that Regulation 72 (1)(c) of PCR 2015 allows for modifications without a new procurement procedure where:

(i) the need for modification has been brought about by circumstances which a diligent contracting authority could **not have foreseen**. In this regard, recital 109 to the Directive provides: *"The notion of unforeseeable circumstances refers to circumstances that could not have been predicted despite reasonably diligent preparation of the initial award by the contracting authority, taking into account its available means, the nature and characteristics of the specific project, good practice in the field in question and the need to ensure an appropriate relationship between the resources spent in preparing the award and its foreseeable value."*

(ii) the modification does not alter the overall nature of the contract. There is no suggestion that the nature of the contract will be altered.

(iii) any increase in price does not exceed 50% of the value of the original contract or framework agreement. The phrase "value of the original contract" is not defined anywhere in the PCR 2015, and the Crown Commercial Service guidance does not explicitly deal with this point. However, the context and other provisions (and the fact that the Crown Commercial Service guidance refers to "contract price") strongly suggest that this refers to the value of the contract as awarded (that is, the figure in the contract award notice (subject to indexation)) and not the value in either the contract notice or the tender documents.

	<p>The estimated extension is well below 50% of the £24 million original value.</p> <p>Due to the £24 million value and the extension value, it is unable to be considered a low value variation under Regulation 72 (5) of PCR 2015.</p> <p>As a result, the Council will seek to rely on Regulation 72 (1)(c) of PCR 2015 to potentially proceed with the proposed extension. In accordance with Regulation 72 (3) of PCR 2015, there will be a need to publish the relevant notice should an extension be necessitated in reliance upon Regulation 72 (1)(c) of PCR 2015.</p> <p>The Corporate Procurement Service Manager is satisfied with the course of action being proposed subject to Regulation 72 of PCR 2015 being met and Cabinet authority being sought given that an exemption to Procurement and Contract Procedure Rules is needed for an extension to be affected of the value proposed.</p>
<p><b>Risk:</b></p>	<p>The plan to seek an extension to the framework is to mitigate risk and enable continuity of service provision until such time the new model is operationalised. It is not an option that the Council would wish to exercise.</p> <p>Section 5 of this report identifies the risks and benefits of each option. If Cabinet agree to the recommendation, it is not without risk should it be necessitated because providers will need to agree to it, but there is no current indication that they would not as it provides business certainty and continuity for them.</p> <p>The separately completed risk assessment contains several risks that were initially identified at the outset and were assessed as low. These risks continue to be assessed as low, however the recommendation being</p>

	<p>sought is purely to mitigate these risks further in the unlikely event that they materialise.</p> <p>The support that a domiciliary care service provides enables a reduction of risks to service users who are supported to live in their homes for longer.</p> <p>In addition to the above, the recommendations being sought, if approved, will assist in the mitigation of the directorate risk 8 in relation to the implementation of Discharge to Access which is rated Amber.</p>
<b>Equality:</b>	<p>An Equality Impact Assessment has been undertaken and the outcome of the same suggests there are no negative or adverse impacts on any protected groups.</p> <p>There are no significant equality issues arising from this report. The commissioning of this provision will ensure that vulnerable people in need of care, including protected groups, will benefit from timely support, and therefore there are benefits to some of the protected characteristics.</p>
<b>Health and Wellbeing:</b>	<p>The recipients of the Domiciliary Care Service will be supported and cared for to remain in their own homes and remain as independent as possible for as long as possible.</p> <p>To support the easing of pressure on acute hospitals through admission avoidance this service is required to assist vulnerable people for whom the Council has a statutory duty through the provision of timely care and support in their own homes.</p> <p>Given the nature of the service and delivery of it to vulnerable people who reside in Sandwell, the successful organisations are very likely to employ people from the local area, supporting the local economy.</p>

**Social Value:**

Providers of the Domiciliary Care Service do not need to be based in Sandwell. Providers are supported and encouraged to recruit locally and engage with Colleges/Universities, and to procure local goods and services to support local communities.

Social value has a fixed minimum % amount in the tender scoring process to allow an assessment of how bidders propose to achieve outcomes that promote social value.

**7. Appendices**

Nil

**8. Background Papers**

None.

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## Report to Cabinet

**20 October 2021**

<b>Subject:</b>	Proposal to Declare the Whole of Sandwell as a Smoke Control Area (Revoking and replacing the existing 51 SCAs)
<b>Cabinet Members:</b>	Councillor Suzanne Hartwell Adults Social Care and Health Councillor Ahmad Bostan Environment
<b>Director:</b>	Public Health Lisa McNally
<b>Key Decision:</b>	Yes. The decision effects communities living or working in an area comprising two or more wards or electoral divisions in Sandwell
<b>Contact Officer:</b>	Senior Environmental Health Officer Elizabeth Stephens elizabeth_stephens@sandwell.gov.uk

### 1 Recommendations

1.1 That Full Council be recommended to give approval to:

- a. Sandwell MBC to announce their 'Intention to Declare' the whole Borough of Sandwell as a Smoke Control Area (SCA) under the Clean Air Act 1993. The new SCA will replace the existing 51 SCAs and ensure that all properties in the Borough are subject to the same legal requirements in relation to smoke control.
- b. to a 6-week period of public consultation on the 'Intention to Declare a Borough-wide Smoke Control Area'



- c. the Director of Public Health, to revoke the existing 51 Smoke Control Orders and make a single Borough-wide Smoke Control Order when an Executive Decision has been made by Cabinet when Cabinet are satisfied that there has been adequate public consultation and suitable and sufficient consideration of any objections as required under the Clean Air Act 1993.

## 2 Reasons for Recommendations

- 2.1 Sandwell Council has a duty to assess air quality and where necessary take appropriate action to protect the health of those living and working in the Borough.
- 2.2 We know that concerns about poor air quality exist in Sandwell. In 2020 Sandwell Council undertook a public consultation on Climate Change and Air Quality. Of the 654 responses, 70% strongly agreed that improving air quality should be a key priority for Sandwell MBC.
- 2.3 Out of 72 local authorities found to have dangerous background concentrations of fine particulate matter (PM<sub>2.5</sub>) in 2019, Sandwell and Leicester were the only two local authorities that had these exceedances outside of London and the South East of England.
- 2.4 PM<sub>2.5</sub> concentrations and other toxic emissions are closely associated with domestic burning. PM<sub>2.5</sub> has a significant impact on human health it can cause coughs, dizziness, inflamed airways and shortness of breath. It increases the risk of pneumonia, COPD and lung cancer, as well as heart disease and stroke, leading to early death. It can also impact pregnancy and the development of children's lungs.
- 2.5 The use of open fires and solid-fuel burning stoves has risen in popularity over recent years and concerns continue about the current and future impact on urban air quality.



- 2.6 The contribution of wood and solid fuel burning on PM<sub>2.5</sub> concentrations in urban areas is significant. A government commissioned survey in 2020, demonstrated that 68% of indoor burners lived in urban areas in the UK, as opposed to 32% in rural areas. Due to higher population densities in urban areas, population exposure is greater. Reducing population exposure is key to reducing health impacts.
- 2.7 Smoke Control Areas can help to reduce PM<sub>2.5</sub> emissions found in chimney smoke by requiring the use of either authorised fuel or by using Defra ‘exempt appliances’ for example certain burners and stoves. Unauthorised fuel must not be used in a smoke control area unless it is used in an exempt appliance. A list of FAQs on Smoke Control Area rules is included in **Appendix A**.
- 2.8 Sandwell currently has 51 separate Smoke Control Areas as shown in **Appendix B**, by extending the SCA to cover the whole of the Borough all neighbourhoods will be protected against harmful smoke emissions. At present many properties in the Borough can still legally burn unauthorised fuels (i.e. wood and coal) in non-exempted appliances. The proposed new single Smoke Control Area will address this inequality.
- 2.9 Although a Borough wide smoke control area will not ban domestic solid fuel burning, it will require residents to take responsibility over the fuels they burn. In addition, any new solid fuel stove installations are much more likely to be ‘exempt appliances’. This is because reputable stove installers currently advise householders in Smoke Control Areas to install Defra ‘exempt appliances’ or ‘Ecodesign’ appliances which already meet stricter smoke emission standards.
- 2.10 Borough-wide Smoke Control Areas are not uncommon in the West Midlands, for example two of our neighbouring authorities, Birmingham and Dudley already have them in place.



2.11 The declaration of a Smoke Control Order would not be undertaken until all objections have been considered by pollution control officers and legal team and as required by the Clean Air Act 1993 (Sch. 1. Para.3). Once all objections had been suitably scrutinised and appropriate responses made to the satisfaction of The Director of Public Health and the Cabinet Member for Adults Social Care and Health and Cabinet Member for the Environment a report would be presented to Cabinet summarising the outcomes of the consultation. If appropriate, a request would be made to the Cabinet recommending their approval for The Director of Public Health to declare a Borough Wide Smoke Control Order. In this event, The Smoke Control Order would not come into force for at least 6 months from the date of declaration giving residents and businesses time to prepare.

2.12 Legally there is no requirement under the Clean Air Act 1993 to undertake a formal consultation with residents or businesses over the intention to declare a new Smoke Control Area. There is only requirement for a 6-week advertising period in which those impacted by the decision can raise objections. By undertaking a formal consultation in addition to the required period of advertising, we will increase awareness of the proposal, to ensure that all stakeholders have relevant information and are given adequate opportunity to respond. A copy of the draft consultation questions is provided in **Appendix C**.

### 3 How does this deliver objectives of the Corporate Plan?

	<p><b>Best start in life for children and young people</b>          Young children face a greater risk to their health from ultrafine particulate emissions (PM<sub>2.5</sub>) which is strongly associated with domestic burning and is the largest source of ultrafine particulate matter in urban areas. Exposure to PM<sub>2.5</sub> is shown to have both short and long-term impacts, including respiratory illnesses and impaired lung and cognitive development in children.</p>
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	<p><b>People live well and age well</b> Air pollution is a key threat to the health of our population and a driver of health inequalities. Addressing air pollution will reduce health inequalities and increase both the perceived and actual position of Sandwell as a cleaner and safer place to live.</p>
	<p><b>Strong resilient communities</b> Addressing air pollution and in particular PM<sub>2.5</sub> will contribute towards improving the overall health and resilience of our communities.</p>
	<p><b>Quality homes in thriving neighbourhoods</b> By providing a SCA that is Borough wide, all neighbourhoods in Sandwell would be afforded the same level of protection from potentially harmful emissions that are created by the burning of solid fuels in domestic properties and businesses.</p>

## 4 CONTEXT AND KEY ISSUES

### History of Smoke Control Areas in Sandwell

- 4.1 The 1956 Clean Air Act (CAA) originated out of the London smogs in the 1950s. A particularly severe London smog in December 1952 that lasted five days, and caused an estimated 12,000 additional deaths, finally led to the creation the 1956 Clean Air Act (CAA). The CAA initially identified the need to control smoke and sulphur dioxide (SO<sub>2</sub>) emissions from coal-burning.
- 4.2 The 1993 Clean Air Act was introduced to consolidate two previous CAAs and gave Local Authorities the power to control emissions of dark smoke, grit, dust and fumes from industrial premises and furnaces by declaring ‘Smoke Control Areas’ where emissions of smoke from domestic premises were banned. When the Metropolitan Borough of Sandwell was formed in April 1974, it inherited 51 separate Smoke Control Areas from the previous county authorities of Warley and West Bromwich and these have remained in place.



## Relevance of Declaring the Whole of Sandwell a Smoke Control Area in 2021

- 4.3 In recent decades the main air pollutant of concern in Sandwell was related to road transport and associated nitrogen dioxide (NO<sub>2</sub>) concentrations. In 2005 Sandwell was declared an Air Quality Management Area due to exceedances of NO<sub>2</sub> across the Borough. Emissions from NO<sub>2</sub> have significantly decreased due to improvements in vehicle technology and decreased industrial emissions, but instead there is now growing concern about the levels of PM<sub>2.5</sub> in Sandwell and the associated health impacts.
- 4.4 Estimates of Particulate Matter (PM<sub>2.5</sub>) at three monitoring sites in Sandwell in 2019 demonstrated levels above the World Health Organisation guidelines of 10µg/m<sup>3</sup>. With no known safe level for PM<sub>2.5</sub> the short and long-term impacts on health are significant. There is strong evidence that air pollution causes the development of coronary heart disease, stroke, respiratory disease and lung cancer, and exacerbates asthma.
- 4.5 Although some PM<sub>2.5</sub> (approximately 12%) comes from transport a substantial proportion (approximately 38%) is from domestic, industry and commercial sources. **(See Appendix D)**
- 4.6 The contribution of PM<sub>2.5</sub> from small combustion sources such as domestic stoves and fireplaces is growing. This is of concern because when there is a concentration of small combustion emissions from burning activities in an urban area, these emissions have a more significant population impact than burning in sparsely populated rural areas.
- 4.7 In London it has been estimated that the contribution of wood burning to urban-derived PM<sub>2.5</sub> was between 23 and 31%. Monitoring data also suggests that the PM<sub>2.5</sub> concentration levels follow a pattern of use i.e. increasing during the evening and weekends and in the colder months, which is consistent with use of stoves and fireplaces.



4.8 The Clean Air Act 1993 enables local authorities to declare the whole or parts of the district as a Smoke Control Area (SCA) through a Smoke Control Order. Where an SCA exists, residents will not be able to emit smoke from a chimney and are required to use authorised smokeless fuels or ‘exempt appliances’. A fine of £1,000 can be issued for breaking the rules. The use of an SCA is a key control for Sandwell in minimising potentially harmful emissions from residential and small-scale combustion plants.

4.9 A new single Smoke Control Area would ensure that all properties in the borough are subject to the same legal requirements in relation to smoke control under the Clean Air Act 1993.

#### 4.10 **Publicity of the Borough Wide Smoke Control Area Proposal**

Although not required in law, Legal Services advised that a ‘non-statutory’ consultation (rather than formal) be undertaken beforehand with residents and businesses to publicise the proposal before any intention to declare was made. Agreement was given in July 2021 by Councillor Suzanne Hartwell, Cabinet Member for Adults Social Care and Health to create three on-line surveys to publicise the proposal. One survey for residents, one for young people and one for businesses. Information on the proposal including a link to the surveys was distributed via various social media platforms, in local newspapers and directly into schools over an 8-week period in July and August 2021. The purpose of this action was to gauge opinion, educate and inform whilst improving the quality of feedback and response/interest should the formal advertising process be agreed by Cabinet. The results of these surveys are presented in **Appendix E**.

