

## Agenda Council

**You are hereby summoned to attend a meeting of the Sandwell Metropolitan Borough Council, to be held on Tuesday, 7 December 2021 at 6.00 pm for the purpose of transacting the following business:-**

**The Deputy Mayor of Sandwell, Councillor R Jones, In the Chair**

- |   |   |         |
|---|---|---------|
| 1 | <b>To receive apologies for absence (if any).</b>   | 11 - 12 |
| 2 | <b>Declarations of interests in any matters to be discussed at the meeting.</b>                       | 13 - 14 |
| 3 | <b>To confirm as a correct record, the minutes of the meeting of Council held on 12 October 2021.</b> | 15 - 30 |
| 4 | <b>To consider any urgent business (with prior approval by the Deputy Mayor).</b>                     |         |
| 5 | <b>To receive announcements from the Deputy Mayor.</b>  | 31 - 32 |
| 6 | <b>Election of Leader of the Council</b>  | 33 - 38 |
|   | To consider the election of the Leader of the Council.  |         |
| 7 | <b>Petitions</b>  | 39 - 40 |
|   | To receive petitions under Standing Order No. 5.  |         |



To consider written questions under Standing Order No. 6 to:-

- (a) the Mayor;
- (b) the Leader of the Council;
- (c) any other member of the Cabinet;
- (d) any person appointed to preside at a committee, sub-committee or panel;
- (e) the members of the Council nominated pursuant to Section 41 of the Local Government Act 1985, on the discharge of the functions of the following Joint Authorities:-
  - (i) West Midlands Combined Authority (the Leader);
  - (ii) West Midlands Fire and Rescue Authority (Councillor C Padda);
  - (iii) Transport for the West Midlands (Councillor Akhter);
- (f) a nominated member appointed by the Council to the Board of Sandwell Leisure Trust;
- (g) ***a member of the Council who is, as a result of action taken by or on behalf of the Council, a member or director of any company.***

9	<b>Constitution and Political Balance of Committees and Boards and Appointment to Vacancies on Committee, Boards and Other Bodies</b>	49 - 54
	To approve the political balance of the committees, boards and other fora for the remainder of the 2021-22 municipal year.	
10	<b>Treasury Management Mid-Year Review</b>	55 - 76
	To consider the Treasury Management Mid-Year Review.	
11	<b>Proposed Departures from the Development Plan</b>	
11.1	At land to rear of Bakshish House, Rood End Road, Oldbury (Planning Application DC/21/65491)	77 - 82
11.2	At Locarno Works, Locarno Road, Tipton (Planning Application DC/21/65623) To consider exceptions to the Development Plan in respect of planning applications.	83 - 88
12	<b>Appointment of Independent Person for Standards Matters</b>	89 - 92
	To consider the extension of an appointment of an Independent Person.	
13	<b>To receive the minutes and recommendations of Cabinet</b>	93 - 208
	To receive the minutes of the meeting of the Cabinet held on 29 September, 20 October and 3 November 2021 and to consider any policy and/or strategic recommendations arising from the meetings:-	
	(a) Proposal to Declare the Whole of Sandwell as a Smoke Control Area (Revoking and replacing the existing 51 SCAs).	

- 14 **To receive the minutes of Budget and Corporate Scrutiny Management Board** 209 - 218

To receive the minutes of the meeting of the Budget and Corporate Scrutiny Management Board held on 21 September and 17 November 2021.

- 15 **To receive the minutes of Audit and Risk Assurance Committee** 219 - 224

To receive the minutes of the Audit and Risk Assurance Committee held on 16 September 2021.

- 16 **Notice of Motions**

To consider the following motions received under Standing Order No. 7:-

- 16.1 **Unlocking the Potential of Local High Streets**  
**Proposer: Councillor Hughes**  
**Seconder: Councillor L Giles**

“THIS COUNCIL BELIEVES that healthy High Streets are essential for community cohesion, civic pride, employment, shopping, services and leisure. But many shops and businesses were struggling even before the COVID-19 pandemic!

According to the Office of National Statistics, between 2015 – 2018, High Street Retail Employment fell in more than  $\frac{3}{4}$  of local authorities. Also, even before the pandemic, more than 50% of all UK consumers were shopping online.

THIS COUNCIL NOTES that Retail is among the sectors most affected by the COVID-19 pandemic, with Retail Workers being on the frontline of the crisis throughout. During 2020, the almost complete shutdown of non-essential shops hit businesses hard, whilst the need for

social distancing also changed the way many businesses operate - all leading to reduced footfall. In many cases, the pandemic has accelerated what has been a longer trend of lower footfall and changing shopping habits. Indeed, a decade ago, the 'Portas Review' acknowledged that, if High Streets are to adapt and survive, their form and function needs to change radically.

THIS COUNCIL WELCOMES the willingness of Government to acknowledge the problems and come forward with initiatives in response to these challenges such as the furlough scheme, COVID support business loans, and the High Street Taskforce. However, as the Treasury Select Committee stated in 2019, the current system of Business Rates places an unfair burden on "bricks and mortar" businesses compared to online ones, and the Business Rate system needs radical overhaul.

THIS COUNCIL REQUESTS THE LEADER TO:

- Write to the Government to urge them to undertake an urgent review of Business Rates in order to support high street businesses to recover from the pandemic; and level the playing field between on-line and High Street businesses, to make it fair and sustainable for all.

And invites the Executive to consider:

- Sign up to the Co-operative Party's Unlock the High Street Campaign and explore what local action can be taken now to revive Sandwell's High Streets, whilst Business Rates are reviewed.
- Sign up to the Co-operative Party's campaign to Devolve Funding (e.g. the Towns Fund, Levelling Up Fund, UK Shared Prosperity Fund and other national funding

pots), to give Local Communities, Councils and Regions the ultimate say on how such funding is spent in their area.

- Explore the creation of Community Improvement Districts to reconnect communities with the levers that drive economic development in Sandwell's Town Centres, to create an equal partnership of business and community organisations, in order to galvanise action at a local level.
- Make public any data held by Sandwell Council on ownership of high street properties (in an accessible format), so that community groups seeking to buy empty shops through a community share offer have the information they need to do so.
- Make full use of Section 215 Planning Enforcement powers where empty units are attracting antisocial behaviour and/or creating an eyesore on the High Street
- Contact Landlords of vacant premises proactively (working with Chambers of Commerce, Landlord Associations and BID managers) to explore and/or encourage alternative rental models (e.g. turnover rather than market rent) to enable new Co-operatives, SMEs, Social Enterprises and Community Businesses to set up and open their doors on Sandwell's High Streets."

## 16.2 Fireworks

**Proposer: Councillor Moore**

**Seconder: Councillor Fenton**

"This Council resolves to require all public firework displays within the local authority's boundaries to be advertised in advance of the event, allowing residents to take precautions for their animals and vulnerable people; to actively promote a public awareness campaign about the impact of fireworks on animal welfare and vulnerable people – including the precautions that can be taken to mitigate risks; and requests that

the Leader of the Council writes to the UK Government urging them to introduce legislation to limit the maximum noise level of fireworks to 90dB for those sold to the public for private displays; and to encourage local suppliers of fireworks to stock 'quieter' fireworks for public display."

### 16.3 Waste Partnership Contract

**Proposer: Councillor W Gill**

**Seconded: Councillor Chapman**

"That this Council recognises there has been a failure from the Council to fulfil their waste collection and consequently their waste disposal services,

That this Council acknowledges that there has further been a failure to provide a street cleansing service.

That this Council concedes that there has been a significant failure in communication on their part regarding informing residents about the disruption to the waste collection service.

That this Council moves to resolve by way of an launching an immediate review into the current waste partnership contract and considers the potential of re-tendering of the contract whereby the services of waste collection, waste disposal and street cleansing are separated.

And further that this Council moves to freeze Council Tax for the next financial year at their current rates for all residents of this borough as way on an apology for the inconvenience caused by the disruption, the lack of communication and the failure to provide a basic service like waste collection which the good people of Sandwell pay for."

### 16.4 DBS Checks for Elected Members

**Proposer: Councillor Fisher**  
**Seconded: Councillor Abrahams**

“That this Council recognises that due to the roles and responsibilities of being a councillor it would be in the best interest of this Council and members of the public that all elected members are vetted.”

With a DBS, Sandwell Council can check a person’s criminal background without violating their privacy.

The DBS searches through an individual’s record for both spent and unspent convictions, cautions, warnings, and reprimands and the date of the offence recorded on the Police National Computer (PNC)

The advantages of getting Cllr’s to undergo a DBS is to help mitigate the risk of criminal behaviour happening.

The cost of an average DBS is £30 and takes around 14 days. Discussions on whether Sandwell Council should cover the cost of this will need further discussions.

I can confirm that Sandwell Conservatives have already introduced this, and all 10 Conservative Councillors have already completed a DBS check, and these are available for public viewing. The cost is covered by those individuals, so no cost to the Council or taxpayer.

The benefits are:

**Security** - DBS checks give peace of mind, that elected members don’t have any convictions.

**Safety** - The safety of the council is improved when elected members have undergone DBS checks. This is especially

true in roles that involve being around vulnerable groups, handling sensitive information or dealing with finances. DBS checks can also help the council highlight people with violent tendencies.

**Regulation Compliance** – Some positions that members may be elected to, may bring them in contact with Children and vulnerable adults.”



**Kim Bromley-Derry**  
**Interim Chief Executive**  
Sandwell Council House  
Freeth Street  
Oldbury  
West Midlands

**Distribution**  
All Members of the Council

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

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## **Apologies**

To receive any apologies from members

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## **Declarations of Interest**

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

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## Minutes of Council

**Tuesday 12 October 2021 at 6.00pm  
in the Council Chamber, Sandwell Council House, Oldbury**

**Present:** His Worshipful The Mayor, Councillor M Hussain;  
Deputy Mayor, Councillor R Jones;

Councillors Abrahams, Ahmed, Akhter, Ali, Akpoteni, Allen, Anandou, Ashman, Bhullar, Bostan, Carmichael, Chambers, Chapman, Chidley, Costigan, Crompton, Fenton, Fisher, E M Giles, E A Giles, L Giles, S Gill, W Gill, Hadley, Hartwell, Hinchliff, Hughes, M Y Hussain, Z Hussain, Jalil, Kaur, O Jones, S Jones, Kalari, Kausar, Mabena, McVittie, Melia, Millar, Moore, Owen, C S Padda, I Padda, Piper, Randhawa, Rollins, Rouf, Shaeen, Simms, Smith, R Singh, Taylor, Webb and Williams.

**Officers:** Kim Bromley-Derry – Interim Chief Executive, Surjit Tour – Director of Law and Governance and Monitoring Officer; Elaine Newsome – Service Manager - Democracy; Suky Suthi-Nagra – Democratic Services Manager; Trisha Newton – Senior Democratic Services Officer and Stephnie Hancock – Senior Democratic Services Officer.

### 87/21 **Minute Silence**

The Council observed a minute silence to mark the passing of Honorary Freeman John Sullivan and Honorary Alderwoman Margaret James.



## Meeting of Sandwell Metropolitan Borough Council – 12 October 2021

John Sullivan had been a councillor in the Langley ward for more than 30 years and had served as Mayor in 1992/93. He had become an Honorary Alderman in 2005 before being given the Freedom of the Borough in 2007.

Margaret James had been elected in May 1996 and was councillor for Cradley Heath & Old Hill ward for 12 years. She had been Mayoress to her late husband former councillor Brian James when he was Mayor in 1998/99 and was Deputy Mayor herself in 2007/08.

Members paid tribute to John Sullivan and Margaret James and joined the Mayor in extending their condolences to their family.

### 88/21 **Apologies for Absence**

Apologies were received from Councillors Akhtar, Allcock, Davies, Dhallu, Gavan, G Gill, M Gill, Hackett, Henlan, Khatun, Millard, Phillips, Shackleton, K Singh, S Singh and Tagger.

### 89/21 **Declarations of Interest**

No declarations of interest were received.

### 90/21 **Minutes**

**Resolved** that the minutes of the meeting of the ordinary and extraordinary meetings of Council held on 26 July 2021 be agreed as a correct record and signed by the Chair.

### 91/21 **Urgent Business**

There were no items of urgent business for consideration.



## 92/21 Mayor's Announcements

Details of Mayoral engagements since the last meeting of the Council had been circulated to members.