#### **Legal Information and Timescales**

4.11 The Council can make a new Smoke Control Order under the provisions of Section 18 of the Clean Air Act 1993. The timescales for this are as follows:

**Step 1:** Sandwell MBC publish a Notice stating the proposal to revoke all 51 existing Smoke Control Orders and replace them with a Borough wide one.



**Step 2:** A six-week advertising period is completed, during which time persons affected may object to the Council over the proposed Order.

**Step 3:** Once any objections have been appropriately considered the Order is made.

**Step 4:** The Order must come into effect at least six months after it is made.

Further details of the legislative process and proposed timetable for implementing a Borough-wide Smoke Control Order are provided in **Appendix F**

- 4.12 The new Smoke Control Order would revoke the existing 51 Smoke Control Orders and would ensure that the whole of the Metropolitan Borough is a declared Smoke Control Area, with no planned exemptions.
- 4.13 It is assumed that all properties currently not in existing Smoke Control Areas can comply with the provisions (i.e. capable of being heated without the use of unauthorised solid fuels or non-exempted appliances).
- 4.14 Section 24 of the Clean Air Act 1993 gives local authorities the power to require adaptation of fireplaces in private dwellings to ensure compliance with emissions as required under Section 20. This includes the payment of a grant if necessary to assist with the adaptation. The likelihood of any fireplace adaptation being required is not considered to be a significant one. Those with non-compliant stoves and open fireplaces should not require any adaptation other than to switch to burning authorised fuel and using 'smokeless' firelighters, i.e. gas poker or smokeless BBQ lighters. In very old properties original fireplace grates are sometimes required to be changed for thicker fire-bars which can withstand higher heat intensities from authorised fuels. However, unless the fireplace is the only form of heating for the home the local authority would not be required to assist in paying for this adaptation.



## 5 ALTERNATIVE OPTIONS

### Continue with Existing Smoke Control Areas

- 5.1 To continue with Sandwell's 51 Smoke Control Orders means that differing legal requirements would remain for exempted properties compared to other parts of the borough. This is inequitable and will result in mixed messages and potential greater levels of non-compliance by those in existing smoke control areas who consider themselves unfairly penalised. There is not envisaged to be any legitimate reason for objection.
- 5.2 Non-exempt solid fuel burning stoves and open fire places negatively impact on internal and external air-quality and are a significant threat to health in urban areas. If use in domestic properties in many of the properties in Sandwell continues unchecked and unregulated this could negate the technological gains made through cleaner vehicle technology, home energy efficiency and controls of industrial processes. It is envisaged that the use of solid fuel burning stoves and open fireplaces is likely to increase with the expected economic downturn. Action should be taken now to restrict the use of unauthorised fuels and appliances or they will continue to be detrimental to local air quality.
- 5.3 Air pollution is already impacting negatively on our economy and health - the 'do nothing' option will result in higher costs to the health and quality of life for those who live and work in Sandwell.

## 6 IMPLICATIONS

<b>Resources:</b>	There would be some associated costs in Declaring a Smoke Control Area, this would include officer time to complete the work required to make a Smoke Control Order and the cost of placing public notices in the London Gazette (approx. £30) and twice in local newspapers (approximately £800 + VAT). Running a survey over the summer and a consultation would have minimal costs as these responses would be completed on-line.
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	<p>The survey and consultation will play an important role in helping to highlight potential for claims for fireplace or stove adaptations in residential properties. It is not expected that there will be many/any legitimate claims, but we will not know this for certain until the 6-week period of advertising has been completed. Any claim would have to be considered on its merit, but such claims are not expected to result in excessive cost. In exceptional circumstances individual exemptions could be allowed but given the risks to health from burning smoky fuels we would look to avoid this where possible.</p> <p>Costs are not expected to be excessive when weighed against the potential benefits to health. Funding for these costs can be found from the existing Public Health budget.</p>
<p><b>Legal and Governance:</b></p>	<p>This initiative will contribute to the Action Plan for the Climate Change Strategy and the Annual Status Report on Air Quality in Sandwell.</p> <p>The initiative will be undertaken by Council Air Pollution officers with the support, advice and guidance of Sandwell’s legal team.</p>
<p><b>Risk:</b></p>	<p>The Corporate Risk Management Strategy (CRMS) will continue to be complied with throughout, in identifying and assessing the significant risks associated with this strategic proposal. This includes (but is not limited to) political, legislation, financial, environmental and reputation risks. A project risk register has been compiled and will be reviewed and updated on a regular basis. The risk register is monitored by the Pollution Control Team. Based on the information provided it is the officers’ opinion that for the initial risks that have been identified, arrangements are in place to manage and mitigate these effectively.</p> <p>A risk assessment has been undertaken and no “red” risks were reported.</p>



	<p>This report does not relate to the collection of personal information and therefore a privacy impact assessment is not required. Any person who wishes to object the declaration or to make a claim for fireplace/stove adaptation will be required to e-mail or write to the Pollution Control Team at Sandwell Council or <a href="mailto:pollution_control@sandwell.gov.uk">pollution_control@sandwell.gov.uk</a>. Data will be handled and stored in accordance with the departments existing GDPR controls.</p>
<p><b>Equality:</b></p>	<p>Householders who use solid fuel as their only means of heating may find the switch to authorised fuels slightly more expensive, increasing the risk of putting them into fuel poverty (i.e. spending more than 10% of their income on heating their homes). However, authorised fuels do burn more efficiently. There is also financial assistance and grants available for those on low-incomes to help with home insulation and updating heating provision. Households in this position will be signposted to sources of help through a variety of communication channels, including press, social media and Sandwell Council’s website.</p> <p>Conversely the existing patchwork of Smoke Control Areas does not provide equality in protecting residents from harmful pollutants generated by solid fuel burning and open fires, and in particular its contribution to PM<sub>2.5</sub> which is now linked with both short and long-term health impacts.</p>
<p><b>Health and Wellbeing:</b></p>	<p>Air pollution particularly affects the most vulnerable in society: children and older people, and those with heart and lung conditions and it is associated with a plethora of adverse health impacts. It is recognised as a contributing factor in the onset of heart disease and cancer, plus recent research has suggested links between air quality and stunted lung development in children, exacerbation of degenerative sight loss in adults and dementia in the elderly.</p>



<b>Social Value</b>	Proactive measures now to improve air quality will have long-term positive impact by reducing the burden on the NHS, reducing health inequalities and enabling people to live longer and healthier lives.
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## 7. APPENDICES

**Appendix A** - FAQs- Sandwell Council Smoke Control Area

**Appendix B** - Maps showing existing and proposed Smoke Control Areas in Sandwell

**Appendix C** – Draft Consultation Questions

**Appendix D** – Defra infographic on Primary Particulate Matter (PM<sub>2.5</sub>)

**Appendix E** – Results and summary of on-line SCA surveys for young people, businesses and adults (July/August 2021)

**Appendix F** - Details of the legislative process and a summary of the steps for implementing a Borough-wide Smoke Control Order in Sandwell

**Appendix G** – Smoke Control Area Risk Register



SCA - Cabinet  
Report Risk Register

**Appendix H-** Smoke Control Area Equality Impact Assessment



SCA Equality Impact  
Assessment V2.docx

## 8. BACKGROUND PAPERS

The Clean Air Act 1993 – Part III – Smoke Control Areas

<https://www.legislation.gov.uk/ukpga/1993/11/part/III>

Black Country Ultra Low Emission Vehicle Strategy:

[https://consultation.wolverhampton.gov.uk/bct/bct-ulev-strategy/user\\_uploads/black-country-ulev-strategy-2020.pdf](https://consultation.wolverhampton.gov.uk/bct/bct-ulev-strategy/user_uploads/black-country-ulev-strategy-2020.pdf)



Sandwell - Smoke Control Areas Summary and Map

<https://data.gov.uk/dataset/2e59be11-a9db-4b9e-8cbb-8e2f2567c588/sandwell-abc-smoke-control-area>

[Primary Particulate Matter - Clean Air Strategy 2019](#)

Airborne particles from wood burning in UK Cities – Environmental Research Group – King’s College London [https://uk-air.defra.gov.uk/library/reports?report\\_id=953](https://uk-air.defra.gov.uk/library/reports?report_id=953)

Sandwell Annual Status Report for Air Quality 2020

[https://www.sandwell.gov.uk/info/200274/pollution/485/air\\_quality](https://www.sandwell.gov.uk/info/200274/pollution/485/air_quality)

Burning in UK Homes and Gardens – Research Report (Dec 2020)

<http://sciencesearch.defra.gov.uk/>



## APPENDIX A

### Frequently Asked Questions - Smoke Control Areas

**Q. What are the rules in a Smoke Control Area?**

A. You cannot emit smoke from a chimney unless you're burning an [authorised fuel](#) or using 'exempt appliances', for example specific burners or stoves. You must not buy an unauthorised fuel for use in a smoke control area, unless it is to be used in an [exempt appliance](#). You can be fined up to £1,000 if you break the rules. You can visit the Government Website [Smoke Control Area Rules](#) for more information.

**Q. What are authorised fuels?**

A. Authorised fuels are fuels which are authorised by Statutory Instruments (Regulations) made under the Clean Air Act 1993. These include inherently smokeless fuels such as anthracite, semi-anthracite, gas, low volatile steam coal and specific brands of manufactured solid smokeless fuels. These fuels have passed tests to confirm that they can burn in an open fireplace without producing smoke. A list of fuels which are authorised for use in Smoke Control Areas is available from [Defra - Authorised Fuels](#)

**Q. Where can I buy authorised fuel from?**

A. New legislation called the Air Quality (Domestic Solid Fuels Standards) (England) Regulations 2020 came into effect on 1 May 2021, which means that the sale of wood for domestic combustion in England must have the "Ready to Burn" logo. This is the responsibility of the supplier, although there are a few exceptions. Authorised smokeless fuels are sold by some hardware shops, petrol filling stations and DIY stores and are clearly labelled 'ready to burn'.



**Q. What can I burn in an open fire place?**

A. You must not burn any wood on an open fire, although a small amount of kindling or timber wood can be used to light the fire. You can only burn fuel on the list of [authorised fuels](#).

**Q. Can I still use a barbecue, chimenea, fireplace or pizza oven with a Smoke Control Area?**

A. Yes. You can use outdoor barbecues, chimeneas, fireplaces or pizza ovens within a Smoke Control Area, however if any of these appliances release smoke through a chimney of a building (i.e. a summerhouse) they can only burn authorised fuel or must be exempt appliances.

**Q. Can I still use my non-exempt appliance?**

A. Yes, but only with authorised fuels. The list of [authorised fuels](#) is available on Defra's website, and have the "Ready to Burn" logo shown here.

**Q. Are you banning all wood and coal burning stoves?**

A. No. You can use your existing stove with the authorised fuel, or if you wish to purchase a new stove, choose an exempt appliance.

**Q. Does a Smoke Control Area apply to garden bonfires?**

A. No. You are allowed garden bonfires in Smoke Control Areas; however you must follow the Government's [rules on bonfires](#). We do discourage people from having garden bonfires which can cause serious nuisance to neighbouring properties.

**Q. What are the health impacts of wood/coal burning stoves and open fireplaces?**

A. In the UK, the single biggest source of particulate matter air pollution (PM2.5) is from domestic burning. We spend over 90% of our time indoors, and having a wood burning stove lit has a negative impact on indoor air quality. This makes it a significant risk to public health. Everyone is at risk from indoor air pollution, but you are more vulnerable if you have COPD, asthma or other lung conditions or are elderly or a child. Particulate matter air pollution can cause coughs, dizziness, inflamed airways and shortness of breath. It increases the risk of pneumonia, COPD and lung cancer, as well as heart disease and stroke, leading to early death. It can also impact pregnancy and the development of children's lungs.

**Q. I have or want to use a wood burning stove, how do I minimise indoor air pollution from it?**

- A.
- Choose an energy efficient stove which is 'Ecodesign Compliant' more information about these types of stoves can be found at [www.hetas.co.uk](http://www.hetas.co.uk). These are energy efficient appliances that have been independently verified by HETAS, to help lower UK emissions and improve air quality.
  - Use fuel labelled Ready to Burn for both wood and manufactured solid fuels.
  - Ensure that you have it serviced and swept regularly– 40% of chimney fires take place between January and March.
  - Follow manufacturer's instructions for refuelling.

**Q. I make/import/distribute appliances that burn unauthorised fuels in the Smoke Control Area. What do I have to do?**

A. You must [apply for an exemption](#) if you make, import or distribute appliances that will be used to burn unauthorised fuel in smoke control areas. An "appliance exemption" shows that fuel-burning appliances- for example stoves, ovens, boilers etc- emit smoke below the acceptable limits. You do not need an exemption if the appliances are used with authorised fuels.

**Q. Aren't cars and lorries a more important source of particulate matter?**

A. The main sources of PM<sub>2.5</sub> in urban areas like Sandwell, are from domestic homes burning wood and coal - approximately 38%, while road transport makes up about 12% of PM<sub>2.5</sub>.

**Q. What about smoke from homes in other local authorities in the West Midlands?**

A. Other local neighbouring local authorities also have Smoke Control Areas. All of Birmingham and Dudley are Smoke Control Areas and so is most of Walsall.

**Q. Will using authorised fuels cost me more money?**

A. Authorised solid fuels are designed to be more efficient at burning so are cheaper than using coal. However, if you are concerned about the cost of heating your home as you are on a low income there is help and advice available. Under the government's 'Affordable Warmth' scheme you may be able to get financial help for energy-saving home improvements. For example, you live in social housing and your home has an energy efficiency rating of E, F or G, you may also be able to get help with insulation or installing a heating system for the first time. If you're not sure what efficiency rating your home has, check its energy performance certificate. Alternatively, ask your landlord or housing association.