## 93/21 Petitions under Standing Order No. 5

No petitions were received under Standing Order No. 5.

## 94/21 Questions under Standing Order No. 6

A question had been submitted, however, was withdrawn by the Member

## 95/21 Corporate Plan 2020-2025 - Refresh 2021

The Corporate Plan 2020-2025 – Refresh 2021 detailed the actions that would underpin the delivery of the strategic objectives that were required coming out of the pandemic. The pandemic had impacted Sandwell in different ways and the updated Corporate Plan sought to redress these, in particular reducing inequalities that had widened during the pandemic and the aim for a Fairer Sandwell.

The strategic objectives provided clear ambitions and areas of focus and these would now be combined with aspirations that would work towards creating a fairer Sandwell.

In response to questions, the Leader of the Council confirmed that the implementation of the Corporate Plan would be an open and transparent process and members of scrutiny would have the opportunity to review the Plan.

**Resolved** that the Corporate Plan 2020-2025 - Refresh 2021 be approved.



## Meeting of Sandwell Metropolitan Borough Council – 12 October 2021

### 96/21 **West Midlands Fire and Rescue Authority Update**

Council received an update on the work of the Fire Authority from Councillor C S Padda, the member nominated pursuant to Section 41 of the Local Government Act 1985 to report on the activities of the West Midlands Fire and Rescue Authority.

Following concerns raised with regard to the pay award for firefighters, Councillor C S Padda undertook to raise this matter.

### 97/21 **Transport for West Midlands Update**

Council received an update on the work of the Transport Authority from Councillor Akhter, the member nominated pursuant to Section 41 of the Local Government Act 1985 to report on the activities of Transport for West Midlands.

### 98/21 **West Midlands Police and Crime Panel**

Council received an update on the work undertaken by the West Midlands Police and Crime Panel from Councillor R Jones, the Council's representative on the Panel.

In response to questions raised, the Deputy Mayor requested that these be sent to him directly so that he could raise directly at the Panel.

The Deputy Leader also reminded members that they could refer questions at any point to the Police and Crime Panel team and contact details were provided in the report.

### 99/21 **West Midlands Combined Authority**

Council received an update on the work undertaken by the West Midlands Combined Authority from the Leader of the Council.



### 100/21 **Annual Report of the Audit and Risk Assurance Committee 2020-21**

Council received the annual report of the Audit and Risk Assurance Committee for the 2020-21 municipal year. On behalf of the Chair the Committee, Councillor Allen presented the report and the work of the Committee.

The Committee had continued to undertake its function as a key component of the Council's corporate governance framework. A number of achievements had been set out which included:

- a continued good working relationship with the Council's internal and external auditors;
- additional assurance through a process of on-going independent review;
- the raised profile of internal control issues across the Council and of the need to ensure that audit recommendations were implemented;
- the consideration and review the Council's strategic risk register;
- continued detailed focus on actions being taken to combat fraud;
- building of the skills and knowledge of the Committee members through regular technical updates and the consideration of related guidance issued by CIPFA.

### 101/21 **Appointments to Vacancies on Committees, Boards and Other Bodies**

Council considered revisions to the appointments to committees, boards and other bodies.



## Resolved:-

- (1) that the nominations for vacancies on committees, boards and other fora established by the Council, as set out in Appendix A to the report, be approved with immediate effect;
- (2) that the nominations for vacancies on outside/other bodies, as set out in Appendix B to the report, be approved with immediate effect.

### 102/21 **Cabinet**

The minutes of the meetings of Cabinet held on 7 and 21 July, and 1 September 2021 were received.

### 103/21 **Budget and Corporate Scrutiny Management Board**

The minutes of the meeting of the Budget and Corporate Scrutiny Management Board held on 21 July 2021 were received.

### 104/21 **Audit and Risk Assurance Committee**

The minutes of the meetings of the Audit and Risk Assurance Committee held on 18 March, 24 June and 29 July 2021 were received.

In response to a question regarding the release of the SEND Transport internal review it was noted that the Chair of the Audit and Risk Assurance Committee was waiting for the external review report which was being undertaken by Grant Thornton.



## Meeting of Sandwell Metropolitan Borough Council – 12 October 2021

The Council considered the recommendations of the Committee on the following matter:-

### 104/21(a) **Code of Corporate Governance**

**Resolved** that the updated Code of Corporate Governance be approved.

### 105/21 **Motions under Standing Order No. 7**

The Council proceeded to consider motions received under Standing Order No. 7.

### 106/21 **Sandwell Herald**

It was moved by Councillor Abrahams and seconded by Councillor Kalari: -

“This council resolves to discontinue the delivery of 'The Sandwell Herald', which is printed and delivered at a cost of over £42,000 per year. The council instead resolves to install 150 new litter bins a year in parks and high streets across the Borough.”

In accordance with Standing Order No.7, Councillor Melia moved the following amendment to the motion, which was seconded by Councillor Randhawa:-

“This Council’s Sandwell Herald is printed and delivered at a cost of less than 11 pence per copy. The Council appreciates how important it is for Sandwell residents to be kept informed about vital services and notes the positive response to the readers surveys that was included in the latest edition. The Council recognises its duty to provide residents with access to accurate and important information. This council also notes that a programme to replace over 1,000 bins in parks and streets across the borough that will begin in the New Year”.



## Meeting of Sandwell Metropolitan Borough Council – 12 October 2021

The amendment, having been moved and seconded, was put to the vote and approved. The substantive motion was put to the vote and, having been carried, it was RESOLVED accordingly.

### 107/21 **Houses of Multiple Occupation**

It was moved by Councillor Fisher and seconded by Councillor Chapman:-

“This Council recognises the difficulties of monitoring Houses of Multiple Occupation (HMOs) of under 5 occupants due to the lack of any requirements for these to be registered with Local Authorities.

Further, this Council resolves to request the Cabinet Member for Housing to bring forward a report outlining the feasibility of an Additional Licensing Scheme for all HMOs within the Borough of Sandwell to run simultaneously alongside the Mandatory Licensing Scheme, pursuant to Section 56 of the Housing Act 2004 and to release the findings of this Report.”

In accordance with Standing Order No.7, Councillor Ahmed moved the following amendment to the motion, which was seconded by Councillor Allen:-

“This Council recognises the difficulties of monitoring Houses of Multiple Occupation (HMOs) of under 5 occupants due to the failure of Government to give Local Authorities adequate powers or resources to properly monitor and enforce standards.

Further, this Council resolves to request the Members of Parliament who represent constituencies in Sandwell to write to the Secretary of State for Levelling Up, Housing and Communities to demand that he brings forward legislation that will give councils adequate powers and resources to act, and to protect tenants more widely in the private rented sector by setting up a national landlord register.



## Meeting of Sandwell Metropolitan Borough Council – 12 October 2021

In the absence of action by Government in this important matter, this Council requests the Executive to bring forward an Additional Licensing Scheme in West Bromwich as previously consulted on, pursuant to Section 56 of the Housing Act 2004 and to monitor the outcomes of that scheme with a view to extending if needed.”

The amendment having been moved and seconded was put to the vote and having been carried, the substantive motion was put to the vote.

In accordance with Standing Order No. 12, Councillor W Gill called for a named vote. The required support to the request was achieved and the motion as amended was put to a named vote as follows:-

For:

Councillors Ahmed, Akhter, Akpoteni, Allen, Ashman, Bhullar, Bostan, Carmichael, Chidley, Crompton, Fenton, E M Giles, E A Giles, L Giles, S Gill, Hartwell, Hinchliff, M Hussain, M Y Hussain, Z Hussain, Jalil, O Jones, R Jones, S Jones, Kaur, Kausar, Mabena, McVittie, Melia, Millar, Moore, Owen, C S Padda, I Padda, Piper, Randhawa, Rollins, Rouf, Shaeen, Simms, R Singh, Smith and Taylor.

Against:

Councillor Abrahams, Anandou, Chapman, Fisher, W Gill, and Williams.

Abstain:

Councillor Hadley and Webb.

The motion as amended was carried and it was RESOLVED accordingly.



### 108/21 Walker Grange Care Home

It was moved by Councillor Williams and seconded by Councillor W Gill:-

“This council welcomes the public engagement and scrutiny activity regarding the ongoing consultation on the future of Walker Grange Care Home.

Walker Grange is a precious council care home for Tipton. For many families in Tipton, Walker Grange is fantastic option for them to put their elderly loved ones in a local care home. This is due to the expensive cost of private care homes. It currently has 22 residents, some of which have been there for over 20 years. The care home has proved over the last 29 years that it can provide safe and effective service for its residents. It was given a good report by the Care Quality Commission in January 2020, there report stated that Walker Grange is a well-lead, responsive, caring and safe provider.

It is reasonable for the consultation to result in Walker Grange being upgraded or remaining open in its current condition. It is unthinkable for many families in Tipton including the residents of Walker Grange that it could possibly be closed. In recognising the community value of this facility, this Council urges the leader and cabinet to reconsider and remove the option of closure for Walker Grange Care Home”.

In accordance with Standing Order No.7, Councillor Hartwell moved the following amendment to the Motion, which was seconded by Councillor M Y Hussain:-

“This Council welcomes the public engagement and scrutiny activity regarding the ongoing consultation on the future of Walker Grange Care Home.



## Meeting of Sandwell Metropolitan Borough Council – 12 October 2021

Walker Grange is a precious care home for Tipton. For many families in Tipton, Walker Grange is a fantastic option for them to consider when seeking care for themselves or their loved ones. This is due to the expensive cost of private care homes. It currently has 21 residents, some of whom have been there for over 20 years. The care home has proved over the last 29 years that it can provide a safe and effective service for its residents. It was given a good report by the Care Quality Commission in January 2020, and their report stated that Walker Grange is a well-led, responsive, caring and safe provider.

It is reasonable for the consultation to result in a full range of options, including Walker Grange being upgraded or remaining open in its current condition. Council recognises that it is important to understand what that condition is. The consultation, full and confidential discussions with residents and their families, and an understanding of all the other implications, such as health and safety, will help ensure the Council arrives at an informed decision. In recognising the community value of this facility, this Council appreciates the importance of the engagement that is currently taking place. Accordingly, this Council resolves to continue the work being done to ascertain the condition of Walker Grange, the needs and wishes of residents and families, and the resources required so that the best decision can be made for the residents of Walker Grange Care Home”.

The amendment having been moved and seconded was put to the vote.

In accordance with Standing Order No. 12, Councillor Williams called for a named vote on the amendment. The required support to the request was achieved and the motion as amended was put to a named vote as follows:-



## Meeting of Sandwell Metropolitan Borough Council – 12 October 2021

For:

Councillors Ahmed, Akhter, Akpoteni, Allen, Ashman, Bhullar, Bostan, Carmichael, Crompton, Fenton, E M Giles, E A Giles, L Giles, S Gill, Hartwell, Hinchliff, M Hussain, M Y Hussain, Z Hussain, R Jones, Kaur, Kausar, Melia, Moore, Owen, I Padda, Piper, Randhawa, Rollins, Rouf, Shaeen, Simms, R Singh and Taylor.

Against:

Councillor Abrahams, Anandou, Chapman, Chidley, Fisher, W Gill, O Jones, S Jones, and Williams.

Abstain:

Councillor Mabena, McVittie, Millar, C S Padda, Smith, and Webb.

Having been carried, the substantive motion was put to the vote. In accordance with Standing Order No. 12, Councillor Abrahams called for a named vote. The required support to the request was achieved and the motion as amended was put to a named vote as follows:-

For:

Councillors Ahmed, Akhter, Akpoteni, Allen, Ashman, Bhullar, Bostan, Carmichael, Crompton, Fenton, E M Giles, E A Giles, L Giles, S Gill, Hartwell, Hinchliff, M Hussain, M Y Hussain, R Jones, Kaur, Kausar, Mabena, Melia, Miller, Moore, Owen, I Padda, Piper, Randhawa, Rollins, Rouf, Shaeen, Simms, R Singh and Taylor.

Against:

Councillors Abrahams, Anandou, Chapman, Chidley, Fisher, W Gill, O Jones, S Jones, and Williams.

Abstain:

Councillors McVittie, C S Padda, Smith and Webb.

The motion as amended was carried and it was **RESOLVED** accordingly.



### 109/21 Cuts to Universal Credit

It was moved by Councillor Bostan and seconded by Councillor Piper: -

“This Council recognises how hard last eighteen months have been for the people of Sandwell during the pandemic. They have dealt with the uncertainty of a local economy put on hold, the hardship of tens of thousands of Sandwell’s residents either furloughed or out of work, and in some cases personal tragedy. Many are reliant on Universal Credit.

The announcement of this government's plans to cut Universal Credit and Working Tax Credit will be devastating for many people.

This Council deplores the fact that food bank usage in the borough is soaring, and recognises that the increase in fuel prices as we wind down into the colder months will add to pressures on household budgets. Emerging research by the Local Government Association has shown that this will force thousands of families into severe poverty.

This Council has endeavoured to shield residents from the full impact of the economic downturn in recent years, particularly in anticipation of the furlough scheme ending.

These measures include but are not limited to the following:

- An emergency food hub to feed our most vulnerable which supported thousands at the height of the pandemic.
- Free school meals for our most disadvantaged children and young people, a provision which continues despite the failure of the Conservative Government failed in its basic duty to feed Sandwell's children during school holidays amid the pandemic.
- 100 % council tax reduction scheme taking another significant burden off the shoulders of our most vulnerable, despite the huge financial challenges of ever-increasing cuts to our core grant from government.



## Meeting of Sandwell Metropolitan Borough Council – 12 October 2021

Under Labour leadership, this Council has organised workfares across our towns supporting young people in to good jobs whilst working with our skills providers to help our residents affected by Covid-related redundancies, re-skill and train into alternative forms of employment.

In Sandwell, as of July 2021, there were 42,104 people claiming universal tax credits of which, 15,876 (38%) of people were in employment. 1,396 are aged between 16-19 and Sandwell ranks the 7th highest with number of people claiming universal credit in all English metropolitan boroughs.

Research carried out by the Centre for Research in Social Policy at Loughborough University in a report called 'Local indicators of child poverty after housing costs, 2019/20' which covers the five year period from 2014–15 to 2019–20 shows an increase of child poverty in the borough of around 7%.

Council recognises the limits of its abilities to mitigate the economic downturn for its most vulnerable residents and calls upon the government to step up to its duty to protect those most at risk.

Families most at risk of deepening poverty will not benefit from the increases because they are subject to the benefits cap. Migrants without recourse to public funds, many of whom work in industries hardest hit by the lockdown, have also been left out in the cold and millions of families reliant on the legacy benefit system did not receive the uplift channelled through Universal Credit and Working Tax Credit.

This Council resolves for the Leader of the Council to write to the Secretary of State for Work and Pensions, calling upon the Government to:

- Continue the £20-a-week increase to Universal Credit and Working Tax Credit early contributions which was brought in to help households deal with the impact of COVID-19.



## Meeting of Sandwell Metropolitan Borough Council – 12 October 2021

- Extend this to other benefit schemes to help residents who are most in financial need and have been disproportionately impacted by the pandemic.

- Support Councils through better funding to help them up skill and retrain residents at risk of unemployment as furlough ends.”

In accordance with Standing Order No. 12, Councillor R Jones called for a named vote. The required support to the request was achieved and the motion as amended was put to a named vote as follows:-

For:

Councillors Ahmed, Akhter, Akpoteni, Allen, Ashman, Bostan, Carmichael, Chidley, Crompton, Fenton, E M Giles, E A Giles, L Giles, S Gill, Hartwell, Hinchliff, M Hussain, O Jones, S Jones, R Jones, Kaur, Kausar, Mabena, McVittie, Melia, Miller, Moore, Owen, C S Padda, I Padda, Piper, Randhawa, Rollins, Rouf, Shaeen, Simms, R Singh, Smith, Taylor and Webb.

Against:

Councillor Abrahams, Anandou, Chapman, Fisher, W Gill and Williams.

The motion was carried and it was RESOLVED accordingly.

Meeting ended at 10.13pm  
(following adjournment 7.24pm – 7.43pm)

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



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## **EVENTS ATTENDED SINCE 12TH OCTOBER 2021**

- Celebration of the Queens Award for Voluntary Service
- West Midlands Reserve Forces & Cadet Association Regional Briefing
- Tribute in Memory of Sir Davis Amess MP
- Launch of Blackheath RBL Poppy Appeal
- Defence Employer Recognition Silver Award Presentation
- 2 Minutes Remembrance Service
- Brook Street Remembrance Festival
- Remembrance Sunday Service
- Remembrance Service at St. Luke's Church, Cradley Heath
- Sandwell Visually Impaired AGM
- Black Country Launch of YOU
- Tipton Christmas Light Switch On
- Tipton Christmas Tree of Light
- High Sheriff – West Midlands Annual Justice Service

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## Report to Council

**7 December 2021**

<b>Subject:</b>	Election of Leader of the Council
<b>Director:</b>	Director of Law and Governance and Monitoring Officer – Surjit Tour
<b>Contact Officer:</b>	Trisha Newton Senior Democratic Services Officer Trisha_newton@sandwell.gov.uk

### 1 Recommendations

That Council:

- (1) elects an Elected Member as Leader of the Council, for a four year term of office, or for the remainder of their current term of office as councillor, subject to that person remaining as an elected member of the Council or otherwise not having been removed from office by a decision of the Council or resigned as leader, with immediate effect pursuant to the Local Government Act 2000 (as amended) and Articles 4.02(d) and 7.03 of the Council’s Constitution; and
- (2) That subject to (1) above, requests the duly elected Leader of the Council to:
  - a) confirm the Statutory Deputy Leader of the Council pursuant to Article 7.04 of the Constitution;
  - b) confirm the Cabinet Members pursuant to Article 7.06 of the Constitution;
  - c) confirm the Cabinet Portfolios pursuant to Article 7.06 of the Constitution.



## 2 Reasons for Recommendations

- 2.1 To elect the Leader of the Council with immediate effect in accordance with the Local Government Act 2000 (as amended by the Local Government and Public Involvement in Health Act 2007 and Localism Act 2011) and Articles 4.03(d) and 7.03 of the Council’s Constitution.
- 2.2 Under the Local Government Act 2000 (as amended) and Article 7.03 of the Council’s Constitution, the appointed Leader will hold office (subject to specific caveats detailed within Article 7.03) for four years or until his/her term of office as Councillor expires, if this is less than four years.
- 2.3 Subject to the election of the Leader of the Council, the duly elected Leader is statutorily required to appoint a Deputy Leader of the Council.
- 2.4 The Leader of the Council has the discretion to appoint up to nine Cabinet Members (which includes the Deputy Leader of the Council) and to determine their portfolios.
- 2.5 The Leader of the Council will therefore be invited to confirm the:
  - Statutory Deputy Leader of the Council; and
  - Cabinet Members and their Portfolios.

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

		All executive functions vest in the Leader of the Council, who together with Cabinet Members, the Cabinet and officers discharge those functions. Vision 2030 will influence and help determine how those executive functions will be discharged.
		
		



## 4 Context and Key Issues

4.1 The Local Government Act 2000, when it came into force, required almost all principal local authorities to adopt “executive arrangements” in one of three forms, namely:-

Mayor and Cabinet Executive;  
Leader and Cabinet Executive; or  
Mayor and Council Manager.

4.2 In England, Part 3 of the Local Government and Public Involvement in Health Act 2007 abolished the ‘Mayor and Council Manager’ model of governance and amended Section 11 of the Local Government Act 2000 to replace the ‘Leader and Cabinet Executive’ model with the ‘Leader and Cabinet Executive (England)’ model.

4.3 The Local Government and Public Involvement in Health Act 2007, required Metropolitan Borough Councils to approve a move to a new form of executive arrangement by 31 December 2009.

4.4 The Council’s revised governance arrangements were considered and approved by Full Council at its meeting on 1 December 2009, and the arrangements subsequently came into force on 6 May 2010, three days after the May 2010 Local Elections.

4.5 Further subsequent amendments to the executive model of governance were made by the Localism Act 2011.

4.6 Under the current Leader and Cabinet Executive (England) model, Full Council elects the Leader of the Council; however, the Leader is responsible for: -

- determining the membership size of the Cabinet (which can be between 3 and 10 excluding the Statutory Deputy Leader);
- appointing the Members of the Cabinet;
- allocating portfolios or areas of responsibility to the Cabinet Members, Cabinet, Committees of the Cabinet, and/or officers;



- allocating decision-making powers to the Cabinet and to individual Cabinet Members, Cabinet, Committees of Cabinet and officers; and
- removing and replacing Cabinet Members.

### **Cabinet Members**

- 4.7 Article 7.06 of the Constitution provides that Cabinet Members are appointed by the Leader of the Council and will hold that office until he/she is removed by the Leader or resigns, is suspended, or ceases to be a councillor. The Leader of the Council will advise the Council at the meeting of any appointments he/she intends to make.
- 4.8 Paragraph 1.2 of Part 4 of the Constitution (Executive Procedure Rules) details the information relating to each Cabinet Member that must be submitted to the Annual Meeting of the Council (ie name, address and ward).
- 4.9 Article 7.08 of the Constitution requires the Leader of the Council to maintain a list of which member of the Cabinet is responsible for the exercise of a particular executive function.

Paragraph 1.2 of Part 4 of the Constitution (Executive Procedure Rules) requires the executive leader to submit a written record of the delegations to Cabinet Members to the Annual Meeting of the Council, i.e. the Executive Portfolios. The allocation of portfolio responsibilities is the sole responsibility of the Leader of the Council.

## **5 Alternative Options**

- 5.1 In the absence of a new Leader of the Council being elected, under the Local Government Act 2000 (as amended) and Article 7.04 of the Constitution, the Deputy Leader of the Council must act in the place of the Leader of the Council.



## 6 Implications

<b>Resources:</b>	There are no strategic resource implications arising from this report. The Council has in place an approved Members' Allowances Scheme.
<b>Legal and Governance:</b>	These considerations are set out in the main body of the report.
<b>Risk:</b>	The Council is legally required to elect a Leader of the Council. In the absence of a new Leader of the Council being elected, the Deputy Leader must act.
<b>Equality:</b>	There is no requirement for an equality assessment. However, any Elected Member is eligible to be nominated as Leader of the Council. The Council has appropriate policies, procedures and practices in place to enable any Elected Member to be nominated and be supported in the role of Leader of the Council.
<b>Health and Wellbeing:</b>	There are no health and wellbeing implications arising from this report.
<b>Social Value</b>	There are no social value implications arising from this report.

## 7. Appendices

None. Details of the Statutory Deputy Leader of the Council, Cabinet Members and Cabinet Portfolios will be provided at the meeting.

## 8. Background Papers

None.



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## **Petitions**

To receive any petitions under Standing Order No. 5 (strategic policy issues or which are of a Borough-wide significance if they are relevant to some matter to which the Council has functions and responsibilities, or which affects the Borough, or part of it, or its citizens or a number of them).

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## Report to Council

7 December 2021

<b>Subject:</b>	Written Questions
<b>Director:</b>	Surjit Tour – Director of Law and Governance and Monitoring Officer

The following written questions have been received:-

### 8(a) **Councillor W Gill to the Cabinet Member for Environment**

Will the cabinet member for Environment acknowledge that this Council does not do enough to protect greenspaces, including the Sheepwash Nature Reserve in my ward of Great Bridge, and agree to reinstate a park warden on the Sheepwash Nature Reserve, in order to enforce a set of byelaws (following the process of establishing them) for the reserve which can be found in the appendix to this written question, whilst committing to the fact that greenspaces like the Sheepwash Nature Park should not be built on?

### 8(b) **Councillor Williams to the Cabinet Member for Housing**

In regards to condition 10:10 of the proposed changes to the new tenancy agreement conditions, I fear the council is moving dangerous territory as it seeks to potentially control freedom of speech on social media.

Legal professionals have informed me that this proposal is unenforceable.

The Human rights act 1998 article 10 supports freedom of expression without interference from authorities.



Under what legislation will the council enforce this proposal in court and in regards to false statements being made on social media, what procedure will you use to determine if a statement is true or false. and do you personally think it's fair to hold tenants accountable for the views their family, friends and other visitors have?

**8(c) Councillor Gavan to the Cabinet Member for Culture and Tourism**

With reference to the Aquatic Centre: Could I please have an up to date report on how the project is progressing

**8(d) Councillor Moore to the Cabinet Member for Environment**

When will the proposed 20 mph zone for Tantany Estate in West Bromwich be implemented?