For more information on these schemes, and full eligibility criteria, go to the website [Simple Energy Advice UK](#) or Tel: 0800 444202

It's also worth checking if you qualify for the government's Warm Home Discount, a £140 annual credit paid to your energy account. Find out if you're eligible at the website [Warm Home Discount Scheme](#).

**Q. I use or want to use a wood burner/biomass boiler in my business, is that allowed in a Smoke Control Area?**

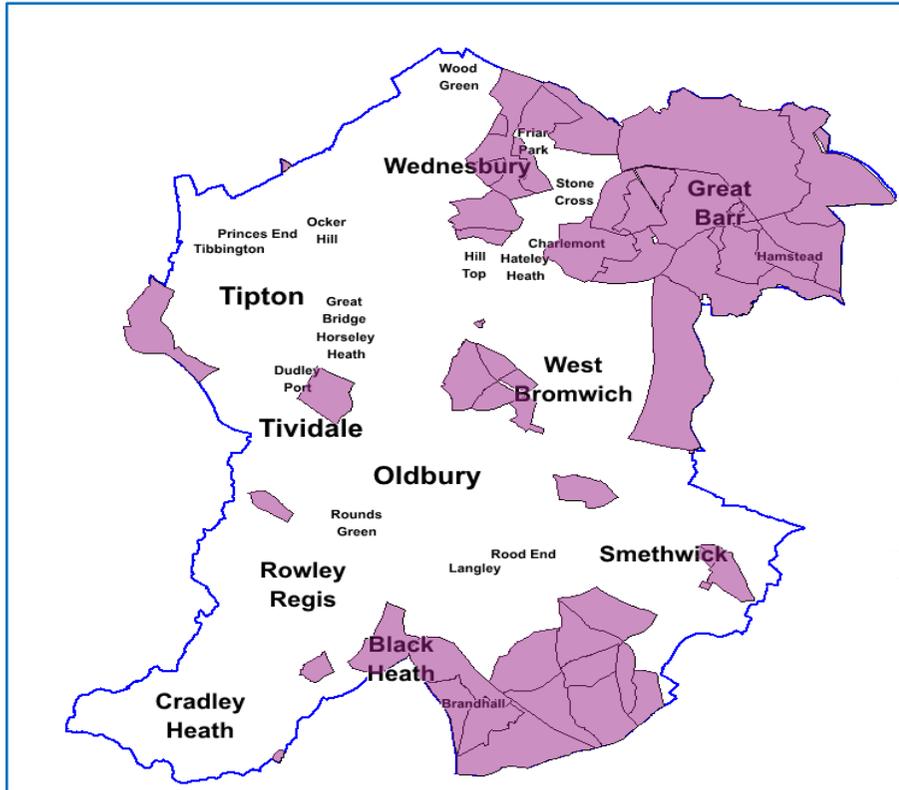
A. All commercial biomass boilers that burn wood and coal in a Smoke Control Area need to be Defra 'exempt appliances'. A list of exempt appliances is listed on the Website: [Defra Exempt Appliances](#). All commercial biomass boiler manufacturers are required to meet Defra exemption requirements under the Clean Air Act 1993, more information on specific requirements is provided at [environmental protection.org.uk](#) but if you require more advice about your installation or want to check if your boiler is compliant please contact [pollution\\_control@sandwell.gov.uk](mailto:pollution_control@sandwell.gov.uk).

**Q. I want to set up a restaurant with a log burning oven, can I do this?**

A. If you wish to install a log burning pizza oven in your food business, then there are some solid fuel pizza ovens included in the list of exempted appliances that you may use. As well as authorised fuels the list of exempted appliances can be found on the government website: <https://smokecontrol.defra.gov.uk/appliances.php>. Please remember that any appliance giving off cooking fumes must be properly ventilated to outside air. This will require adequate ventilation which doesn't cause a nuisance to neighbours and filtered mechanical extract ventilation with an outlet at high level.

# APPENDIX B

## Existing Smoke Control Areas in Sandwell



 Existing Declared Smoke Control Area

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## Proposed Borough-wide Smoke Control Area for Sandwell



 Proposed Smoke Control Area

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## APPENDIX C

Further information can be found about Smoke Control Areas – direct link to Sandwell Council's Air Quality Page on SCAs.

[https://www.sandwell.gov.uk/info/200274/pollution/485/air\\_quality/4](https://www.sandwell.gov.uk/info/200274/pollution/485/air_quality/4) . Those that require more information, have specific enquiries or wish to object to the Smoke Control Order should do so by writing to or e-mailing the Pollution Control Team [pollution\\_control@sandwell.gov.uk](mailto:pollution_control@sandwell.gov.uk).

### Draft Consultation Questions

**Q.1** What is your postcode?

**Q.2** How much do you agree or disagree that air quality should be a key priority for Sandwell?

- Strongly Agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly Disagree

**Q.3** Which of these health impacts can result from emissions from wood and coal burning stoves and open fireplaces?

- Cancers
- Stroke
- Heart disease
- Asthma
- COPD
- Decreased lung development in children
- Pregnancy complications
- All of the above

**Q.4** In your home, do you use a wood/coal burning stove, an open fireplace or use any other appliance with a chimney?

- Yes
- No
- Not sure

If answer to Q.4 is yes go to Q4a and Q4b if no or not sure continue to Q.5.

**Q4a** Is your stove from Defra's list of exempt appliances?

- Yes
- No
- Don't know

**Q4b** Why do you use a solid fuel appliance or open fire place? *Please tick all that apply*

- It is my only source of heating
- To save money
- To supplement other heating
- It reminds me of my childhood
- It creates a nice atmosphere

**Q.5** If you own/manage a business in Sandwell do you use a biomass boiler/wood/coal burning stove, an open fire place or any other appliance with a chimney?

- Yes
- No
- Not sure

If answer to Q.5 is yes go to Q5a otherwise continue to Q.6.

**Q.5a** Is your biomass boiler or wood/coal burning stove from Defra's list of exempt appliances?

- Yes
- No
- Don't know

**Q.6** **Currently only parts of Sandwell are protected by a Smoke Control Order – do you think all of Sandwell should be?** (A Smoke Control Area means you would not be allowed to emit smoke from a chimney unless you are using authorised fuel, or a Defra approved appliance).

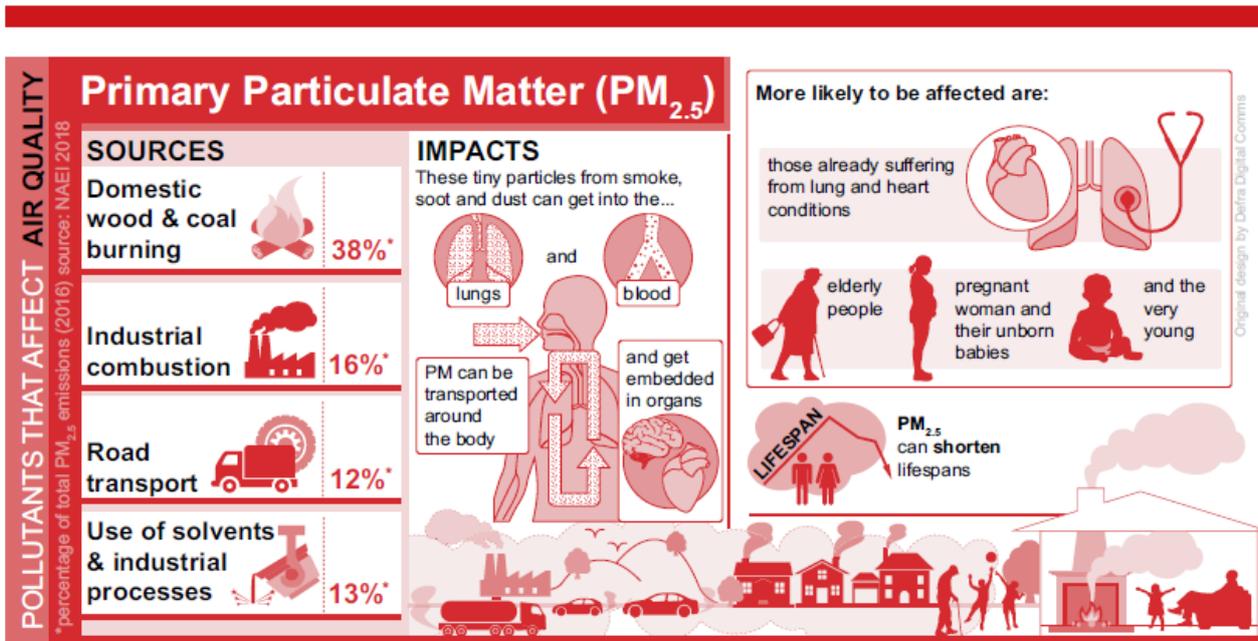
- Yes
- No
- Don't know

**Q.7** Do you have any further comments?

# APPENDIX D

## Sources of Particulate Matter (PM<sub>2.5</sub>) – Taken from the Government’s Clean Air Strategy 2019

### CLEAN AIR STRATEGY



## APPENDIX E

### Smoke Control Area Survey – Results for Residents, Business and Young Persons

#### Residents Survey Key Results

(181 Respondents)

Q. How much do you agree or disagree that improving air quality should be a key priority for Sandwell?	%
Strongly Agree	63
Agree	19.9
Neither agree nor disagree	9.4
Disagree	4.4
Strongly Disagree	3.3

Q. Currently only parts of Sandwell are protected by a Smoke Control Area order - do you think all of Sandwell should be?	%
Yes	74.6
No	21
Don't Know	4.4

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#### Business SCA Survey Key Results

(12 Respondents)

Q. How much do you agree or disagree that improving air quality should be a key priority for Sandwell?	%
Strongly Agree	75
Agree	16.7
Neither agree nor disagree	-
Disagree	-
Strongly Disagree	8.3

Q. Do you think all of Sandwell should be protected by a Smoke Control Area Order?	%
No	41.7
Yes	58.3
Don't Know	

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#### Young Persons Survey Results

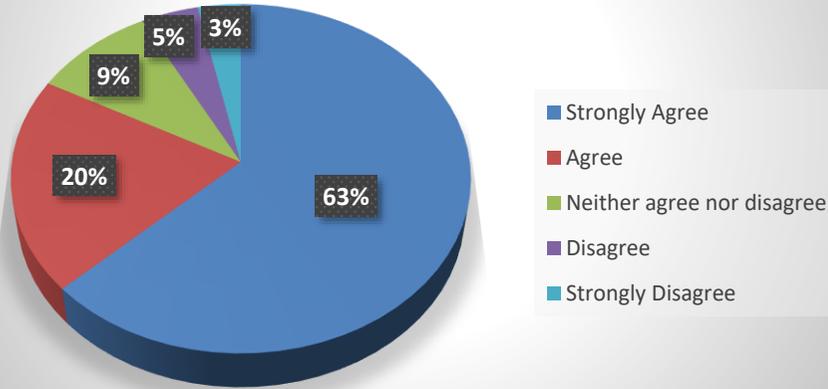
(17 Respondents)

Q. Do you think the air is clean in Sandwell?	%
No	81.3
Yes	12.5
Don't Know	6.3

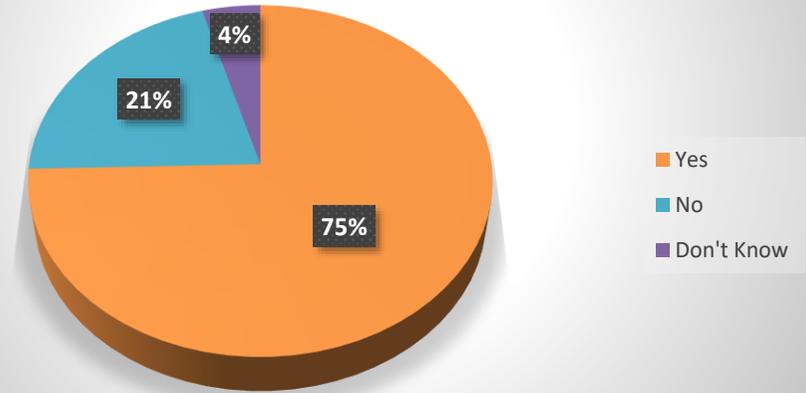
Q. Do you think all of Sandwell should be protected by a Smoke Control Area Order?	%
No	25
Yes	68.8
Don't Know	6.3

## Graphical Presentation of Key Smoke Control Area Survey Results from Residents, Business and Young Persons

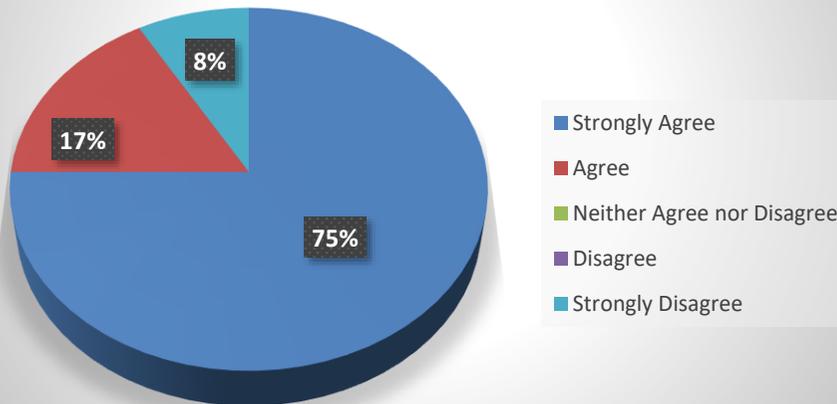
**Q.** How much do you agree or disagree that improving air quality should be a key priority for Sandwell? (Residents)



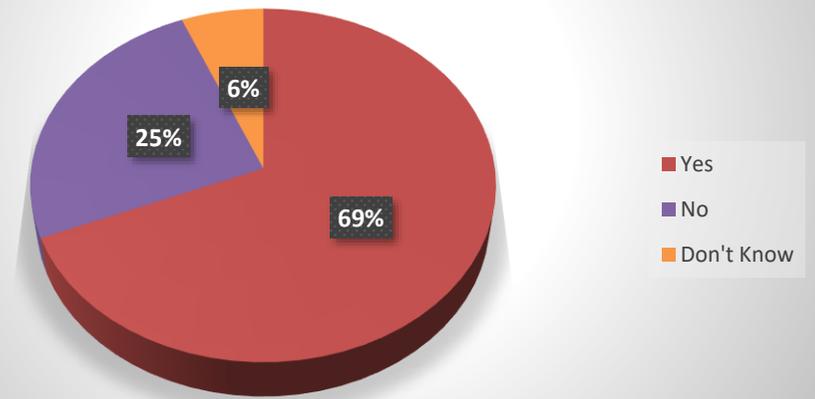
**Q.** Currently only some parts of Sandwell are protected by a Smoke Control Area order - do you think all of Sandwell should be? (Residents)



**Q.** How much do you agree or disagree that improving air quality should be a key priority for Sandwell? (Business)



**Q.** Do you think all of Sandwell should be protected by a Smoke Control Area order? (Young Persons)



## APPENDIX F

### Details of the Legislative Process and a Summary of Steps for Implementation of a Borough-wide Smoke Control Order in Sandwell

#### **Smoke Control Area – The Legislative Process**

The process of declaring a Borough-wide Smoke Control Area would be an Executive Decision through the Leader and Cabinet to be implemented by Portfolio Holder /Officer.

The current Scheme of Delegation from May 2021 authorises the Director of Borough Economy to act and authorise others to act on his/her behalf to perform all functions under the Clean Air Act 1993 (see page 24 out of 201 in the Scheme of Delegation)

Section 18 of the Clean Air Act 1993 allows the authority to declare the whole of the Borough a Smoke Control Area with common requirements/standards Borough-wide (though the right to retain some variations /exceptions is retained).

This would be achieved by revoking all existing Smoke Control Orders and replacing them with the Borough-wide one, in in one process. Section 18 (3) of the Act allows for Smoke Control Orders to be revoked. The process itself is set out in schedules 1 and 5 respectively and is described below.

The Schedules to the Act deal with what is required before making the order and what to do on implementation of the Order and are dealt with in Schedule 1 and Schedule 5 Part III respectively. There is also the issue of due registration of Smoke Control Orders as a Local Land Charge.

1. Before the proposed order is made the council is required to publish in the London Gazette (once) and for two successive weeks in some newspaper circulating in the area to which the order will relate (e.g. Express and Star, Birmingham Evening Mail) a Notice -

Stating that the Local Authority propose to make the order(s) and its general effect (dealing with both revocation and implementation)

Specifying a place in the District where a copy of the order and any map or plan referred to in it may be inspected by any person free of charge at all reasonable times during a period of not less than 6 weeks from the last publication of the notice and stating that within that period any person who will be affected by order may by notice in writing to the local authority object to the making of the Order.

2. Besides publishing such a Notice, the local authority shall post and keep posted throughout the period mentioned in paragraph 1 copies of the Notice in such number of conspicuous places within the area to which the order will relate to them necessarily for the purpose of bringing the proposal to make the order to the notice of persons who will be affected.
3. If objection is duly made to the Local Authority within the period mentioned in paragraph 1 and is not withdrawn the local authority shall not make the order without first considering the objection.
4. Subject to paragraphs 5 and 6 an Order shall come into operation on such date not less than six months after it is made, as may be specified in it
5. An Order varying a previous Order so as to exempt specified buildings or classes of Buildings or Fireplaces from the Operation of Section 20 (Prohibition of smoke emissions in Smoke Control Areas) may come into operation on, or any time after the date upon which it was made.
6. This allows for Postponements of the Order coming into operation if one is required

### **SCHEDULE 5 PART III**

This deals with the confirmation and coming into operation of Control Orders

12. After an Order is made the council shall publish in the London Gazette and in some newspaper circulating in the area to which the Order relates to a notice stating that the order has been made and its general effect.

Specifying a place in the District of the Local Authority where a copy of the Order and any map referred to may be inspected by any person free of charge at all reasonable times during a period of not less than 6 weeks from the date of the last publication of the Notice **and**

Stating within that period any person who will be affected by the Order may by notice in writing to the Secretary of State object to the confirmation of the Order

13. Besides publishing a notice as required by paragraph 12 the Local Authority who have made the Order shall post and keep posted throughout the period mentioned in that paragraph, copies of the Notice in such number of conspicuous places within the area to which the Order relates as to appear to them necessary for the purpose of bringing the Order to the notice of persons affected.

14. If no objection is duly made to the Secretary of State within the period mentioned in Paragraph 12 (b) or if every objection so made is withdrawn, the Secretary of State if he thinks fit confirm the Order either way with or without modifications.
15. In any other case the Secretary of State shall before confirming the order either-
  - (a) Cause a local enquiry to be held or
  - (b) Afford any person by whom an objection has been duly made in accordance with paragraph 12 (c) and not withdrawn an opportunity of appearing before and being heard by him for the purpose and after considering the objection and the report of the inquiry or the person so appointed, confirm the order with or without modifications.
16. If such an inquiry is held Section 250 of the Local Government Act 1972 applies-i.e. the usual powers to summons documents/witnesses before the inquiry.

Paragraphs 17-19 below deal with the confirmation of the Order, Postponements or Modifications

17. Subject to paragraphs 18 and 19, an order when confirmed shall come into operation on such date as may be specified in the order, not being earlier than six months from the date of the confirmation.
18. An order varying a previous order so as to exempt specified buildings or classes of building or specified fireplaces or classes of fireplace from the operation of section 18 may come into operation on, or at any time after, the date of its confirmation.
19. (1) If, before the date on which an order is to come into operation, the local authority—
  - (a) pass a resolution postponing its operation; and
  - (b) publish a notice stating the effect of the resolution in the London Gazette and also once at least in each of two successive weeks in some newspaper circulating in the area to which the order relates;the order shall, unless its coming into operation is again postponed under this paragraph, come into operation on the date specified in the resolution.
  - (2) A local authority shall not without the consent of the Secretary of State exercise their power under sub-paragraph (1) of postponing the coming into operation of an order for a period of more than twelve months or for periods amounting in all to more than twelve months.

## Proposed Timetable for Implementation of a Borough-wide Smoke Control Order in Sandwell

Step	Action	Legal Requirement? (Yes or No)	Date
1.	Cllr Suzanne Hartwell and Director of Public Health, Lisa McNally agree that initial surveys with Young Persons, Residents and Businesses can be undertaken. This is not a 'public consultation' but an exercise in maximising understanding of the benefits behind the proposed change and raising general awareness.	<b>No</b>	<b>29/06/2021</b>
2.	Surveys launched with information on the SCA proposal via social media platforms, press releases, and through local schools.	<b>No</b>	<b>13/07/2021</b>
3.	Councillor workshop arranged for 31 August 2021 to discuss the proposal, listen to feedback and investigate/consider any concerns.	<b>No</b>	<b>31/08/2021</b>
4.	Surveys close 1 September 2021– results to be analysed and summarised for Cabinet Committee on 20 October 2021	<b>No</b>	<b>31/08/2021</b>
5.	Proposal for 'Intention to Declare a Smoke Control Area' to be shared with the Adult Health and Scrutiny Committee on 13 September 2021.	<b>No</b>	<b>13/09/2021</b>
6.	Report submitted to Cabinet Committee on 20 <sup>th</sup> October 2021. To include feedback from the surveys and Councillor Workshop. If appropriate request will be made for approval to issue a Notice declaring the intention to revoke the existing 51 SCAs and declare a Borough-wide Smoke Control Area.	<b>No</b>	<b>20/10/2021</b>

Step	Action	Legal Requirement? (Yes or No)	Date
7.	<p><b>Notice of Intention to Declare a Smoke Control Area</b> If Cabinet Committee agree – delegate responsibility to the Director of Public Health to issue a Notice stating Sandwell Council’s Declaration of Intention to Declare a Borough-wide SCA.</p>	Yes	November 2021
7.	<p><b>Local Authority Publicise Intention</b> A minimum 6 weeks advertising period must be completed of the Council’s Notice of Intention to Declare a Borough-wide SCA. This must include:</p> <ul style="list-style-type: none"> <li>• Publication of the Notice in the London Gazette (once)</li> <li>• Publication over two successive weeks in a newspaper that circulates in the local area e.g. Express and Star, Birmingham Evening Mail.</li> <li>• Post Notices in conspicuous places</li> <li>• Ensuring copies of the Order are available to the public for at least 6 weeks from last newspaper notice.</li> </ul>	Yes	November and December 2021
8.	In conjunction with the legally required 6 Weeks Advertising Period the local authority will carry out a 6-week Public Consultation. This consultation to be advertised through Sandwell Council’s communication streams including, social media platforms and local newspapers.	No	November and December 2021
9.	<p><b>Return to Cabinet for Approval</b> A cabinet report will be submitted following the six weeks consultation and advertising period. This will summarise the results of both as well as highlight any written legitimate objections to the SCA Notice. (There is the option to vary an Order by exempting specific properties/business on a case by case basis). If, considered appropriate a request will be made to Cabinet for them to agree that the Director of Public Health can make a</p>	No	9 February 2022

Step	Action	Legal Requirement? (Yes or No)	Date
	Smoke Control Order, this would revoke the existing 51 SCAs and declare a Borough-wide Smoke Control Area.		
10.	<p><b>Making of a Borough-wide Smoke Control Order</b></p> <p>The Director of Public Health makes the Smoke Control Order. The order shall come into operation on such a date not less than six months after it is made. The date may be specified in the Order. A notice is published in the London Gazette and in local newspaper/s informing that the Order has been made and its general effect. It must specify where a copy of the Order and any map referred to can be inspected for a period of at least 6 weeks from date of publication. Copies must also be made available in conspicuous places across the Borough so that it is brought to the attention of those living and working in Sandwell.</p> <p>Any objections to the Order must be made to the Secretary of State.</p>	Yes	March 2022
11.	<p><b>Confirmation of Order</b></p> <p>If no objection is made to the Secretary of State within the 6-week period since advertising the Order or if every objection so made is withdrawn, the Secretary of State if he thinks fit, may confirm the Order either way with or without modifications.</p> <p><b>Or</b> before confirming the Order the Secretary of State can require a local enquiry to be held or afford the objector the opportunity to appear before him and be heard by him. Consideration will then be given by the Secretary of State to either the enquiry report, or the objection raised in person and he will then confirm the Order with or without modifications.</p>	Yes	September 2022

## Report to Cabinet

20 October 2021

<b>Subject:</b>	Tenant Home Contents Insurance
<b>Cabinet Member:</b>	Cabinet Member for Housing Cllr. Zahoor Ahmed
<b>Director:</b>	Director of Housing Gillian Douglas
<b>Key Decision:</b>	Yes To be significant in terms of its effect on communities living or working in an area comprising two or more wards of the Borough.
<b>Contact Officer:</b>	Nigel Collumbell Service Manager Housing Management

### 1 Recommendations

- 1.1 That the Director of Housing be authorised to award a contract for the renewal of the tenant's home contents insurance scheme through the current agreement with the Northern Housing Consortium (NHC) be approved for the period 1 April 2022 to 31 March 2025.
- 1.2 That in connection with 1.1 above, the Director of Housing be authorised to extend the renewal of the tenant's home contents insurance scheme through the current agreement with the Northern Housing Consortium (NHC) from 1 April 2025 to 31 March 2026.
- 1.3 That the Director of Housing in consultation with the Cabinet Member for Housing be authorised to seek contract terms via the NHC for tenants contents insurance and make the necessary arrangements to put this into place.



- 1.4 That the Director of Law and Governance – Monitoring Officer be authorised to execute any documentation necessary to enable the above.
- 1.5 That any necessary exemptions be made to the Council’s Procurement and Contract Procedure Rules to enable the course of action referred to in 1.1 – 1.3 above into effect.

## 2 Reasons for Recommendations

- 2.1 Sandwell Council have utilised Marsh as a broker to source a low cost, non-discriminatory scheme for tenants for the past 16 years. The purpose is designed to provide insurance options for financially excluded tenants who may otherwise be excluded for reasons such as high excess, high premiums, or they live in a high-risk postcode area. Home contents insurance promotes resilience and independence for our tenants/ policy holders. The unique selling point of the scheme is there is no excess for policy holders and all tenants can join for the same rate, regardless of postcode. The cover is from £4,000 to £40,000 and is on a new for old basis.
- 2.2 Securing an annual arrangement / policy involves the purchase of Tenant Contents Insurance (TCI) from an external insurance provider (via a broker) to provide cover to tenants who signed up to the agreement, and who then pay a premium.
- 2.3 Historically the Rent Accounting Team (Housing Directorate) have been responsible for the policy premium payments, collecting and chasing any outstanding monies owed and administering the scheme.
- 2.4 Following a significant number of Financial Conduct Authority (FCA) data breaches by other authorities within the Northern Housing Consortium umbrella, the administration responsibilities for the scheme will change with effect from April 2022.



- 2.5 To minimise the risk to local authorities, the insurance broker - Marsh, and the insurer Royal Sun Alliance (RSA) are following advice from the FCA and will no longer offer a delegated scheme to housing providers; this will mean the Rent Accounting Service / the council will no longer be responsible for the collection of insurance premiums or the administration of the scheme. The Uris Group will administer the scheme and deal with tenants directly including underwriting, payments, policy documents, administration, claims and changes to policies. Because of this change, the council will no longer be responsible for any potential data breaches.
- 2.6 The value of the contract is dependent on the take up of the scheme by our tenants. Based on the 12 months from August 2020 to July 2021, premiums collected were £262,809. As a result, approval is being sought from Cabinet.
- 2.7 As the Rent Accounting Service will no longer be responsible for the administration of the scheme, premiums will be paid by the tenant directly to the Uris Group. The role of the council will simply be to promote the scheme to otherwise financially excluded tenants.
- 2.8 Marsh represents 122 housing providers, 100 of which have already been converted to the administered scheme and the remaining 22 will move across in April 2022. Our customers benefit from economies of scale as Marsh collectively tender for 122 other housing providers to get the best deal for tenants.

### 3 How does this deliver objectives of the Corporate Plan?

	<p>Strong resilient communities Home Contents Insurance enables our residents to be more resilient and feel protected from theft or damage.</p>
	<p>A strong and inclusive economy Our most vulnerable tenants will feel supported. The Home Contents Insurance Scheme provides cover to tenants who</p>



may otherwise have difficulty in obtaining or affording necessary protection of their personal assets.