**8(e) Councillor Fisher to the Deputy Leader**

Will the Deputy Leader of the Council ask the Budget and Corporate Scrutiny Management Board to review the rationale for the indemnity provided by the Council in relation to a recent litigation?

**8(f) Councillor Davies to the Leader**

Can I instead ask the leader why the Cox review of the Wragge report has not been made public?

**8(g) Councillor C S Padda to the Cabinet Member for Environment**

West Midlands Metro is affecting Tipton Green ward quite dramatically. Roadworks leading to long traffic delays. Businesses in the ward are being adversely effected as customers are being cut off from the shops and are going to other shops.

There appears to be no car parking facilities being provided at the station near Boscobel Housing Estate, which will lead to overparking on the Estate and blocking pavements. Elderly residents will find it difficult to park their vehicles

Can we have an update on the latest status of completion of the works so life can return to normality and how the parking situation is being addressed?



**8(h) Councillor Fenton to the Cabinet Member for Environment**

If the road safety campaign at Perryfields Primary is successful are there any intentions to roll that out across Sandwell to help alleviate problems at other schools?

**8(i) Councillor Kaur to the Cabinet Member for Housing**

What help is the Council receiving to rehome asylum seekers?

**8(j) Councillor McVittie to the Cabinet Member for Environment**

How many new trees has Sandwell Council planted this year?

**8(k) Councillor L Giles to the Cabinet Member for Adults, Social Care and Health**

What percentage of Sandwell Residents have taken up the offer of the Covid booster?



## Appendix A

### Sandwell Metropolitan Borough Council - Nature Reserves

Sandwell Metropolitan Borough Council in exercise of the powers conferred upon them by Sections 201, 21 ( 4 ) 2 and 1063 of the National Parks and Access to the Countryside Act 1949 in accordance with Section 236 of the Local Government Act 1972 hereby make the following byelaws for the protection of the Nature Reserve at Sheepwash in the borough of Sandwell.

#### 1. In these byelaws

- a. "The Reserve" shall mean the pieces or parcels of land containing in the whole 39 hectares or thereabouts and in the borough of Sandwell. Declared to be managed as a Nature Reserve by declarations dated in the year 2000 made by the Sandwell Metropolitan Borough Council. In pursuance of Section 19 and 21 of the National Parks and Access to the Countryside Act 1949, and the Reserve is for the purposes of identification shown as nearly as may be on the map annexed to these byelaws and therein edged black.
- b. "The Council" shall mean Sandwell Metropolitan Borough Council.
- c. "Firearm" shall have the same meaning as in Section 57 of the Firearms Act 1968.

2. Within the Reserve the following acts are hereby prohibited except insofar as they may be authorised by a permit issued by the Council when they are necessary to the proper execution of their duty by an officer of the Council or by any person, or servant of any person, employed or authorised by the Council.

#### Damage to or disturbance of things in the Reserve

- (i) spreading or using any net, or setting or using any lamp or other instrument, or any snare or lure, for the taking, injury or destruction of any living creature.
- (ii) taking molesting or intentionally disturbing, injuring or killing any living creature.
- (iii) taking or intentionally disturbing or destroying the eggs, larvae, pupae or other immature stages, or the place used for shelter or protection of any living creature.
- (iv) intentionally removing or displacing any tree, shrub, plant, fungus or part thereof, or any unfashioned mineral thing including water.<sup>1</sup>

#### Bringing Animals into the Reserve

- (v) intentionally bringing, or permitting to be brought, into the Reserve any living creature, or the egg of any living creature, or any plant, or any seed or other part of any plant, in such circumstances that it is likely that such creature or plant will reproduce or propagate itself, or such egg will hatch, or such seed will germinate.
- (vi) bringing into or permitting to remain within the Reserve any animal other than a dog ensuring it is kept under proper control and is prevented from worrying or disturbing any animal or bird.
- (vii) turning out any animal or poultry to feed or graze. (viii) exercising/flying any bird of prey.

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<sup>1</sup> 1. Amended by Natural Environment and Rural Communities (NERC) Act 2006. Telecommunications Act 1984, Water Act 1989 and Communications Act 2003. 2. Amended by the (NERC) Act 2006 3. Amended by the (NERC) Act 2006 and the Environmental Protection Act 1990)



- (viii) no person shall lead or ride any horse or pony unless it is in an area set aside and clearly signed for that purpose.<sup>2</sup>

### **Areas of water**

- (ix) committing any act which pollutes or is likely to cause pollution of any water.
- (x) obstructing any flow or any drain or watercourse.

### **Use of Vehicles**

- (xi) driving, riding, propelling, or leaving any mechanically propelled vehicle elsewhere than on a highway or on a road, or in a place indicated by a notice as being available for the purpose and not exceeding 10mph.
- (xii) any person with an agreed permit to travel within the greater reserve shall not exceed 10mph and will drive with hazard lights on and give way to pedestrians at all times.

### **Use of certain equipment**

- (xiii) using any apparatus for the transmission, reception, reproduction or amplification of any sound, speech or images by electrical or mechanical means, except photographic equipment, apparatus designed and used as an aid to defective hearing and apparatus used in a vehicle so as not to produce sound audible by a person outside the vehicle.
- (xiv) using any device designed or adapted for detecting or locating any metal or mineral in the Reserve.

### **Use of firearms etc.**

- (xv) being in possession of a firearm (with ammunition suitable for use in that firearm) or discharging a firearm or lighting a firework.)
- (xvi) projecting any missile manually or by artificial means.

### **General Prohibitions**

- (xvii) erecting, occupying, or using any tent, caravan or other structure for the purpose of camping elsewhere than in an area indicated by a notice as being available for camping.
- (xviii) flying any powered model aircraft.
- (xix) erecting any post, rail, fence, pole, booth, stand, building or other structure. a. neglecting to shut any gate or to fasten it if any means of doing so are provided.
- (xx) posting or placing any notice or advertisement.
- (xxi) selling or offering or exposing for sale or letting for hire or offering or exposing for letting for hire, any commodity or article, or selling or offering for sale any service. a. engaging in any activity which is causing or likely to cause a disturbance. b. holding any show, performance, public meeting, exhibition or sports or the playing of any organised games...)
- (xxii) cycling, roller skating or skate boarding.

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<sup>2</sup> The Public Spaces Protection Order (No1) made under S.59 of The Anti-social Behaviour, Crime & Policing Act 2014 to be extended to the Sheepwash Nature Reserve.



- (xxiii) lighting any fire, stove, heater or other appliance capable of causing a fire, elsewhere than in an area indicated by a notice as being available for BBQs.
- (xxiv) letting fall or throwing any lighted match or lighted substance in a manner likely to cause a fire.
- (xxv) intentionally leaving items in a place other than a receptacle provided by the Council for deposit of litter or refuse.

### **Interference with Duly Authorised Officer**

Intentionally obstructing any officer of the Council or any person, or the servant of a person, employed or authorised by the Council in the execution of any works including research or scientific work connected with the laying out, maintenance or management of the Reserve.

### **Permits**

- (i) the Council may issue permits authorising any person to do any act or class of acts within the Reserve or any part thereof which would otherwise be unlawful under these byelaws.
- (ii) any such permit shall be issued subject to the following conditions:
  - a) that it must be carried whenever a visit is made to the Reserve, and produced for inspection when required by a person duly authorised by the Council in that behalf; and
  - b) that it may be revoked by the Council at any time.

### **Byelaws**

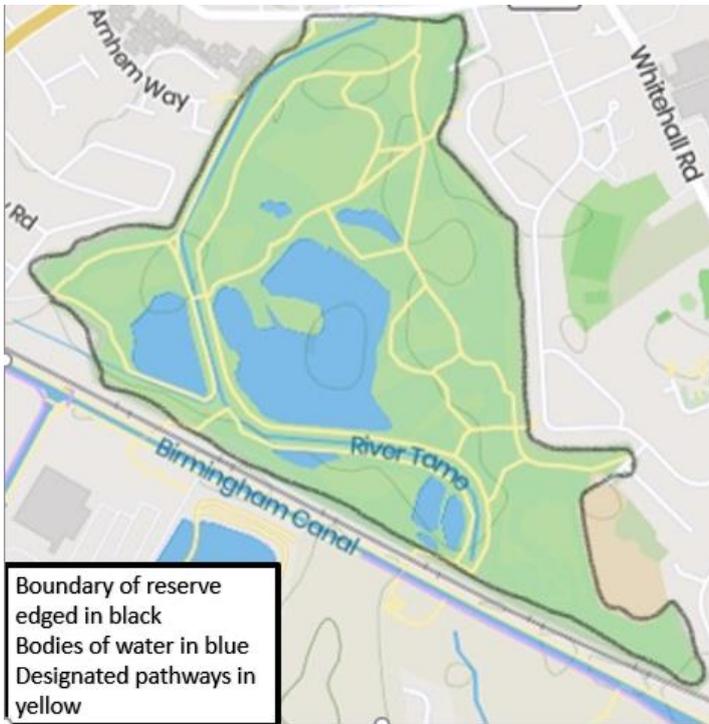
These byelaws shall not operate so as to interfere with the exercise:

- (i) by a person of
  - a) a right vested in him/her as owner, lessee or occupier of land in the reserve,
  - b) any easement or profit a prendre to which he is entitled,
  - c) any public right of way.
- (ii) of any functions of a local authority, statutory undertaker or drainage authority. (iii) by a constable or a member of the armed forces or of any fire brigade or ambulance service of the performance of his duty.

### **Penalty**

Any person who offends against any of these byelaws shall be liable on summary conviction to a fine not exceeding Level 2 on the Standard Scale and in the case of a continuing offence to a further fine for each day during which the offence continues after the said conviction





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## Report to Council

7 December 2021

<b>Subject:</b>	Constitution and Political Balance of Committees and Boards and Appointment to Vacancies on Committee, Boards and Other Bodies
<b>Director:</b>	Surjit Tour Director of Law and Governance and Monitoring Officer
<b>Contact Officer:</b>	Surjit Tour Surjit_tour@sandwell.gov.uk

### 1 Recommendations

- 1.1 To approve the political balance of the committees, boards and other fora for the remainder of 2021-22, as set out in Appendix A.
- 1.2 To consider any revisions to appointments on committees, boards and other bodies.
- 1.3 That subject to 1.2 above, the nominations received be approved and appointed to those vacant bodies with immediate effect.

### 2 Reasons for Recommendations

- 2.1 An elected member has resigned from their role as councillor, it is therefore necessary for the Council to consider the constitution and political balance of committees and boards for the remainder of 2021-22 Municipal Year.
- 2.2 Council is also asked to consider any revisions to appointments to committees, boards and other bodies.



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

		The Council's decision-making structures are designed to support the delivery of the Corporate Plan.
		
		

### 4 Context and Key Issues

4.1 Section 15 of the Local Government and Housing Act 1989 provides, amongst other things, that where a local authority is divided into different political groups, it will have regard to the allocation to the different political groups on the Council, of all of those seats on any ordinary committee, sub-committee and Joint Authorities established pursuant to Part IV of the Local Government Act 1985.

4.2 The regulations provide for a political group to comprise two or more elected members of a local authority.

4.3 Notification has been received of 3 groups –

Labour	59
Conservative	10
Sandwell Together	2
Vacant	1
	—
	72

The seats on committees have been allocated according to proportionality rules (as set out in Appendix A).

Following the calculation, there is no change, the number of seats allocated to each Group remains the same.



4.4 A political group represented on the Council may choose to allocate a proportion of its allocation of seats to an elected member who is not in a political group on the Council, without affecting proportionality.

## 5 Alternative Options

5.1 There is no alternative option, the Council has a duty to allocate seats according to political party, in accordance with the Act and appointment of elected members to committees and other/outside bodies can only be made by full Council.