## 4 Context and Key Issues

### Background

Northern Housing Consortium (NHC) contract:

- 4.1 Sandwell Council are members of the NHC who have a 10-year agreement in place with the insurance broker Marsh; the agreement started in 2016. This agreement appoints Marsh to provide broker services to source a Home Contents Insurance provider for our tenants; Marsh facilitate the tender and develop the specification in consultation with housing providers.
- 4.2 The Council's Corporate Procurement service has confirmed that the NHC framework that provides the insurance services was procured in compliance with the Public Contracts Regulations 2015, and that the Council is entitled to use the framework in compliance with those Regulations.
- 4.3 NHC via its brokers, conducted a procurement process to appoint suitable accredited insurance providers to underwrite the scheme under the framework agreement that commenced 1 April 2017. This procurement involved the publication of a Notice in the OJEU on 15<sup>th</sup> April 2016 (reference 2016/S 077-135283) to open the opportunity for bidding to express an interest in this procurement exercise. Due to the limited market for insurance providers of Tenants Home Contents Insurance, NHC and its appointed broker decided that an 'Open' procurement would be the most appropriate procurement process to follow in accordance with the Public Contract Regulations 2015.
- 4.4 The tender process was run using the Delta e-Source e-Tendering system and all tender documentation was made available via the NHC's portal on the Delta website. Four expressions of interest were received but only one bid was received from the Royal Sun Alliance Insurance plc.



4.5 The contract was awarded to the most economically advantageous tender with regard to both quality and price, with a weighting of 40% to quality and 60% to price. An evaluation panel of seven representatives was used, including NHC, its broker and 5-member authorities. The framework was awarded to Royal Sun Alliance Insurance plc without formal challenge and the contract award was published on 12 August 2016. This is a ten-year agreement to be reviewed in 2026.

#### Tenants Home Contents Insurance:

4.6 The unique selling point for our customers is there is no excess for policy holders and all tenants can join for the same rate, regardless of postcode. The cover is from £4,000 to £40,000 and is on a new for old basis.

4.7 Sandwell Council have 2,416 customers that have Home Contents Insurance through this scheme. 980 have accidental damage cover and 1,436 have standard cover (as at August 2021). The current Provider is Royal Sun Alliance (RSA) and we are due to renew our insurance in April 2022.

4.8 Following a significant number of Financial Conduct Authority (FCA) data breaches, Marsh have advised that from April 2022, housing providers will no longer be responsible for administering the scheme.

4.9 As a result of this change, our commission will fall to 5% of payments collected. Based on the last 12 months commission payments, this would be a reduction of £46.7K (July 2021).

4.10 Finance have been consulted on the change in administration responsibilities and the impact this will have on commission payments. This is off set by the reduced risk to the authority around potential data breaches.



- 4.11 To mitigate any lost income, the proposal is to heavily promote the scheme at every opportunity during the tenants' journey and increase awareness. The scheme also opens new opportunities for our tenants to cover additional personal items such as mobile scooters, which has been in high demand over recent years. The facility was not offered through the delegated scheme, so this is a positive change for our customers.
- 4.12 During the transition period from approval until April 2022, the council will implement a communications plan to seamlessly transition tenants across to the administered scheme. This will involve setting up new payment arrangements and communicating new contacts and processes. We have had agreement from our broker and RSA that they will contribute £1,000 towards any postage / printing to support this transition.
- 4.13 Internal consultation with key Stakeholders has taken place, including procurement, finance, risk management, governance and legal.

## 5 Alternative Options

In addition to the above option, the following have been considered.

Option 1 – No longer offer Tenant Home Contents Insurance

- 5.1 This alternative option is for the council to withdraw from offering a home contents insurance scheme for our tenants. There is no legal requirement for the council to offer or procure this insurance cover. The cover is purchased on behalf of the council's housing tenant. This scheme provides insurance for otherwise financially excluded tenants. The scheme has no excess, meaning that low income families can claim without feeling any financial burden if something goes wrong. Home Contents Insurance promotes resilience and independence for our policy holders and the council as a social landlord.



5.2 This option is considered in line with of the Cabinet Report – ‘Procurement of Leasehold Building Insurance and Tenants Contents Insurance’, dated 14 October 2020. Item 1.6 - ‘the Rent Control Team (now Rent Accounting Team) is currently considering the future provision of this service’, and item 6.3 – ‘In terms of TCI, the council has the option of not providing this service and inform tenants to seek their own contents insurance. This is currently under consideration by the Rent Accounting team’.

5.3 This option is not recommended as it would financially exclude our tenants from an affordable home contents insurance scheme.

#### Option 2 – The council tenders independently

5.4 Another option is for the council to cease use of the NHC contract and procure their own insurer. This would mean we would go to the market independently and source a home contents insurance provider, develop our own specification and manage our own tendering process.

5.5 Consultation with neighbouring authorities has highlighted that at present not all have followed suit and some still offer a fully delegated scheme. Although this would produce a higher return in terms of commission payments to the council, data breaches would remain higher risk for the council.

5.6 In addition, due to the changes being supported by the FCA, other brokers are likely to follow suit and only provide a fully administered scheme in the near future.

5.7 The NHC has members across the country that have joined to take advantage of a wide range of frameworks it can access through the consortium procurement. Moving away from this would eliminate any economies of scale benefits. Therefore, this option is not being recommended.

5.8 If this option is progressed, a new contract will need to be in place by December 2021 to meet the requirements of the annual rent review notification periods for tenants.



## 6 Implications

<b>Resources:</b>	<p>No additional resources are required. The loss of income will be mitigated via an extensive communications plan promoting the scheme to tenants.</p> <p>The value of the contract will be approx. £262,809 per annum, as noted in item 2.6.</p>
<b>Legal and Governance:</b>	<p>The council must comply with the Public Contracts Regulations 2015 and the Council's own Procurement and Contract Procurement Rules. In terms of this procurement, the council, who is a member of the NHC has used the NHC framework for Tenants' Home Contents Insurance. The existing agreement with NHC has been signed by legal services and any future agreement will require sign off by legal services too. The current agreement signed in 2018 expired in 2021. An extension agreement was made in 2021 to 2024; following a further amendment the agreement expires in 2022.</p>
<b>Risk:</b>	<p>The changes to an administered scheme reduces the risk of serious data breaches. The scheme also reduces the risk for our tenants being unable to replace lost items, should they experience accidental damage or loss.</p>
<b>Equality:</b>	<p>Providing a Home Contents Insurance scheme option assists our tenants overcome financial exclusion they face such as not having a bank account; the inability of a tenant to fund excess and avoids high premiums in high risk areas.</p>
<b>Health and Wellbeing:</b>	<p>Home Contents Insurance enables our residents to be more resilient and feel protected from theft or damage.</p>
<b>Social Value</b>	<p>There are no specific social value implications arising from this report</p>



## 7. Appendices

None

## 8. Background Papers

- 8.1 Cabinet Report – Procurement of Leasehold Building Insurance and Tenants Contents Insurance 14 October 2020.



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## Report to Cabinet

20 October 2021

<b>Subject:</b>	Implementation of a Public Space Protection Orders for West Bromwich Town Centre
<b>Cabinet Member:</b>	Cllr Bob Piper - Community Safety
<b>Director:</b>	Nicholas Austin Interim Director of Borough Economy
<b>Key Decision:</b>	Yes
<b>Contact Officer:</b>	Tessa Mitchell Business Manager Community Safety & Resilience <a href="mailto:tessa_mitchell@sandwell.gov.uk">tessa_mitchell@sandwell.gov.uk</a>

### 1 Recommendations

That Cabinet

1.1 Approves the implementation of the proposed Public Spaces Protection Order (PSPO) for West Bromwich Town Centre which prohibits the following behaviour:

- ***Acting or inciting others to act in a manner that causes, or is likely to cause, harassment alarm or distress to any person.***
- ***Threatening any person with violence and /or being verbally abusive towards any person.***



- ***Begging or asking members of the public for money or loitering for the purpose of begging or asking members of the public for money.***
- ***Causing a motor vehicle or trailer to stand on a road and /or footpath so as to cause any unnecessary obstruction of the road and /or footpath***

1.2 Approves the publication of the proposed order in accordance with the regulations published by the Secretary of State and instructs that the proposed order is made accessible and available via the council website

1.3 This Public Spaces Protection Order (PSPO), will be effective from **xxx** for a period of 3 years as set out in Appendix 1 and the area covered by these requirements is attached as Appendix 2.

## 2. Reasons for Recommendations

2.1 In August 2018, following significant consultation and public support SMBC introduced the West Bromwich Town Centre PSPO. PSPOs last for up to 3 years and then need to be reviewed. This PSPO expired on the 1<sup>st</sup> August but public consultation and a review of the first 3 years has shown ongoing support for continuing with a new PSPO as part of a suite of measures to tackle anti-social behaviour within the town centre.

Since its introduction 66 Fixed Penalty Notices (FPNs) have been issued. However, as well as providing useful enforcement powers this PSPO has provided additional engagement opportunities to improve behaviour and enable support to be offered where necessary and numerous opportunities have been taken to do this. This PSPO also works in tandem with the Boroughwide Alcohol PSPO which was renewed in March 2021. The powers of both complement each other, particularly in relation to homelessness, street drinking and causing harassment, alarm and distress, all of which remain issues in Sandwell.

2.2. The implementation of a new PSPO would ensure that we continue to have a wide range of powers available to tackle these issues. It has been well used over the past 3 years as part of a toolkit of measures to tackle these areas of ongoing concern in West Bromwich Town Centre.



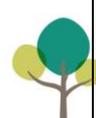
The PSPO is supported by Sandwell’s Multi Agency Borough Tasking Group , particularly as part of this toolkit

A public consultation on the proposed PSPO was undertaken between 10<sup>th</sup> May and 16<sup>th</sup> July and showed that the areas covered by the PSPO remain significant concerns for local residents and businesses, with 87% supporting the continuation of the PSPO.

PSPOs, used effectively, can help increase public confidence through effective response to residents’ concerns about anti-social behaviour. This order would enable ongoing engagement and targeted interventions in relation to these issues. It also allows for additional enforcement powers.

### 3. How does this deliver objectives of the Corporate Plan?

	<p>Best start in life for children and young people</p> <ul style="list-style-type: none"> <li>• Contributes to providing a safe environment in our town centre.</li> </ul>
	<p>People live well and age well</p> <ul style="list-style-type: none"> <li>• Standards set around use of public spaces and support those who are vulnerable. This is particularly helpful in relation to proactive engagement with street beggars / rough sleepers. 48 individuals have been engaged with over the last 3 years.</li> </ul>
	<p>Strong resilient communities</p> <ul style="list-style-type: none"> <li>• PSPOs provide SMBC and other partners additional tools and powers to effectively manage and reduce Anti-Social Behaviour (ASB) and its negative impact on residents</li> <li>• This PSPO supports public confidence in relation to challenging ASB through offering advice and support and sanctions for non-compliance.</li> </ul>
	<p>Quality homes in thriving neighbourhoods</p> <ul style="list-style-type: none"> <li>• Crime and ASB in the town centre impacts negatively on confidence in the town’s leisure, entertainment and shopping offer. The PSPO aims to help build confidence that the West Bromwich town centre is a safe place for individuals, families and communities.</li> </ul> <p>An essential component of creating a thriving neighbourhood.</p>



	<ul style="list-style-type: none"> <li>It also demonstrates that the council is committed to listening to its residents, partners and communities and to take action to address issues that are important to them.</li> </ul>
	<p>A strong and inclusive economy</p> <ul style="list-style-type: none"> <li>A failure to set standards of behaviour and take enforcement action as required in town centre locations will affect the local economy with people choosing not to visit and shop there. Supporting a safe environment helps local businesses.</li> </ul>
	<p>A connected and accessible Sandwell</p> <ul style="list-style-type: none"> <li>The area covered by the PSPO includes the bus station and metro stops which are key transport interchanges in Sandwell and will support safe use of these.</li> </ul>

## 4. Context and Key Issues

### 4.1 Background

At Cabinet on the 25<sup>th</sup> July 2018, the implementation of the West Bromwich Town Centre Public Spaces Protection Order was approved and the order was implemented on the 1<sup>st</sup> August 2018. During the first-year incidents of ASB reduced by 29.3% and disorder offences by 30.7%.

The PSPO, coupled with the Boroughwide Alcohol PSPO has enabled significant engagement opportunities with those begging / drinking and sleeping rough across the town centre. Our Housing Solutions Team working with Housing First have supported 48 individuals from West Bromwich town centre into Housing / support services through such engagement over the past 3 years.

4.2 Enforcement is also a key element of any PSPO and was reinforced through our public consultation. Where necessary, enforcement action has also been taken with 66 FPNs issued during the first 3 years. Enforcement has primarily been in relation to causing harassment, alarm or distress and aggressive / nuisance begging. From the outset care was taken in choosing and confirming the wording of a PSPO so that vulnerable groups were not further disadvantaged by disproportionate actions.



PSPO guidance highlights the need for proportionality and specifically requires the council to consider the appropriateness of a PSPO to address issues caused by those who are homeless and rough sleeping. In Sandwell, over the past 3 years, we have ensured that support is always offered to people who are genuinely in need because of homelessness or poverty.

The use of a PSPO should never be used in isolation as for many types of crime, ASB and other unacceptable behaviour other remedies are more appropriate and more effective. While there has been no enforcement in relation to parking issues during the past 3 years there have been opportunities for engagement and discussion. This PSPO has also been used alongside other sanctions such as ASB Injunctions and Community Protection Warnings and Notices with the most appropriate intervention chosen for the individual circumstances and presenting need / issue.

Utilising this PSPO as an opportunity to engage with individuals and to offer support and advice which has been demonstrated during the past 3 years. As envisaged, it has been used as part of a strategy that includes policing, use of wardens and other council and non-council teams to tackle the range of issues in the town centre as effectively as possible

There are many examples of such engagement and assertive outreach work taking place across the town centre supported by our strong partnership approaches. All of which have helped address ASB concerns and shown that PSPOs, used effectively, help increase public confidence through effective response to residents' concerns about anti-social behaviour. It has not been used in isolation but is now firmly part of a toolkit to address differing forms of unacceptable behaviour through the most appropriate and effective means available.