## 6 Implications

<b>Resources:</b>	There are no direct resources arising from this report.
<b>Legal and Governance:</b>	There is a duty on the Council to allocate seats to political groups, as per the Local Government and Housing Act 1989. Council can determine the making of non-executive appointments to committees and other fora. Council is under a legal and constitutional obligation to make appointments to its committees, boards and other fora to ensure the effective operation of the Council's functions and other obligations, duties and responsibilities.
<b>Risk:</b>	There are no direct implications arising from this report.
<b>Equality:</b>	
<b>Health and Wellbeing:</b>	
<b>Social Value</b>	

## 7. Appendices

Appendix A – Revisions to appointments to committees/boards/other bodies

Appendix B – Political Balance of Committees and Boards

## 8. Background Papers

None



### Changes to Appointments to Committees/Boards

Committee	Member
Vice Chair - Children's Services and Education Scrutiny Board	Councillor W Gill to replace Councillor Chambers as Vice Chair
Member – Children's Services and Education Scrutiny Board	Councillor Henlan to replace Councillor W Gill as member

### Changes to Outside Bodies

Organisation	Current Representative(s)	Nomination(s)
West Midlands Combined Authority Board	Leader of the Councillor Deputy Leader of the Council Substitutes: Cabinet Member for Environment Cabinet Member for Regeneration and Growth	Leader of the Councillor Deputy Leader of the Council Substitutes: Cabinet Member for Community Safety Cabinet Member for Culture and Tourism



**Constitution and  
Political Balance  
of the Executive,  
Committees, Panels  
and Other Fora  
2021/22**

**A  
p  
p  
e  
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d  
i  
x  
  
B**

**Sandwell Metropolitan Borough Council  
Constitution of Boards, Committees and  
Other Fora 2021/22**

	<b>Labour</b>	<b>Conservative</b>	<b>Sandwell Together</b>	<b>Total</b>
<b>Scrutiny Boards</b>				
Budget and Corporate	5	1	0	6
Health and Adult Social Care	9	1	1	11
Economy, Skills, Transport and Environment	9	2	0	11
Safer Neighbourhoods and Active Communities	10	1	0	11
Children's Services and Education	8	2	1	11
				50
<b>Constitutional and Quasi-Judicial Committees/Panels</b>				
Select Committee for Electoral Participation	4	1	0	5
Select Committee for Policy Review	5	1	1	7
Audit and Risk Assurance Committee	6	1	0	7
Planning Committee	14	2	0	16
Licensing Committee	12	2	1	15
General Purposes and Arbitration Committee	6	1	0	7
Governance and Constitution Review Committee	7	1	0	8
Land and Asset Management Committee	6	1	0	7
Ethical Standards and Member Development Committee	7	1	0	8
Chief Officer Terms and Conditions Committee	6	1	0	7
Emergency Committee	6	1	0	7
				94
	<b>120</b>	<b>20</b>	<b>4</b>	<b>144</b>

## Report to Council

7 December 2021

<b>Subject:</b>	<b>Treasury Management Mid-Year Review</b>
<b>Director:</b>	Simone Hines - Director of Finance
<b>Contact Officer:</b>	Rebecca Maher (Head of Finance) <a href="mailto:Rebecca_Maher@sandwell.gov.uk">Rebecca_Maher@sandwell.gov.uk</a>

### 1 Recommendations

#### That Council:

- 1.1 Approve the Treasury Mid-Year Review 2021/22 and Prudential Indicators as attached at Appendix 1.

### 2 Reasons for Recommendations

- 2.1 The CIPFA Code of Practice on Treasury Management requires Council to receive and approve a mid-year review report.

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

The Council's financial status helps to underpin the Council's Corporate Plan and the associated aspirations.

	Best start in life for children and young people
	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 CIPFA Code of Practice on Treasury Management requires a mid-year report to be prepared and reported to full Council.

4.2 The report is attached at Appendix 1 and covers the following issues:

- An economic update for the first part of 2021/22 financial year;
- A review of the Treasury Management Strategy Statement and Annual Investment Strategy;
- A review of the Council's investment portfolio for 2021/22;
- A review of the Council's borrowing strategy for 2021/22;
- A review of any debt rescheduling undertaken during 2021/22;
- A review of compliance with Treasury and Prudential Limits for 2021/22.

4.3 Council are asked to review and approve this report in accordance with the CIPFA Code of Practice.

## 5 Alternative Options

5.1 There are limited alternative options – the CIPFA Code requires the Council to receive an approve the Mid-Year review, although the Council could ask for changes to our current treasury arrangements.



## 6 Implications

<b>Resources:</b>	Resource implications are contained within the main body of the report.
<b>Legal and Governance:</b>	No direct implications arising from the recommendations.
<b>Risk:</b>	This information is contained within the main body of this report.
<b>Equality:</b>	No direct implications arising from the recommendations.
<b>Health and Wellbeing:</b>	No direct implications arising from the recommendations.
<b>Social Value</b>	No direct implications arising from the recommendations.

## 7. Appendices

Treasury Management Mid-Year Review

## 8. Background Papers

None



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## Treasury Management Strategy Statement and Prudential Indicators Mid-Year Monitoring Report 2021/22

### **1 Background**

#### **1.1 Treasury Management**

The Council operates a balanced budget, which broadly means cash raised during the year will meet its cash expenditure. Part of the treasury management operations ensure this cash flow is adequately planned, with surplus monies being invested in low risk counterparties, providing adequate liquidity initially before considering optimising investment return.

The second main function of the treasury management service is the funding of the Council's capital plans. These capital plans provide a guide to the borrowing need of the Council, essentially the longer-term cash flow planning to ensure the Council can meet its capital spending operations. This management of longer term cash may involve arranging long or short-term loans or using longer term cash flow surpluses and on occasion, any debt previously drawn, may be restructured to meet Council risk or cost objectives.

Accordingly, treasury management is defined as:

*“The management of local authority’s borrowing, investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities and the pursuit of optimum performance consistent with those risks.”*

### **2. Introduction**

This report has been written in accordance with the requirements of the CiPFA Code of Practice on Treasury Management (revised 2017).

The primary requirements of the Code are as follows:

- Creation and maintenance of a Treasury Management Policy Statement which sets out the policies and objectives of the Council's treasury management activities.
- Creation and maintenance of Treasury Management Practices which set out the way the Council will seek to achieve those policies and objectives.
- Receipt by the full council of an annual Treasury Management Strategy Statement – including the Annual Investment Strategy and Minimum Revenue Provision Policy – for the year ahead, a Mid-Year Review

Report and an Annual Report (stewardship report) covering activities during the previous year.

- Delegation by the Council of responsibilities for implementing and monitoring treasury management policies and practices and for the execution and administration of treasury management decisions.
- Delegation by the Council of the role of scrutiny of treasury management strategy and policies to a specified named body. For this Council the delegated body is the Budget and Corporate Scrutiny Management Board.

This mid-year report has been prepared in compliance with CiPFA's Code of Practice on Treasury Management and covers the following:

- An economic update for the first part of 2021/22 financial year;
- A review of the Treasury Management Strategy Statement and Annual Investment Strategy;
- A review of the Council's investment portfolio for 2021/22;
- A review of the Council's borrowing strategy for 2021/22;
- A review of any debt rescheduling undertaken during 2021/22;
- A review of compliance with Treasury and Prudential Limits for 2021/22.

### **3. Economics and Interest Rates**

#### **3.1 UK Summary Economic Update**

UK GDP grew by 3.6% in the three months to July 2021, down from a 4.8% expansion in the previous three-month period. The y/y figure grew by 7.5% for July 2021 compared to the expansion of 15.2% y/y growth in June 2021. The Monetary Policy Committee voted unanimously to keep interest rates on hold at 0.1% and the stock of sterling non-financial investment-grade corporate bond purchases at £20bn. Bank Rate is likely to be unchanged at 0.10% until 2023. It will probably take that long for spare capacity in the UK economy to be eroded and for inflationary forces to become sufficient for the MPC to take action to raise Bank Rate.

The IHS Markit/CIPS UK Composite PMI was revised down to 54.1 in September 2021, slightly below forecasts of 54.5 and below 54.8 in August. The reading pointed to the slowest growth in private sector activity since February.

The consumer price inflation rate in the UK jumped to 3.2% in August of 2021, the highest since March 2021, from 2% in July and above market forecasts of 2.9%. A low base effect from last year had the biggest impact, because, in part, of discounted restaurant and café prices in August 2020 resulting from the government's Eat Out to Help Out scheme and, to a lesser extent, reductions in Value Added Tax across the same sector.

The number of people in work in the UK rose by 183 thousand on quarter to 32.36 million in the three months to July 2021, the fourth increase in this measure since the initial outbreak of COVID-19 after a 95,000 figure in the three months to June. The UK unemployment rate fell to 4.6 percent in the three months to July 2021, the lowest level since the June-August 2020 period and in line with market expectations. The number of people claiming for unemployment benefits in the United Kingdom fell by 58,600 in August, after falling by 7,800 in July, which is the sixth consecutive month of declining joblessness. Average weekly earnings, excluding bonuses, rose by 6.8% y/y in the three months to July compared to a 7.3% y/y rise in the three months to June. Including bonuses, earnings eased to 8.3% from 8.8% in the previous period.

The Halifax House Price Index rose 7.1% y/y in August. On a monthly basis, prices were up 0.7%, the smallest gain in house prices since March as much of the impact from the stamp duty holiday faded.

### 3.2 Interest Rate Movements and Expectations

The table below shows interest rate forecasts provided by Link Asset Services, as the Council's advisor for treasury management, incorporating the Public Works Loans Board (PWLB) certainty rates:

Link Group Interest Rate View		29.9.21								
	Dec-21	Mar-22	Jun-22	Sep-22	Dec-22	Mar-23	Jun-23	Sep-23	Dec-23	Mar-24
BANK RATE	0.10	0.10	0.25	0.25	0.25	0.25	0.50	0.50	0.50	0.75
3 month ave eamings	0.10	0.10	0.20	0.20	0.30	0.40	0.50	0.50	0.60	0.70
6 month ave eamings	0.20	0.20	0.30	0.30	0.40	0.50	0.60	0.60	0.70	0.80
12 month ave eamings	0.30	0.40	0.50	0.50	0.50	0.60	0.70	0.80	0.90	1.00
5 yr PWLB	1.40	1.40	1.50	1.50	1.60	1.60	1.60	1.70	1.70	1.70
10 yr PWLB	1.80	1.80	1.90	1.90	2.00	2.00	2.00	2.10	2.10	2.10
25 yr PWLB	2.20	2.20	2.30	2.30	2.40	2.40	2.40	2.50	2.50	2.60
50 yr PWLB	2.00	2.00	2.10	2.20	2.20	2.20	2.20	2.30	2.30	2.40

The coronavirus outbreak has done huge economic damage to the UK and to economies around the world. After the Bank of England took emergency action in March 2020 to cut the Bank Rate to 0.10%, it left the Bank Rate unchanged at its subsequent meetings.

As shown in the forecast table above, one increase in Bank Rate from 0.10% to 0.25% has now been included in quarter 2 of 2022/23, a second increase to 0.50% in quarter 2 of 2023/24 and a third one to 0.75% in quarter 4 of 2023/24.

#### Significant risks to the forecasts

- COVID vaccines do not work to combat new mutations and/or new vaccines take longer than anticipated to be developed for successful implementation.
- The pandemic causes major long-term scarring of the economy.
- The Government implements an austerity programme that suppresses GDP growth.
- The MPC tightens monetary policy too early – by raising Bank Rate or unwinding QE.

- The MPC tightens monetary policy too late to ward off building inflationary pressures.
- Major stock markets e.g. in the US, become increasingly judged as being over-valued and susceptible to major price corrections. Central banks become increasingly exposed to the “moral hazard” risks of having to buy shares and corporate bonds to reduce the impact of major financial market sell-offs on the general economy.
- Geo-political risks are widespread e.g. German general election in September 2021 produces an unstable coalition or minority government and a void in high-profile leadership in the EU when Angela Merkel steps down as Chancellor of Germany; on-going global power influence struggles between Russia/China/US.

### **The balance of risks to the UK**

- The overall balance of risks to the economic growth in the UK is now to the downside, including residual risks from Covid and its variants – both domestically and their potential effects worldwide.

## **4. Treasury Management Strategy Statement and Annual Investment Strategy Update**

The Treasury Management Strategy Statement (TMSS) for 2021/22 was approved by this Council on 24 February 2021.

The underlying TMSS approved previously requires revision in the light of economic and operational movements during the year. The proposed changes and supporting detail for the changes are set out below:

	<b>2021/22</b>	
	<b>Original Estimate</b> £'m	<b>Revised Prudential Indicator</b> £'m
Authorised Limit	786.001	859.111
Operational Boundary	586.702	781.010
Capital Financing Requirement	786.001	781.010

## **5. The Council’s Capital Position (Prudential Indicators)**

This part of the report is structured to update:

- The Council’s capital expenditure plans;
- How these plans are being financed;
- The impact of the changes in the capital expenditure plans on the prudential indicators and the underlying need to borrow; and
- Compliance with the limits in place for borrowing activity

### **5.1. Prudential Indicator for Capital Expenditure**

This table shows the projected outturn for capital expenditure based on projections at period 6, along with the expected financing arrangements against the original indicators set at the time the capital programme was agreed in February 2021.

	2021/22	
	Original Estimate £'m	Projected Outturn £'m
<b>Capital Expenditure</b>		
General Fund	94.804	92.734
HRA	70.808	76.541
<b>Total</b>	<b>165.612</b>	<b>169.275</b>
<b>Resourced by:</b>		
Capital Receipts	32.836	25.630
Capital Grants & Contributions	44.591	53.902
Revenue	18.536	25.058
<b>Capital Expenditure Financed from Borrowing</b>	<b>69.649</b>	<b>64.685</b>

There has been an overall reduction in the projected level of expenditure to be financed from borrowing. This is due to the reduced spending activity within the General Fund programme.

The borrowing need underlines the indebtedness of the Council by way of the Capital Financing Requirement (CFR), although this will be reduced in part by revenue charges for the repayment of debt known as the Minimum Revenue Provision (MRP). This direct borrowing need may also be supplemented by maturing debt and other treasury requirements.

## **5.2. Changes to the Prudential Indicators for the Capital Financing Requirement (CFR), External Debt and the Operational Boundary**

The table shows the CFR, which is the underlying external need to incur borrowing for a capital purpose. It also shows the expected debt position over the period, which is termed as the Operational Boundary.

	2021/22					
	Original Estimate			Projected Outturn		
	HRA	General Fund	Total	HRA	General Fund	Total
	£'m	£'m	£'m	£'m	£'m	£'m
<b>Opening Capital Financing Requirement</b>	<b>442.251</b>	<b>299.833</b>	<b>742.084</b>	<b>442.244</b>	<b>299.833</b>	<b>742.077</b>
add: Capital Expenditure funded from Borrowing	53.721	15.928	69.649	50.213	14.472	64.685
less: MRP	-10.000	-10.449	-20.449	-10.000	-10.470	-20.470
add: Movement on Other Long Term Liabilities	-1.324	-3.959	-5.283	-1.323	-3.959	-5.282
<b>Closing Capital Financing Requirement</b>	<b>484.648</b>	<b>301.353</b>	<b>786.001</b>	<b>481.134</b>	<b>299.876</b>	<b>781.010</b>
<b>External Debt / Operational Boundary</b>						
Borrowing			520.645			535.661
Other Long Term Liabilities*			66.057			64.651
<b>Total Debt at 31 March (Operational Boundary)</b>			<b>586.702</b>			<b>600.312</b>

\* - Represents the estimated finance lease creditors liability as at 31 March 2021 in relation to 'on balance sheet' PFI schemes and the assets included within the Serco waste contract which have been included on the balance sheet in accordance with International Financial Reporting Standards.

### 5.3. Limits to Borrowing Activity

The first key control over the treasury activity is a prudential indicator to ensure that over the medium term, net borrowing (borrowings less investments) will only be for a capital purpose. Gross external borrowing should not, except in the short term, exceed the total of the CFR in the preceding year plus the estimates of any additional CFR for 2021/22 and the next two financial years. This allows some flexibility for limited early borrowing for future years. The Council has approved a policy for borrowing in advance of need which will be adhered to if this proves prudent.

	2021/22	
	Original Estimate £'m	Projected Outturn £'m
Gross Borrowing	520.645	535.661
add: Other Long Term Liabilities*	66.057	64.651
<b>Total Debt</b>	<b>586.702</b>	<b>600.312</b>
<b>CFR (Year end position)</b>	<b>786.001</b>	<b>781.010</b>

\* Includes on balance sheet PFI schemes and finance leases etc.

The Section 151 Officer can report that there are no difficulties envisaged for the current or future years in complying with this prudential indicator.

A further prudential indicator controls the overall level of borrowing. This is the Authorised Limit which represents the limit beyond which borrowing is prohibited and needs to be set and revised by Members. It reflects the level of borrowing which, while not desired, could be afforded in the short term but is not sustainable

in the longer term. It is the expected maximum borrowing need with some headroom for unexpected movements. This is the statutory limit determined under section 3 (1) of the Local Government Act 2003.

	2021/22	
	Original Estimate £'m	Projected Outturn £'m
Borrowing	719.944	716.359
add: Other Long Term Liabilities*	66.057	64.651
<b>Total Operational Limit</b>	<b>786.001</b>	<b>781.010</b>
<b>Total Authorised Limit</b>	<b>786.001</b>	<b>859.111</b>

\* Includes on balance sheet PFI schemes and finance leases etc.

## 6. Borrowing / Debt Activity during 2021/22

This table shows the Council's actual external debt and anticipated need against the underlying capital borrowing need (the CFR), highlighting any under or over borrowing.

	2021/22	
	Original Estimate £'m	Projected Outturn £'m
External Debt as at 1 April	520.645	535.661
Expected need to 31 March	0.000	0.000
Other Long Term Liabilities*	66.057	64.651
<b>Estimated Debt as at 31 March</b>	<b>586.702</b>	<b>600.312</b>
<b>Capital Financing Requirement</b>	<b>786.001</b>	<b>781.010</b>
(-)Under / (+)Borrowed	-199.299	-180.698
Investment as at 31 March	-25.000	-25.000
<b>Net Debt Position as at 31 March</b>	<b>561.702</b>	<b>575.312</b>

\* - Includes on balance sheet PFI schemes and finance leases etc.

No new long-term loans have been taken out during the first six months of 2021/22. Officers will continue to consider the Council's borrowing requirement during the remainder of the year to ensure it has adequate resources to maintain its capital programme.

The Council is currently under borrowed to address investment counterparty risk and the cost of carry on investments (investment yield up to 0.011%, long

term borrowing rates are approximately 2.41%). There is interest rate risk, as longer-term borrowing rates may rise; this position is being carefully monitored.

The revised budget position for debt charges is shown in the table below:

	2021/22	
	Original Estimate £'m	Projected Outturn £'m
Debt Charges	45.155	44.740

The reduction in debt charges is due to a reduction in MRP costs within the HRA.

### 6.1. Debt Rescheduling

Debt rescheduling opportunities have been very limited in the current economic climate and following the various increases in the margins added to gilt yields which have impacted PWLB new borrowing rates since October 2010, no debt rescheduling has therefore been undertaken to date, in the current financial year.

## 7. Investment Strategy 2021/22 – 2025/26

### Key Objectives

In accordance with the Code, it is the Council's priority to ensure security of capital and liquidity, and to obtain an appropriate level of return which is consistent with the Council's risk appetite. As shown by the forecasts in section 3.2, it is now impossible to earn the level of interest rates commonly seen in previous decades as all investment rates up to 12 months are either negative or barely above zero now that Bank Rate is at 0.10%. Given this risk environment and the fact that increases in Bank Rate are unlikely to occur before the end of the current forecast horizon of 31st March 2023, investment returns are expected to remain low.

### Current Investment Position

The Council held £101.630m of investments at 30 September 2021 with the structure of the portfolio being detailed below and in line with IFRS9. This table also highlights the 'historic risk of default' on these investments. As at 30 September 2021 the Council is reporting a risk of default percentage of 0.000%:

Borrower	Principal (£)	Interest Rate	Start Date	Maturity Date	Lowest LT / Fund Rating	Historic Risk of Default
Bank of Scotland Plc (RFB)	0	0.65%		Call	A+	0.000%
First Abu Dhabi Bank PJSC	0	0.43%		Call	AA-	0.000%
Santander UK PLC	0	0.40%		Call	A	0.000%
Shinhan Bank	0	0.45%		Call	A	0.000%
The Royal Bank of Scotland Plc (RFB)	679,810	0.01%		Call	A	0.000%
MMF Aberdeen Standard Investments	10,000,000	0.01%		MMF	AAAm	
MMF Aviva	10,700,000	0.01%		MMF	AAAm	
MMF BlackRock	20,000,000	0.01%		MMF	AAAm	
MMF BNP Paribas	20,000,000	0.00%		MMF	AAAm	
MMF CCLA	10,000,000	0.02%		MMF	AAAm	
MMF Federated Investors (UK)	10,000,000	0.01%		MMF	AAAm	
MMF Fidelity	10,000,000	0.01%		MMF	AAAm	
MMF Invesco	10,000,000	0.01%		MMF	AAAm	
* 6 Towns Credit Union	250,000	1.49%	13/11/2017	14/11/2022	Not Rated	
<b>Total Investments</b>	<b>£101,629,810</b>	<b>0.01%</b>				<b>0.000%</b>

The section 151 Officer confirms that the approved limits within the Annual Investment Strategy were not breached during the 6 months of 2021/22.

The revised budget position for investment income is shown in the table below; it shows the estimated interest earned based on average temporary deposits of £78.324m (placed between 1 April 2021 and 30 September 2021), the estimated interest accrued by non-general fund deposits and HRA estimated internal borrowing interest for 2021/22:

	2021/22	
	Original Estimate £'m	Projected Outturn £'m
Interest on Temporary Deposits	0.040	0.007
Interest Payable on Non GF Deposits	-0.062	-0.006
Interest on HRA Internal Borrowing	2.486	2.040
<b>Interest Receivable</b>	<b>2.464</b>	<b>2.041</b>

## Risk Benchmarking

A regulatory development is the consideration and approval of security and liquidity benchmarks. Yield benchmarks are currently widely used to assess investment performance. Discrete security and liquidity benchmarks are new requirements to Member reporting, although the application of these is more subjective in nature.

The current position against the originally approved benchmarks is reported below;

% Benchmarks	7 Day	1 Month	3 Month	6 Month	12 Month
Benchmark Return (LIBID Uncompounded)	-0.08%	-0.07%	-0.05%	-0.02%	0.07%

## Liquidity

In respect of this area, the Council set liquidity facilities / benchmarks to maintain:

- Bank overdraft - £2m
- Liquid short-term deposits of at least £21m available within a week's notice.

The Section 151 Officer can report that liquidity arrangements have been adequate during the year to date.

## **Yield**

Local measures of yield benchmarks are:

- Investments – Internal returns to be above the 7-day LIBID rate

The Director of Resources can report that the return to date has averaged 0.011%, against an average 7-day LIBID at 30 September 2021 of -0.08%.

## **8. Other**

### **8.1 Compliant with Treasury and Prudential Limits**

It is a statutory duty for the Council to determine and keep under review the affordable borrowing limits. During the half year ended 30th September 2021, the Council has operated within the treasury and prudential indicators set out in the Council's Treasury Management Strategy Statement for 2021/22. The Director of Finance reports that no difficulties are envisaged for the current or future years in complying with these indicators.

All treasury management operations have also been conducted in full compliance with the Council's Treasury Management Practices.

### **8.2 Full Economic Update**

The Monetary Policy Committee (MPC) voted unanimously to leave Bank Rate unchanged at 0.10% and made no changes to its programme of quantitative easing purchases due to finish by the end of this year at a total of £895bn; two MPC members voted to stop the last £35bn of purchases as they were concerned that this would add to inflationary pressures.

There was a major shift in the tone of the MPC's minutes at this meeting from the previous meeting in August which had majored on indicating that some tightening in monetary policy was now on the horizon, but also not wanting to stifle economic recovery by too early an increase in Bank Rate. In his press conference after the August MPC meeting, Governor Andrew Bailey said, "the challenge of avoiding a steep rise in unemployment has been replaced by that of ensuring a flow of labour into jobs" and that "the Committee will be monitoring closely the incoming evidence regarding developments in the labour market, and particularly unemployment, wider measures of slack, and underlying wage pressures." In other words, it was flagging up a potential danger that labour shortages could push up wage growth by more than it expects and that, as a result, CPI inflation would stay above the 2% target for longer. It also discounted sharp increases in monthly inflation figures in the pipeline

in late 2021 which were largely propelled by events a year ago e.g., the cut in VAT in August 2020 for the hospitality industry, and by temporary shortages which would eventually work their way out of the system: in other words, the MPC had been prepared to look through a temporary spike in inflation.