## 5. Public Consultation

- 5.1 A public consultation was undertaken regarding this PSPO between 10<sup>th</sup> May and the 16<sup>th</sup> July 2021. Guidance regarding undertaking Consultations on a Public Space Protection Order was published by the Local Government Association in 2018. This guidance was adhered to, being mindful also of Covid 19 restrictions regarding face to face meetings, and the proposed PSPO was advertised in the local press, The Sandwell Herald and on SMBCs website and social media.



Specific consultees were:

West Midlands Police	Office of the Police & Crime Commissioner (OPCC)
West Midlands Fire Service	West Midlands Ambulance Service
SMBC Public Health	Cranstoun – Sandwell’s Adults Drug & Alcohol Service
West Bromwich Business Improvement District (BID)	Transport for West Midlands (TfWMs)
SMBC Highways	SMBC Housing
SMBC Environmental Protection Team	

## 5.2 Findings

138 responses were received of which 87% supported the continuation of the PSPO.

78% of respondents from West Bromwich disclosed experiencing or witnessing this anti-social behaviour. Begging was reported as the most common form of anti-social behaviour encountered in the town with 26% of respondents stating that they had personally experienced and / or witnessed this. This was closely followed by 23% stating they had experienced / witnessed abusive behaviour.

27% of respondents stated that they felt unsafe / scared when visiting West Bromwich. The perception of safety has a significant impact on the town centre with 11% of respondents stating that they avoided the area altogether.

The need for the PSPO in deterring anti-social behaviour/crime (34%) and the importance of improving public safety (34%) were the given as the two biggest reasons for individuals being in favour of the proposed PSPO. Appropriate enforcement of the PSPO was a key concern for respondents including the OPCC.



Of those opposed to or unsure about the PSPO proposal, comments included a lack of enforcement, that the proposals should be extended to the whole of Sandwell and concerns in relation to supporting those presenting as homeless in the town centre. The Police and Crime Commissioner was also concerned in relation to enforcement and criminalising the most vulnerable. However, over the past 3 years great care has been taken to engage and support those who present as homeless / rough sleepers and beggars across the Town Centre and the multi-agency Commercial Centres Group, chaired by the ASB Team Manager, reviews individual cases to ensure help and support is offered before any enforcement action is initiated. The figures from Housing Solutions regarding those being offered accommodation and support also reflect this. The PSPO is also a standing item on town tasking where the council, Police, West Bromwich BID and other agencies actively work together to make joint decisions around appropriate interventions around specific issues as they arise. A few responses queried whether the Order should be extended to cover more of West Bromwich but the area currently covered appears to be appropriate and proportionate.

Those who took the time to respond to the consultation responded overwhelmingly in support of this PSPO as part of a suite of measures to combat anti-social behaviour and provided an overview of the issues that are continuing to be experienced in West Bromwich Town Centre. A full copy of the Consultation Report is attached as Appendix 3.

The public consultation clearly showed ongoing concerns regarding issues and safety within the town centre which need to continue to be addressed and the PSPO is part of that wider work. PSPOs, used effectively, help increase public confidence through effective response to residents' concerns about anti-social behaviour. This can clearly be demonstrated in relation to the support offered and targeted interventions put in place in relation to vulnerable individuals within the town centre as well as through the enforcement work undertaken.

## 6. Alternative Options

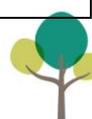
- 6.1 Sandwell has had a number of controls in place in relation to these issues for many years but despite these local businesses and residents have continued to support the implementation of this PSPO to provide additional controls as part of a wider toolkit of measures.



Both the enforcement and engagement figures indicate that this is used and is still needed to deal with these complex issues and to provide reassurance for residents. The PSPO is also supported by partners and will ensure direct action is taken using the most suitable tools and powers as required by the individual situation. We could opt to not renew these powers and deal with any issues individually, but this will require additional resources and not enable the engagement opportunities that we will have through the use of a PSPO. This is not recommended.

## 7. Implications

<b>Resources:</b>	The implementation of this PSPO will not require any additional strategic resources that require the council or partners to operate outside existing budgets.
<b>Legal and Governance:</b>	<p>Under Sections 59-75 of the Anti-Social Behaviour Crime and Policing Act 2014 Local Authorities have powers to make a Public Space Protection Order (PSPO). They address activities detrimental to the quality of life that are persistent, unreasonable and evidenced.</p> <p>They can be challenged in the High Court within 6 weeks of being made mainly on grounds of inadequate i) evidence and ii) consultation. They apply to public places and must be publicised. They last for 3 years but may be extended if extension is justified evidentially.</p> <p>Non-compliance can result in a person being issued with a fixed Penalty of up to £100. Failure to pay can result in a prosecution with a maximum penalty of £1000, the level of fine being at the Courts discretion subject to means.</p>
<b>Risk:</b>	Tackling crime and anti-social behaviour through partnership working is central to the delivery of the Community Safety Strategy 2019-21 and Strategic Assessment 2020. This is business as usual and adheres to all required risk assessments and required mitigations.



<b>Equality:</b>	An EIA has been completed as part of this process and identifies there are no negative impacts on any protected characteristic.
<b>Health and Wellbeing:</b>	<p>Reducing and managing anti-social behaviour, and protecting its victims has a positive impact on health and wellbeing.</p> <p>Engaging with and supporting vulnerable people in relation to homelessness and begging, who are also more vulnerable to becoming victims of crime and exploitation will also have a positive longer-term impact on their health and wellbeing.</p>
<b>Social Value</b>	This PSPO support environmental enhancements and opportunities to enhance perceptions of community safety which will help with revitalising West Bromwich Town Centre and associated health and economic benefits for local residents and businesses. It also contributes to strengthening civic pride. Enforcement is done through our locally employed EPOs – in full.

## 8. Appendices

- Appendix 1 Proposed West Bromwich Public Spaces Protection Order
- Appendix 2 Map of area covered by proposed PSPO
- Appendix 3 Consultation Report

## 9. Background Papers

- Anti-Social Behaviour, Crime and Policing Act 2014.
- LGA Guidance in Relation to PSPO Implementation 2018



# Appendix 1 Proposed West Bromwich Town Centre PSPO

## ANTI-SOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014

### SECTION 59

#### PUBLIC SPACES PROTECTION ORDER

#### SANDWELL METROPOLITAN BOROUGH COUNCIL

#### PUBLIC SPACES PROTECTION ORDER

#### WEST BROMWICH TOWN CENTER

This Order is made by Sandwell Metropolitan Borough Council ("the Council") under the Anti-Social Behaviour, Crime and Policing Act 2014, Section 59 ("the Act").

1. This Order relates to all areas West Bromwich Town Centre, as defined in the attached map, including public space in the Council's area and privately-owned land made available to the public, to which the Act applies ("the Restricted Area").
2. The Council is satisfied that the two conditions below have been met, in that:
  - a. activities carried on in the restricted area as described below have had a detrimental effect on the quality of life of those in the locality, or it is likely that these activities will be carried on in the public place and they will have such an effect;
  - b. the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature, is, or is likely to be, such as to make the activities unreasonable, and justifies the restrictions imposed by the Order.

### 3. By this Order

The effect of the Order is to impose the following prohibitions and/or requirements in the Restricted Area at all times, unless specifically stated: -

- **Acting or inciting others to act in a manner that causes, or is likely to cause, harassment alarm or distress to any person.**
- **Threatening any person with violence and /or being verbally abusive towards any person.**
- **Begging or asking members of the public for money or loitering for the purpose of begging or asking members of the public for money.**



- **Causing a motor vehicle or trailer to stand on a road and /or footpath so as to cause any unnecessary obstruction of the road and /or footpath.**

#### **4. Period for which the order has effect**

This order will come into force on xxxxx 2021 and lasts for three years. At any point before the expiry of this period the Council can extend the order by up to three years if satisfied on reasonable grounds that this is necessary to prevent the activities identified in the order from occurring or recurring or to prevent an increase in the frequency or seriousness of those activities after that time. The Order may also be varied in accordance with the requirements of Section 61 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”).

#### **5. Failure to comply with this order**

Section 67 of the Act states that it is an offence for any person without reasonable excuse:

- (a) to do anything that the person is prohibited from doing by a public spaces protection order, or
- (b) to fail to comply with a requirement to which the person is subject under a public spaces protection order.

A person guilty of this offence is liable on conviction in the Magistrates Court to a fine not exceeding level 3 on the standard scale.

#### **6. Penalty Notices**

Under Section 68 of the Act a constable or authorised person may issue a fixed penalty notice to anyone they believe has committed an offence under Section 67 of the Act. A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to the local authority. Failure to pay the fixed penalty notice may result in proceedings being issued for the offence under Section 67.

#### **7. Validity of Order**

Under Section 66 of the Act an “interested person” (being a person who lives in the restricted area or who regularly works in or visits that area) may apply to the High Court to question the validity of a public spaces’ protection order (or a variation thereof). Such an application must be made within six weeks of the order being made.



The grounds on which an application under this section may be made are:

(a) that the local authority did not have power to make the order or variation, or to include particular prohibitions or requirements imposed by the order (or by the order as varied);

(b) that the requirements of the legislation have not been complied with when an application is made the High Court can decide to suspend the operation of the order pending the Court's decision, totally or in part. The High Court can uphold, quash or vary the order.

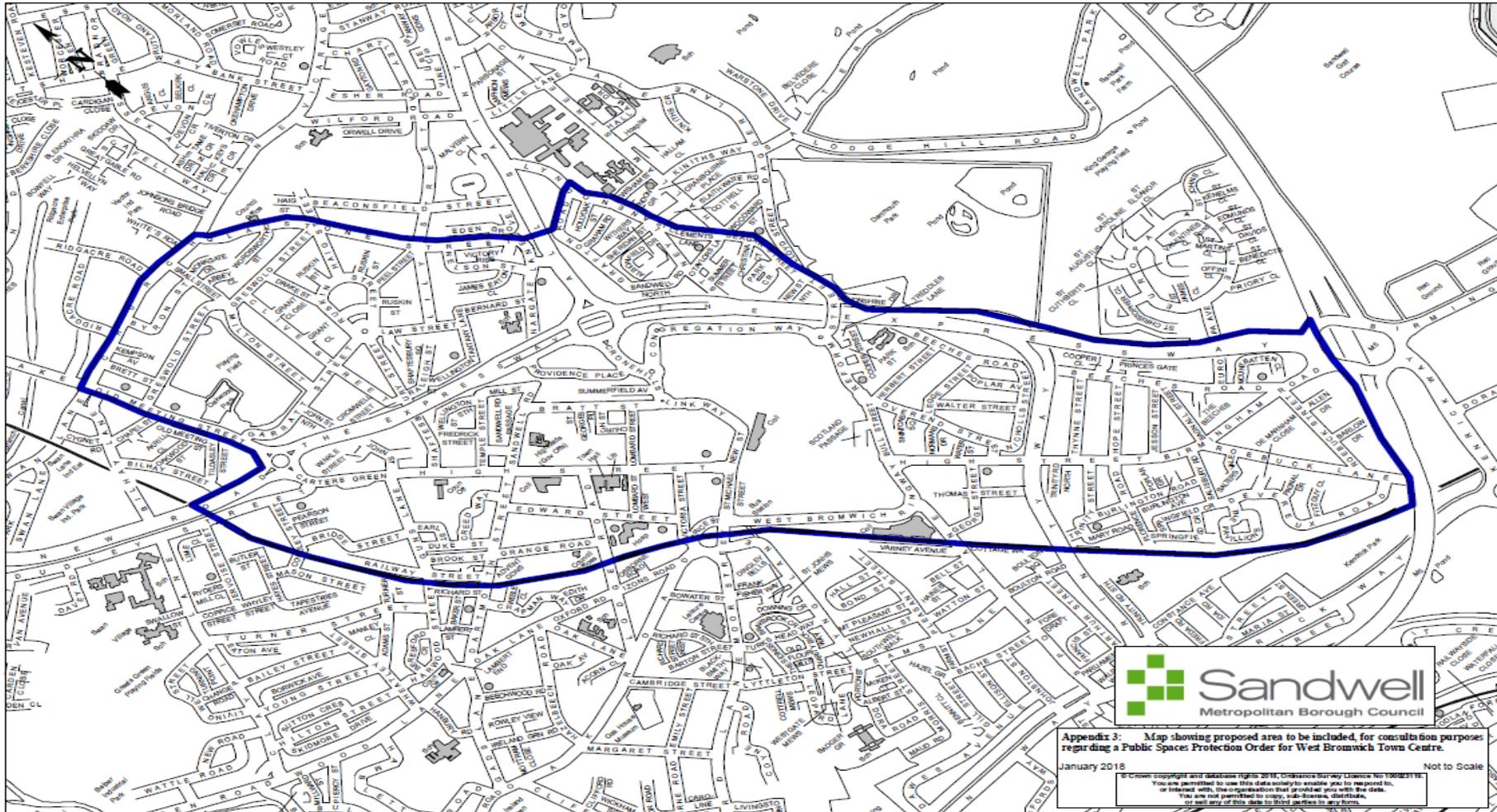
**8. DATED:**

**9. SIGNED:**

**10. SEALED**



# Appendix 2 Area Covered by PSPO



## Appendix 3 Consultation Report



### **West Bromwich Town Centre Public Spaces Protection Order Consultation** **2021**

#### **INTRODUCTION**

- The Public Spaces Protection Order (PSPO) had been in place for three years in the West Bromwich town centre and provided the police and council extra powers to prevent and tackle anti-social behaviour and other issues in the area.
- The PSPO expired on the 1<sup>st</sup> August and feedback was sought from residents of West Bromwich in addition to local businesses, visitors, voluntary groups and interested parties on Sandwell Council's plans to renew the PSPO.

#### **METHODOLOGY**

- An online consultation was made available for feedback on the Sandwell Council website.
- Participants could remain anonymous if they wished to do so.
- The consultation was promoted across Sandwell Council's communication channels including social media and via posters and flyers which were shared with public venues in the town centre.
- The consultation was left open for feedback from 10<sup>th</sup> May 2021 to 16<sup>th</sup> July 2021.