So, in August the country was just put on alert. However, this time the MPC's words indicated there had been a marked increase in concern that more recent increases in prices, particularly the increases in gas and electricity prices in October and due again next April, are, indeed, likely to lead to faster and higher inflation expectations and underlying wage growth, which would in turn increase the risk that price pressures would prove more persistent next year than previously expected. Indeed, to emphasise its concern about inflationary pressures, the MPC pointedly chose to reaffirm its commitment to the 2% inflation target in its statement; this suggested that it was now willing to look through the flagging economic recovery during the summer to prioritise bringing inflation down next year. This is a reversal of its priorities in August and a long way from words at earlier MPC meetings which indicated a willingness to look through inflation overshooting the target for limited periods to ensure that inflation was 'sustainably over 2%'. Indeed, whereas in August the MPC's focus was on getting through a winter of temporarily high energy prices and supply shortages, believing that inflation would return to just under the 2% target after reaching a high around 4% in late 2021, now its primary concern is that underlying price pressures in the economy are likely to get embedded over the next year and elevate future inflation to stay significantly above its 2% target and for longer.

Financial markets are now pricing in a first increase in Bank Rate from 0.10% to 0.25% in February 2022, but this looks ambitious as the MPC has stated that it wants to see what happens to the economy, and particularly to employment once furlough ends at the end of September. At the MPC's meeting in February it will only have available the employment figures for November: to get a clearer picture of employment trends, it would need to wait until the May meeting when it would have data up until February. At its May meeting, it will also have a clearer understanding of the likely peak of inflation.

The MPC's forward guidance on its intended monetary policy on raising Bank Rate versus selling (quantitative easing) holdings of bonds is as follows: -

- Placing the focus on raising Bank Rate as "the active instrument in most circumstances".
- Raising Bank Rate to 0.50% before starting on reducing its holdings.
- Once Bank Rate is at 0.50% it would stop reinvesting maturing gilts.
- Once Bank Rate had risen to at least 1%, it would start selling its holdings.

COVID-19 vaccines. These have been the game changer which have enormously boosted confidence that life in the UK could largely return to normal during the summer after a third wave of the virus threatened to overwhelm hospitals in the spring. With the household saving rate having been exceptionally high since the first lockdown in March 2020, there is plenty of pent-up demand and purchasing

power stored up for services in hard hit sectors like restaurants, travel and hotels. The big question is whether mutations of the virus could develop which render current vaccines ineffective, as opposed to how quickly vaccines can be modified to deal with them and enhanced testing programmes be implemented to contain their spread.

**US.** See comments below on US treasury yields.

**EU.** The slow roll out of vaccines initially delayed economic recovery in early 2021 but the vaccination rate has picked up sharply since then. After a contraction in GDP of -0.3% in Q1, Q2 came in with strong growth of 2%, which is likely to continue into Q3, though some countries more dependent on tourism may struggle. Recent sharp increases in gas and electricity prices have increased overall inflationary pressures but the ECB is likely to see these as being only transitory after an initial burst through to around 4%, so is unlikely to be raising rates for a considerable time. German general election. With the CDU/CSU and SPD both having won around 24-26% of the vote in the September general election, the composition of Germany's next coalition government may not be agreed by the end of 2021. An SPD-led coalition would probably pursue a slightly less restrictive fiscal policy, but any change of direction from a CDU/CSU led coalition government is likely to be small. However, with Angela Merkel standing down as Chancellor as soon as a coalition is formed, there will be a hole in overall EU leadership which will be difficult to fill.

**China.** After a concerted effort to get on top of the virus outbreak in Q1 2020, economic recovery was strong in the rest of the year; this enabled China to recover all the initial contraction. During 2020, policy makers both quashed the virus and implemented a programme of monetary and fiscal support that was particularly effective at stimulating short-term growth. At the same time, China's economy benefited from the shift towards online spending by consumers in developed markets. These factors helped to explain its comparative outperformance compared to western economies during 2020 and earlier in 2021. However, the pace of economic growth has now fallen back after this initial surge of recovery from the pandemic and China is now struggling to contain the spread of the Delta variant through sharp local lockdowns - which will also depress economic growth. There are also questions as to how effective Chinese vaccines are proving. In addition, recent regulatory actions motivated by a political agenda to channel activities into officially approved directions, are also likely to reduce the dynamism and long-term growth of the Chinese economy.

**Japan.** 2021 has been a patchy year in combating Covid. However, after a slow start, nearly 50% of the population are now vaccinated and Covid case numbers are falling. After a weak Q3 there is likely to be a strong recovery in Q4. The Bank of Japan is continuing its very loose monetary policy but with little prospect of getting inflation back above 1% towards its target of 2%, any time soon: indeed, inflation was negative in July. New Prime Minister Kishida has promised a large

fiscal stimulus package after the November general election – which his party is likely to win.

World growth. World growth was in recession in 2020 but recovered during 2021 until starting to lose momentum more recently. Inflation has been rising due to increases in gas and electricity prices, shipping costs and supply shortages, although these should subside during 2022. It is likely that we are heading into a period where there will be a reversal of world globalisation and a decoupling of western countries from dependence on China to supply products, and vice versa. This is likely to reduce world growth rates from those in prior decades.

Supply shortages. The pandemic and extreme weather events have been highly disruptive of extended worldwide supply chains. At the current time there are major queues of ships unable to unload their goods at ports in New York, California and China. Such issues have led to mis-distribution of shipping containers around the world and have contributed to a huge increase in the cost of shipping. Combined with a shortage of semi-conductors, these issues have had a disruptive impact on production in many countries. Many western countries are also hitting up against a difficulty in filling job vacancies. It is expected that these issues will be gradually sorted out, but they are currently contributing to a spike upwards in inflation and shortages of materials and goods on shelves.

### **Forecasts for Bank Rate**

Bank Rate is not expected to go up fast after the initial rate rise as the supply potential of the economy has not generally taken a major hit during the pandemic, so should be able to cope well with meeting demand without causing inflation to remain elevated in the medium-term, or to inhibit inflation from falling back towards the MPC's 2% target after the surge to around 4% towards the end of 2021. Three increases in Bank rate are forecast in the period to March 2024, ending at 0.75%. However, these forecasts may well need changing within a relatively short time frame for the following reasons: -

- There are increasing grounds for viewing the economic recovery as running out of steam during the summer and now into the autumn. This could lead into stagflation which would create a dilemma for the MPC as to which way to face.
- Will some current key supply shortages e.g., petrol and diesel, spill over into causing economic activity in some sectors to take a significant hit?
- Rising gas and electricity prices in October and next April and increases in other prices caused by supply shortages and increases in taxation next April, are already going to deflate consumer spending power without the MPC having to take any action on Bank Rate to cool inflation. Then we have the Government's upcoming budget in October, which could also end up in reducing consumer spending power.
- On the other hand, consumers are sitting on around £200bn of excess savings left over from the pandemic so when will they spend this sum, in part or in total?

- There are 1.6 million people coming off furlough at the end of September; how many of those will not have jobs on 1st October and will, therefore, be available to fill labour shortages in many sectors of the economy? So, supply shortages which have been driving up both wages and costs, could reduce significantly within the next six months or so and alleviate the MPC's current concerns.
- There is a risk that there could be further nasty surprises on the Covid front, on top of the flu season this winter, which could depress economic activity.

In summary, with the high level of uncertainty prevailing on several different fronts, it is likely that these forecasts will need to be revised again soon - in line with what the new news is.

It also needs to be borne in mind that Bank Rate being cut to 0.10% was an emergency measure to deal with the Covid crisis hitting the UK in March 2020. At any time, the MPC could decide to simply take away that final emergency cut from 0.25% to 0.10% on the grounds of it no longer being warranted and as a step forward in the return to normalisation. In addition, any Bank Rate under 1% is both highly unusual and highly supportive of economic growth.

### **Forecasts for PWLB rates and gilt and treasury yields**

As the interest forecast table for PWLB certainty rates above shows, there is likely to be a steady rise over the forecast period, with some degree of uplift due to rising treasury yields in the US.

There is likely to be exceptional volatility and unpredictability in respect of gilt yields and PWLB rates due to the following factors: -

- How strongly will changes in gilt yields be correlated to changes in US treasury yields?
- Will the Fed take action to counter increasing treasury yields if they rise beyond a yet unspecified level?
- Would the MPC act to counter increasing gilt yields if they rise beyond a yet unspecified level?
- How strong will inflationary pressures turn out to be in both the US and the UK and so impact treasury and gilt yields?
- How will central banks implement their new average or sustainable level inflation monetary policies?
- How well will central banks manage the withdrawal of QE purchases of their national bonds i.e., without causing a panic reaction in financial markets as happened in the "taper tantrums" in the US in 2013?
- Will exceptional volatility be focused on the short or long-end of the yield curve, or both?

The forecasts are also predicated on an assumption that there is no break-up of the Eurozone or EU within our forecasting period, despite the major challenges that are looming up, and that there are no major ructions in international relations,

especially between the US and China / North Korea and Iran, which have a major impact on international trade and world GDP growth.

### **Gilt and treasury yields**

Since the start of 2021, there has been a lot of volatility in gilt yields, and hence PWLB rates. During the first part of the year, US President Biden's, and the Democratic party's determination to push through a \$1.9trn (equivalent to 8.8% of GDP) fiscal boost for the US economy as a recovery package from the Covid pandemic was what unsettled financial markets. However, this was in addition to the \$900bn support package already passed in December 2020 under President Trump. This was then followed by additional Democratic ambition to spend further huge sums on infrastructure and an American families plan over the next decade which are caught up in Democrat / Republican haggling. Financial markets were alarmed that all this stimulus, which is much bigger than in other western economies, was happening at a time in the US when: -

- A fast vaccination programme has enabled a rapid opening up of the economy.
- The economy had already been growing strongly during 2021.
- It started from a position of little spare capacity due to less severe lockdown measures than in many other countries. A combination of shortage of labour and supply bottle necks is likely to stoke inflationary pressures more in the US than in other countries.
- And the Fed was still providing monetary stimulus through monthly QE purchases.

These factors could cause an excess of demand in the economy which could then unleash stronger and more sustained inflationary pressures in the US than in other western countries. This could then force the Fed to take much earlier action to start tapering monthly QE purchases and/or increasing the Fed rate from near zero, despite their stated policy being to target average inflation. It is notable that some Fed members have moved forward their expectation of when the first increases in the Fed rate will occur in recent Fed meetings. In addition, more recently, shortages of workers appear to be stoking underlying wage inflationary pressures which are likely to feed through into CPI inflation. A run of strong monthly jobs growth figures could be enough to meet the threshold set by the Fed of "substantial further progress towards the goal of reaching full employment". However, the weak growth in August, (announced 3.9.21), has spiked anticipation that tapering of monthly QE purchases could start by the end of 2021. These purchases are currently acting as downward pressure on treasury yields. As the US financial markets are, by far, the biggest financial markets in the world, any trend upwards in the US will invariably impact and influence financial markets in other countries. However, during June and July, longer term yields fell sharply; even the large non-farm payroll increase in the first week of August seemed to cause the markets little concern, which is somewhat puzzling, particularly in the context of the concerns of many commentators that inflation may not be as transitory as the Fed is expecting it to be. Indeed, inflation pressures and erosion of surplus economic capacity look

much stronger in the US than in the UK. As an average since 2011, there has been a 75% correlation between movements in 10-year treasury yields and 10 year gilt yields. This is a significant UPWARD RISK exposure to our forecasts for longer term PWLB rates. However, gilt yields and treasury yields do not always move in unison.

There are also possible DOWNSIDE RISKS from the huge sums of cash that the UK populace have saved during the pandemic; when savings accounts earn little interest, it is likely that some of this cash mountain could end up being invested in bonds and so push up demand for bonds and support their prices i.e., this would help to keep their yields down. How this will interplay with the Bank of England eventually getting round to not reinvesting maturing gilts and then later selling gilts, will be interesting to keep an eye on.

The balance of risks to medium to long term PWLB rates: -

There is a balance of upside risks to forecasts for medium to long term PWLB rates.