#### **FINDINGS**

- There were 138 people who participated in the consultations.
- 87% supported the renewal of this PSPO.
- 71% of these participants were residents with a small number of local businesses also represented (3.9%) [Figure 1].
- 57% of the individuals who took part in the survey were from West Bromwich [Figure 2].

#### **Experiences of Anti-Social Behaviour**

- When quizzed on personal experiences of anti-social behaviour as covered by the proposed PSPO, 72% of all people revealed that they had come across or been the victim of this [Figure 3].
- 78% of respondents from West Bromwich disclosed experiencing or witnessing this anti-social behaviour [Figure 4].
- Local people in West Bromwich shared that begging was the most common form of anti-social behaviour which they were encountering in the town with 26% of feedback showing that this had been personally experienced by the participants of the consultation or witnessed. Abusive behaviour (23%) was the second most common form of anti-social behaviour. Alcohol-influenced anti-social behaviour occurring in the



town was made mention of in 12% of feedback as was drug-related activity (12%) [Figure 5]. Some of the feedback is shown below:

#### Begging

- *'Being verbally abused by a beggar because I refused to give money'*
- *'I was threatened with violence when I refused to give someone begging the money they wanted'*
- *'Increase in the number of people begging outside shops, beggars being verbally abusive'*
- *'Verbally abused by beggars when you say you'll buy them food/drink, instead of giving them money or when they ask for a cigarette and tell them no.'*

#### Abusive Behaviour

- *'Gangs of students using threatening behaviour'*
- *'Family members attacked in West Bromwich Town centre by gangs trying to intimidate and harass local people.'*
- *'I saw a group of very rude youths shove an elderly man out of the way and then spat at him'*
- *'I have been physically and verbally abused during a walk in our local park'*

#### Alcohol-Related Anti-Social Behaviour

- *'Drunken behaviour at all times of the day.'*
- *'Drunk people shouting obscenities at other people in the middle of the day.'*
- *'Feel very intimidated by the crowds of antisocial gatherings by young and old smoking weed and drinking from bottles covered with brown bags'*
- *'Drinking alcohol in streets and throwing down rubbish anywhere'*

#### Drug Dealing/Taking

- *'Cannabis dealing and smoking in public on the high street'*
- *'Drug dealing every day outside Hargate primary school'*
- *'Feel very intimidated by the crowds of antisocial gatherings by young and old smoking weed'*
- *'Have seen drug deals'*

### **Impact of Anti-Social Behaviour**

- When asked about the impact of the anti-social behaviour, 27% of respondents from West Bromwich alluded to feeling unsafe or scared because of this. 18% of comments highlighted that local people were taking precautions when out in public [Figure 6].
- 11% of feedback revealed that because of the anti-social behaviour, local people either no longer visited the town centre or wanted to any more [Figure 6].
- 24% of feedback from respondents who did not live in West Bromwich or did not provide their address showed that the anti-social behaviour was deterring them from visiting the West Bromwich town centre. Some of this feedback has been shared below:



- *'I no longer go to West Bromwich very often and my elderly parents never go now. I'm nervous if I do need to visit.'*
- *'Won't visit West Bromwich, rather go to Dudley or Halesowen*
- *'I try and avoid the high street at all costs meaning I can only visit select shops that are in the new square if I need to go in a shop that is located on the high street or in kings square I will only do so if my partner is with me when he's not I will travel and go to a different branch of the shop in another town.'*
- *'We avoid West Bromwich and shop, eat, visit cinema elsewhere'*
- *'Felt unsafe and do not visit WB as often*

## Other Feedback

- 84% individuals from West Bromwich stated that the anti-social behaviour was occurring in in the town on a regular basis [Figure 7].
- 87% of respondents gave their support for the proposed PSPO [Figure 8].
- The need for the PSPO in deterring anti-social behaviour/crime (34%) and the importance of improving public safety (34%) were the given as the two biggest reasons for individuals being in favour of the proposed PSPO [Figure 9].
- A local MP emphasised that the PSPO might not fully resolve the concerns previously mentioned but will help combat some of the anti-social behaviour that is evident within the town centre and that effective enforcement was essential. Such a measure could help improve the image of the town moving forward and consideration could be given also to extending the area covered by the PSPO.
- The West Midlands Police and Crime Commissioner who welcomed effective action to prevent and tackle anti-social behaviour. A number of points raised for consideration included: the potential criminalising of poverty, street homelessness and rough sleeping; distinguishing between passive begging, polite begging and aggressive begging and potentially imposing financial penalties on those least able to afford them. Opportunities for treatment and support were also raised along with potential displacement
- At the end of the consultation, participants were asked about any other comments that they had in relation to the proposal for the PSPO. Common themes were found in the comments and have been detailed below along with some of the feedback itself:

### Making West Bromwich Safer

- *'I wish that West Bromwich was how it used to be as I felt safe back then'*
- *'We all need to work together to make WB the once welcoming place it was, we used to have the best high street in Sandwell, let's get there again'*
- *'PLEASE give us hope and help take our streets/towns /parks and cities back'*
- *'I cannot imagine the area worse than it is so please continue with this at the very least. We should feel safe where we live'*
- *'Unfortunately, West Bromwich town centre, like many other town centres isn't the town it was, and I don't feel as safe there as I once did which is a shame as I have lived in West Bromwich my whole life'*



### Strong Enforcement Needed for PSPO to be Successful

- *'Enforcing the PSPO is just as important.'*
- *'Enforcement is a must, if you have the powers use them!'*
- *'They need to be enforced more thoroughly but cannot work in isolation. Programmes to help the people that are drinking on the streets need to be in place.'*
- *'A pointless piece of paper if its contents are not going to be policed or enforced to the letter.'*
- *'I hope there are enough people to police it and enforce the rules, followed by heavy fines.'*

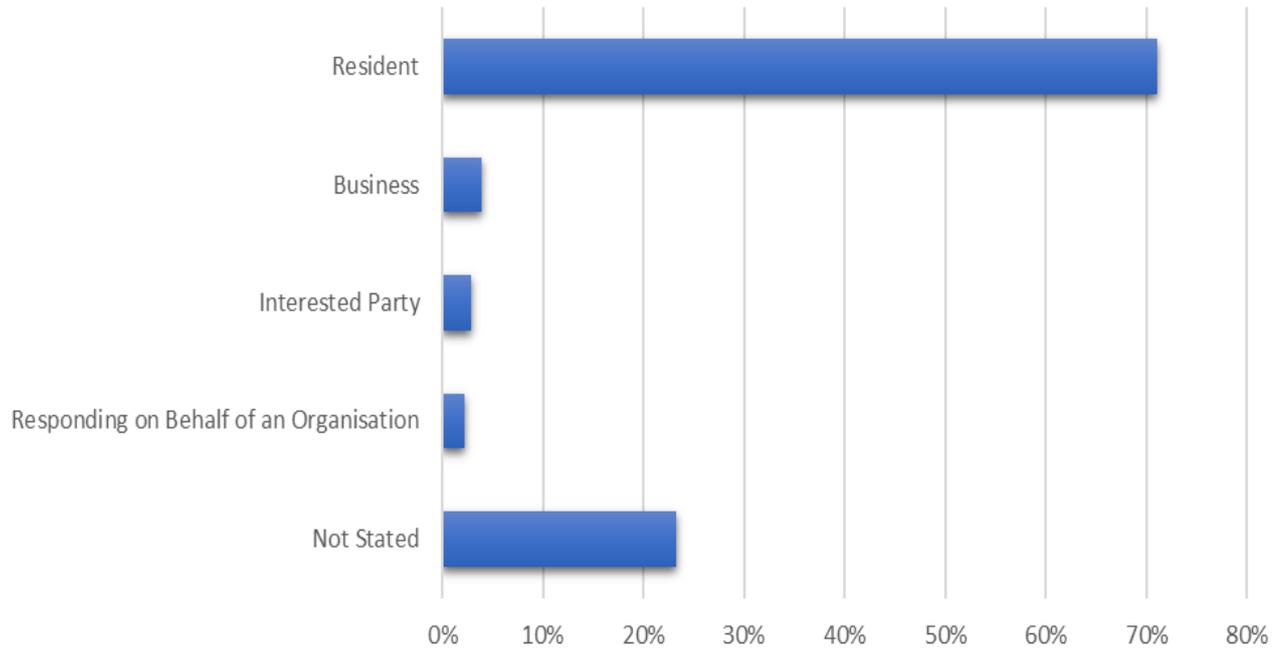
### Support for the PSPO

- *'Fully in favour of it'*
- *'A PSPO will deter and halt car storage in the area help clean the area up, reduce crime, reduce nuisance and hazard parking, reduce damage being done to resident's cars as well criminal damage.'*
- *'It sounds great! Hope it works out.'*
- *'Know that hard work goes on to constantly improve the town and it doesn't go unnoticed but there are still issues and I think the removal of the PSPO would only exasperate issues. Anything that improves the town should stay in place.'*
- *'Strongly support renewal to encourage community ownership'*

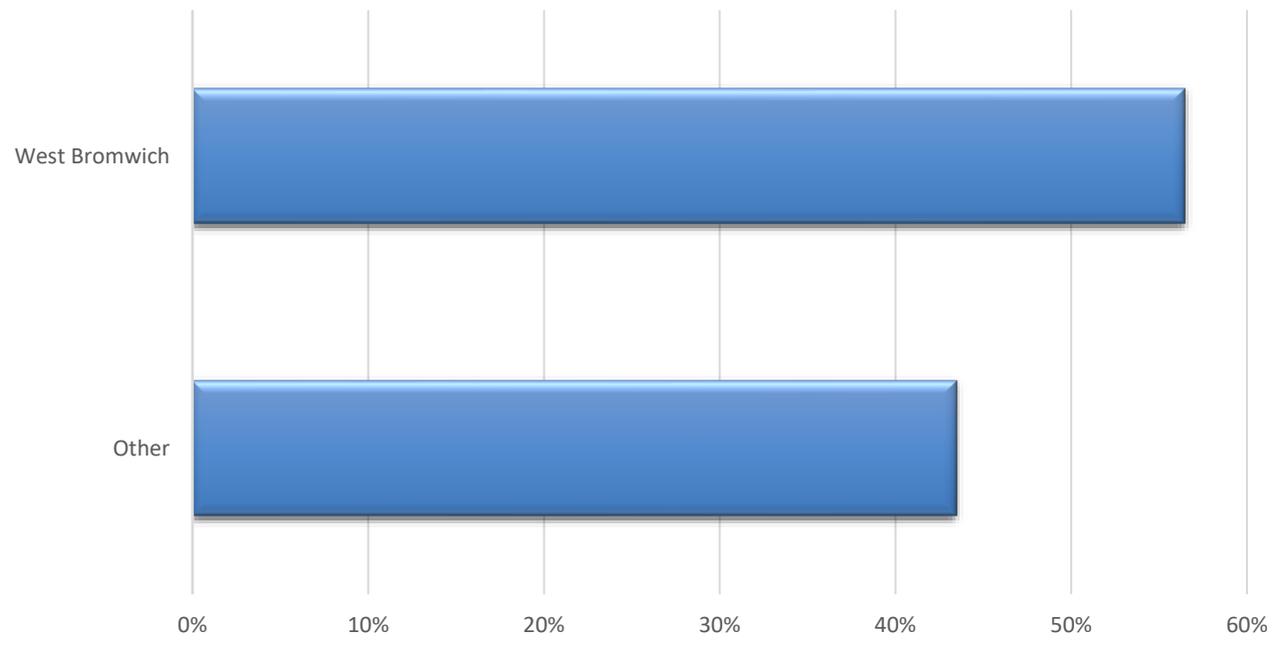


## Graphs

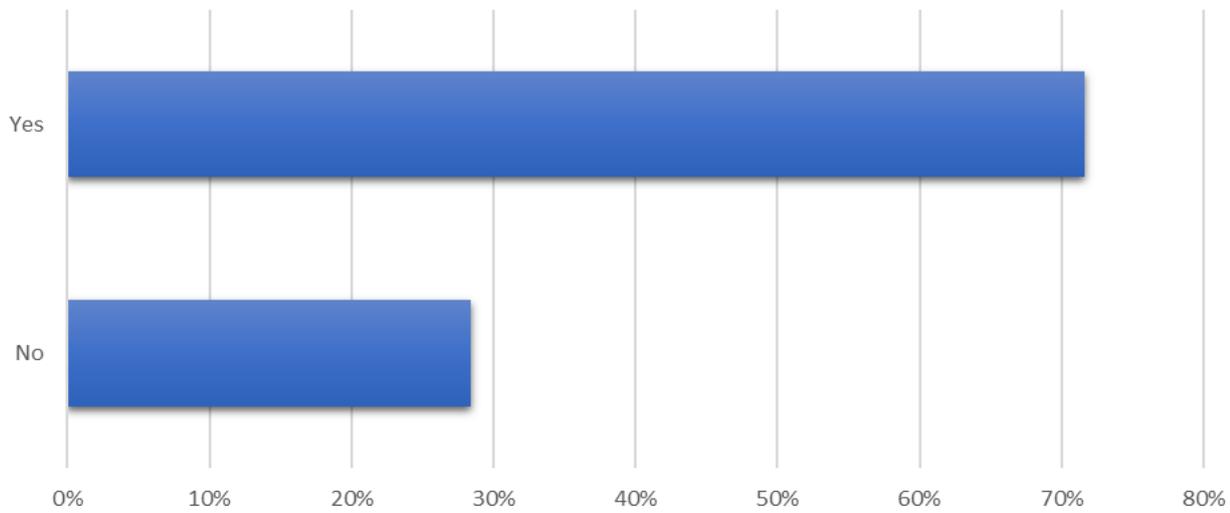
### Figure 1: Who Were The Participants Who Took Part In The Consultation?



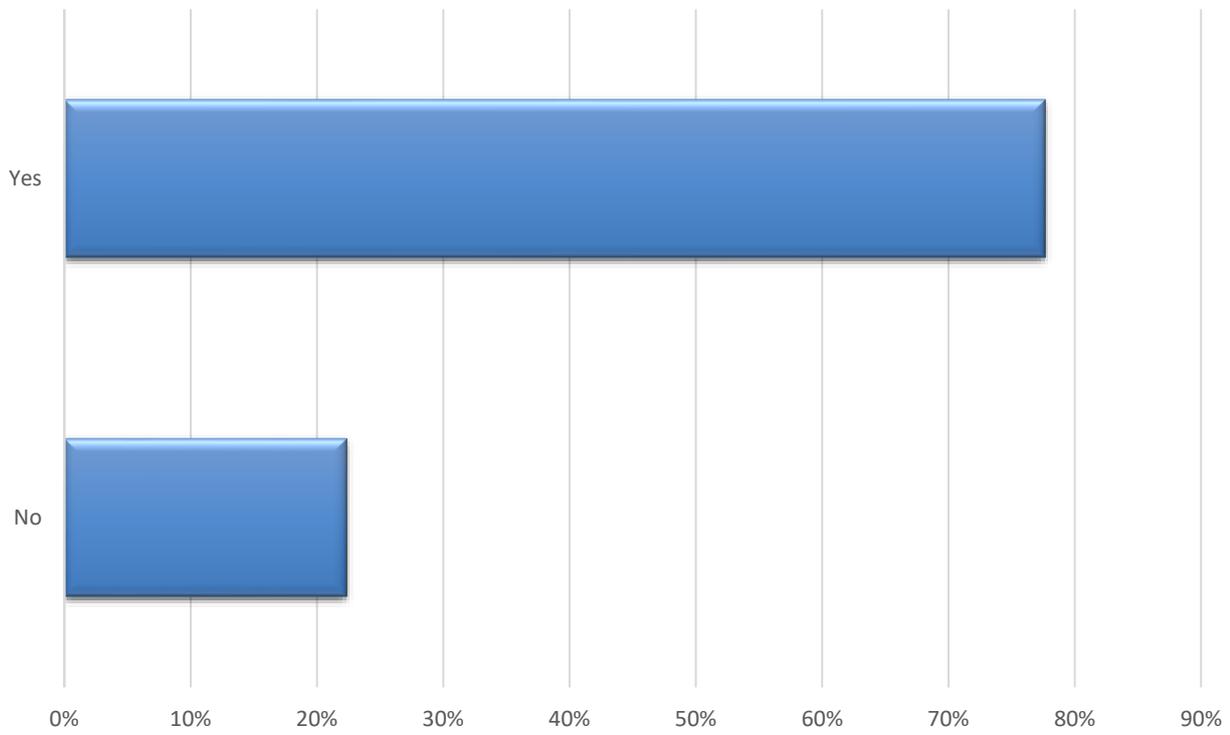
### Figure 2: Where Were The Participants In The Consultation From?



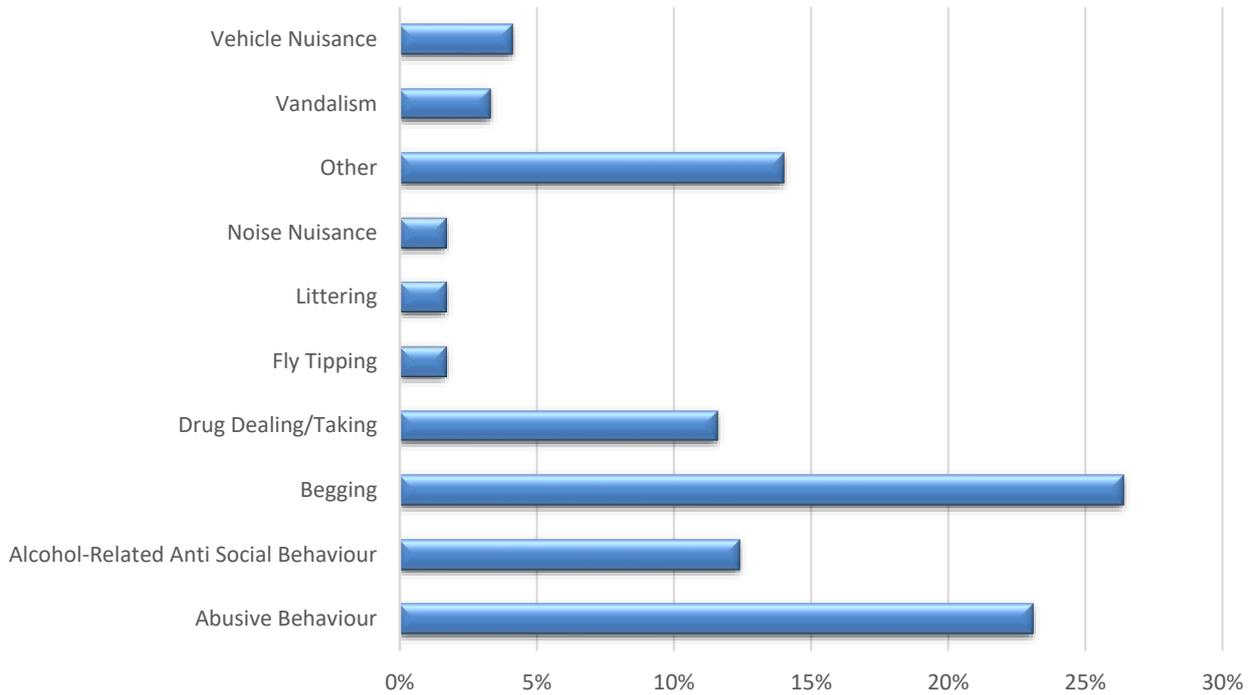
**Figure 3: Responses of Individuals When Asked If They Had Been Subjected To Or Witnessed Anti-Social Behaviour Covered By The Proposed PSPO**



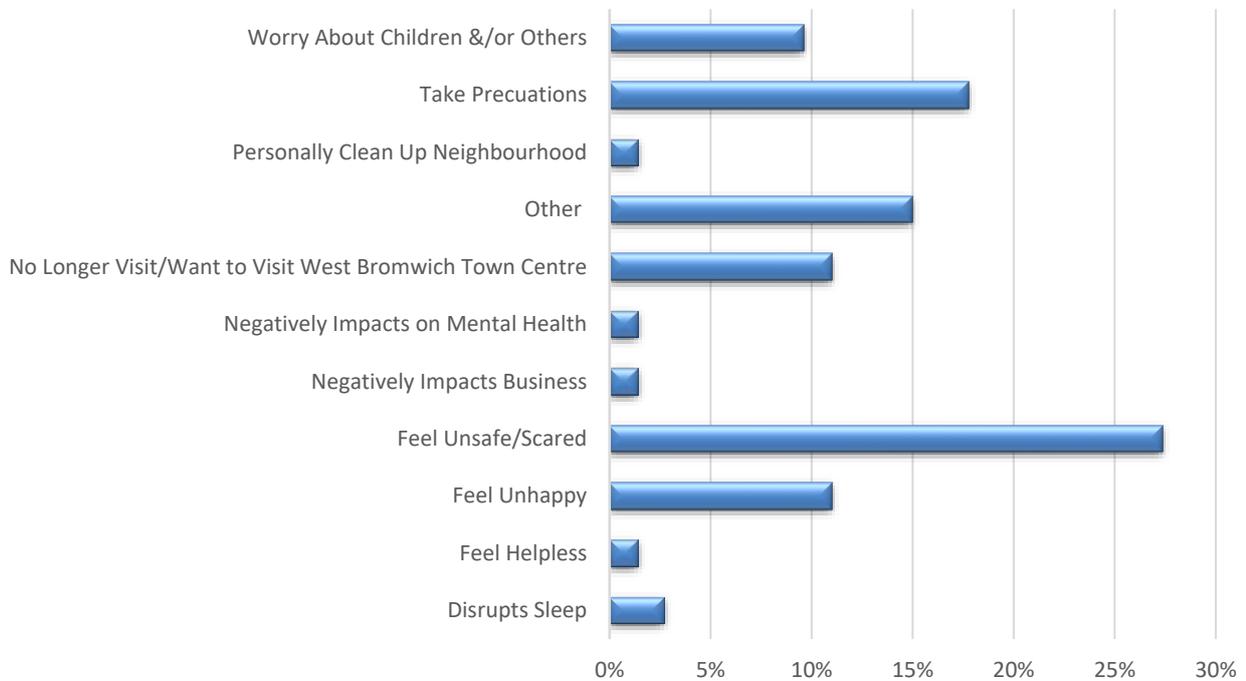
**Figure 4: Responses of Individuals From West Bromwich When Asked If They Had Been Subjected To Or Witnessed Anti-Social Behaviour Covered By The Proposed PSPO**



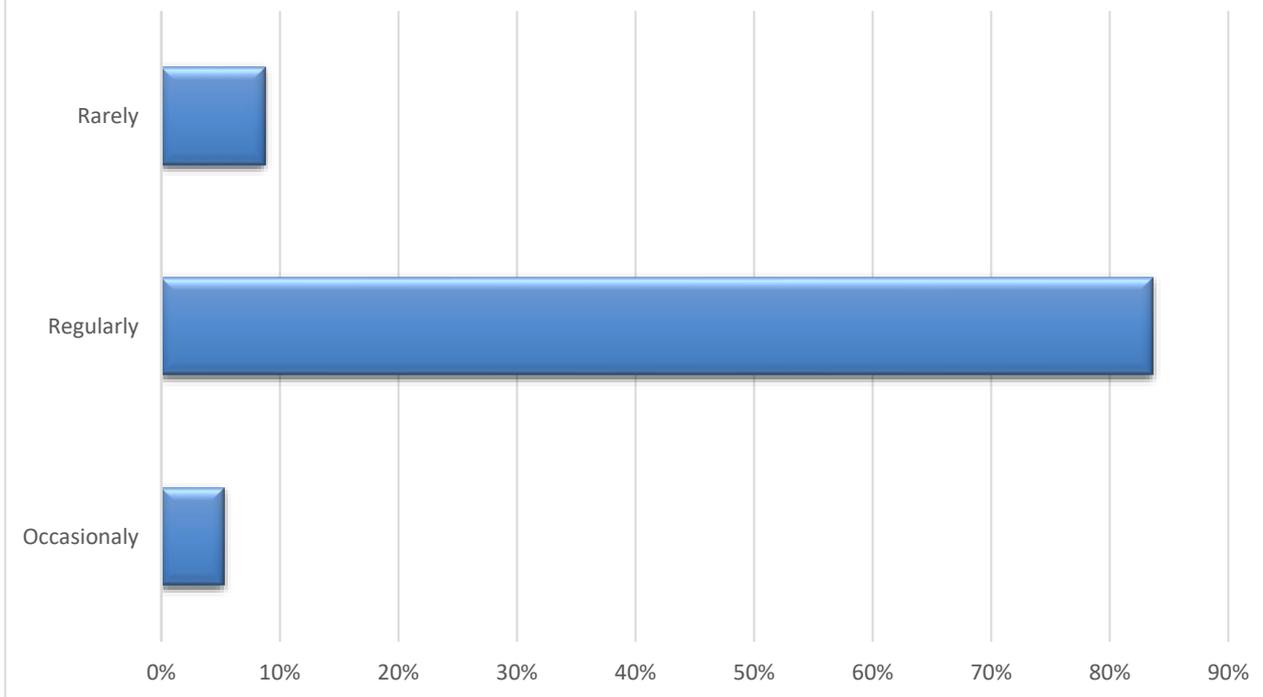
**Figure 5: Type of Anti-Social Behaviour Experienced or Witnessed In West Bromwich**



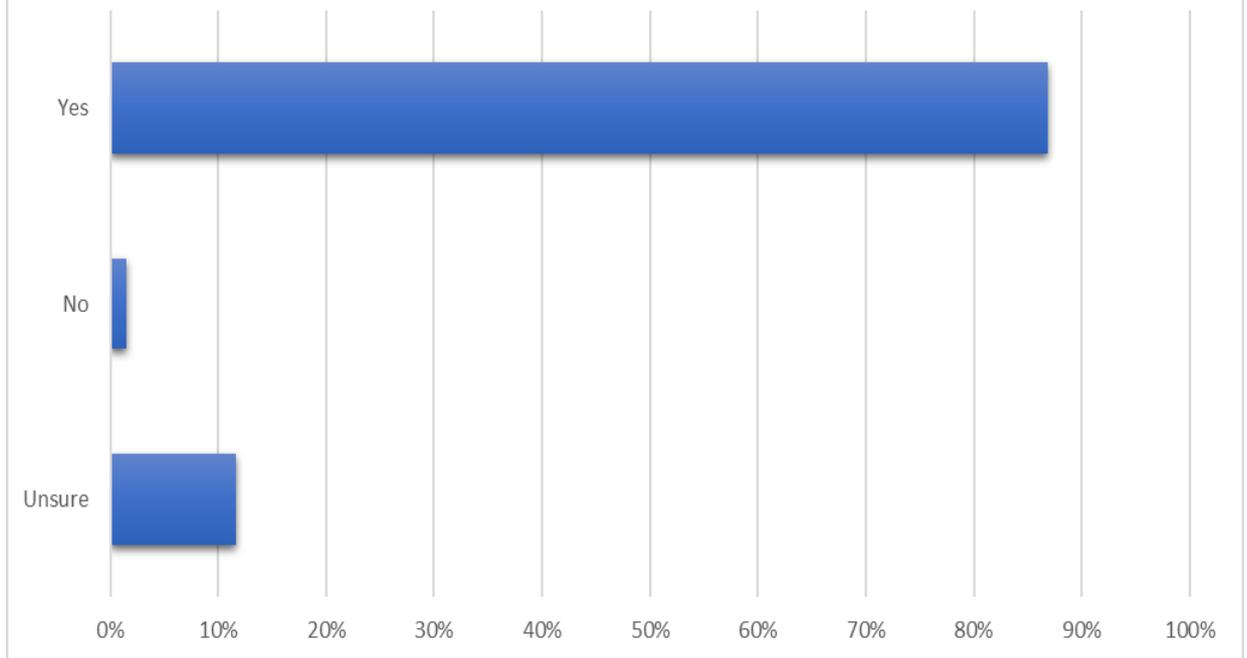
**Figure 6: The Impact of Anti-Social Behaviour on West Bromwich Locals**



**Figure 7: How Often Anti-Social Behaviour Takes Place In West Bromwich**



**Figure 8: Responses Of Individuals When Asked If They Were In Favour Of The Proposed PSPO**



**Figure 9: Reasons For Support Of Proposed PSPO**