### **A new era – a fundamental shift in central bank monetary policy**

One of the key results of the pandemic has been a fundamental rethinking and shift in monetary policy by major central banks like the Fed, the Bank of England and the ECB, to tolerate a higher level of inflation than in the previous two decades when inflation was the prime target to bear down on so as to stop it going above a target rate. There is now also a greater emphasis on other targets for monetary policy than just inflation, especially on ‘achieving broad and inclusive “maximum” employment in its entirety’ in the US before consideration would be given to increasing rates.

- The Fed in America has gone furthest in adopting a monetary policy based on a clear goal of allowing the inflation target to be symmetrical, (rather than a ceiling to keep under), so that inflation averages out the dips down and surges above the target rate, over an unspecified period of time.
- The Bank of England has also amended its target for monetary policy so that inflation should be ‘sustainably over 2%’ and the ECB now has a similar policy.
- For local authorities, this means that investment interest rates and very short term PWLB rates will not be rising as quickly or as high as in previous decades when the economy recovers from a downturn and the recovery eventually runs out of spare capacity to fuel continuing expansion.
- Labour market liberalisation since the 1970s has helped to break the wage-price spirals that fuelled high levels of inflation and has now set inflation on a lower path which makes this shift in monetary policy practicable. In addition, recent changes in flexible employment practices, the rise of the gig economy and technological changes, will all help to lower inflationary pressures.
- Governments will also be concerned to see interest rates stay lower as every rise in central rates will add to the cost of vastly expanded levels of national

debt; (in the UK this is £21bn for each 1% rise in rates). On the other hand, higher levels of inflation will help to erode the real value of total public debt.

### **8.3 Changes in Risk Appetite**

There is no change to the Council Risk appetite at present however, the authority is currently assessing the potential rewards and risks of investing in property funds.

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## Report to Council

7 December 2021

<b>Subject:</b>	Proposed departure from the Development Plan at land to the rear Bakshish House, Rood End Road, Oldbury, B69 4HT - Proposed 1 No. industrial unit, two storey office block and ground floor showroom with associated access, parking and landscaping
<b>Director:</b>	Tony McGovern - Director of Regeneration & Growth - Neighbourhoods
<b>Contact Officer:</b>	Andrew Dean Senior Planner <a href="mailto:andrew_dean@sandwell.gov.uk">andrew_dean@sandwell.gov.uk</a>

### 1 Recommendations

- 1.1 Allow an exception to the local development plan in respect of planning application DC/21/65491 - Proposed 1 No. industrial unit, two storey office block and ground floor showroom with associated access, parking and landscaping at land to the rear of Bakshish House, Rood End Road, Oldbury.

### 2 Reasons for Recommendations

- 2.1 The proposal is on land allocated for housing within the Site Allocations and Delivery Development Plan Document. It is necessary for the Council to consider whether or not to grant an exception to its policy to allow the application to proceed.



2.2 Although the site is allocated for housing land, Planning Policy have confirmed they are not aware of any plans for a residential scheme in this location. Further to this, for a residential use to be acceptable, a comprehensive redevelopment would be required. It is for these reasons, that an industrial use in this location would be acceptable in policy terms. The proposed development is acceptable in its scale, design and appearance, and would not cause significant harm to the amenity of the occupiers of adjacent properties. Furthermore, there would be no significant impact to the safety and convenience of users of the highway as a result of the proposed development.

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



A strong and inclusive economy – the proposal would create jobs within the local area.

### 4 Context and Key Issues

- 4.1 At the meeting of Planning Committee held on the 10<sup>th</sup> November 2021 consideration was given to planning application DC/21/65491 for a proposed 1 No. industrial unit, two storey office block and ground floor showroom with associated access, parking and landscaping.
- 4.2 At the meeting, the Committee approved the planning application with conditions subject to the application being referred to Full Council as a departure from the approved development plan.
- 4.3 The application was publicised by neighbour notification letter, site notice and press notice with three objections being received.
- 4.4 Council will need to approve the application as it is a departure from the Development Plan. The site is currently allocated for housing; therefore it is necessary for the Council to consider whether or not to grant an exception to adopted policy to allow the application to proceed.
- 4.5 The purpose of this report is to discuss the ‘departure’ from the Development Plan only. It is not the role of Council to reconsider the wider planning merits of the application which have already been considered by the Planning Committee.



4.6 The Council's Highways, Planning Policy, Transportation Planning, Urban Design, Public Health (noise, contaminated land and air quality) have been consulted as well as the Canal and River Trust, Severn Trent and Lead Local Flood Authority. There were no objections subject to various conditions being imposed.

## 5 Alternative Options

5.1 Refusing the departure is an option, in doing so clear planning justification would have to be provided as any refusal of planning permission could result in an appeal and costs being awarded against the Council.

## 6 Implications

<b>Resources:</b>	The granting of exceptions to the Development Plan would not have any implications for the resources of the Council.
<b>Legal and Governance:</b>	The Planning Committee has delegated powers to determine planning applications within current Council policy. The decision to grant permission for this proposal would be contrary the Development Plan. Consequently, the Committee has referred the application to the Council to consider whether or not an exception to the development plan should be granted.
<b>Risk:</b>	None Relevant.
<b>Equality:</b>	None Relevant.
<b>Health and Wellbeing:</b>	None Relevant.
<b>Social Value</b>	The proposal would create jobs and apprentices during the construction phase.

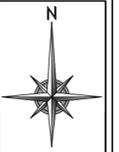
## 7. Appendices

Planning application reference – DC/21/65491 - Proposed 1 No. industrial unit, two storey office block and ground floor showroom with associated access, parking and landscaping.

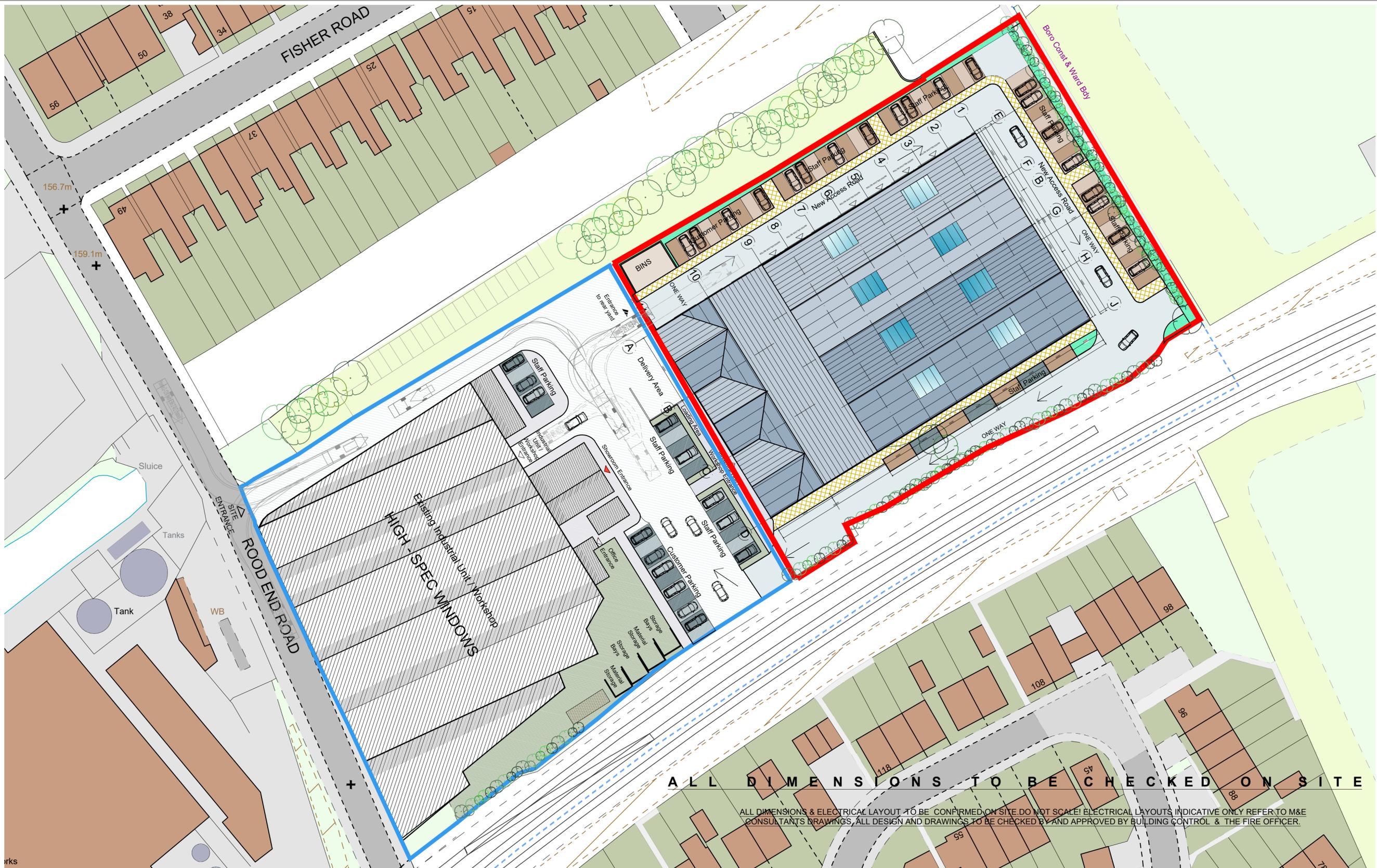
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Revisions  
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Date Feb. 2021	Drawn DsB	Scale 1:500 @ A2
Preliminary ●	Construction ○	

Client High Spec Windows  
Job title Proposed Office block & erection of Industrial Units

Drawing title Proposed site plan  
Drawing No. BDBC/21/41 - 03A

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# Report to Council

**7 December 2021**

<b>Subject:</b>	Proposed departure from the Development Plan at Locarno Works, Locarno Road, Tipton, DY4 9AF - Proposed 3 storey office building and utility yard with associated parking, new vehicle and pedestrian access
<b>Director:</b>	Tony McGovern - Director of Regeneration & Growth - Neighbourhoods
<b>Contact Officer:</b>	William Stevens Principal Planning Officer <a href="mailto:William_stevens@sandwell.gov.uk">William_stevens@sandwell.gov.uk</a>

## 1 Recommendations

- 1.1 That approval be given to an exception to the Development Plan in respect of planning application DC/21/65623 - Proposed 3 storey office building and utility yard with associated parking, new vehicle and pedestrian access at Locarno Works, Locarno Road, Tipton.

## 2 Reasons for Recommendations

- 2.1 The proposal is on land allocated for housing.



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



A strong and inclusive economy – the proposal would create jobs within the local area.

### 4 Context and Key Issues

- 4.1 Planning Committee approved the development on the 10<sup>th</sup> November 2021 under reference DC/21/65623 for a proposed 3 storey office building and utility yard with associated parking, new vehicle and pedestrian access.
- 4.2 The application was publicised by neighbour notification letters, site notice and press notice without objections.
- 4.3 Council will need to approve the application as it is a departure from the Development Plan. The site is currently allocated for housing; therefore it is necessary for the Council to consider whether or not to grant an exception to adopted policy to allow the application to proceed.
- 4.4 The purpose of this report is to discuss the ‘departure’ from the Development Plan only. It is not the role of Council to reconsider the wider planning merits of the application which have already been considered by Planning Committee.
- 4.6 The application has been publicised by neighbour notification letters, and site and press notice, without response. The Council’s Highways, Planning Policy, and Environmental Health teams have also been consulted on the proposal. No overall objections have been received from consultees which cannot be overcome by condition.

### 5 Alternative Options

- 5.1 Refusing the departure is an option, in doing so clear planning justification would have to be provided as any refusal of planning permission could result in an appeal and costs being awarded against the Council.



## 6 Implications

<b>Resources:</b>	The granting of exceptions to the Development Plan would not have any implications for the resources of the Council.
<b>Legal and Governance:</b>	The Planning Committee has delegated powers to determine planning applications within current Council policy. The decision to grant permission for this proposal would be contrary the Development Plan. Consequently, the Committee has referred the application to the Council to consider whether or not an exception to the development plan should be granted.
<b>Risk:</b>	None Relevant.
<b>Equality:</b>	None Relevant.
<b>Health and Wellbeing:</b>	None Relevant.
<b>Social Value</b>	The proposal would create jobs and apprentices during the construction phase.

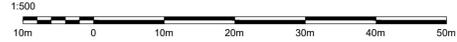
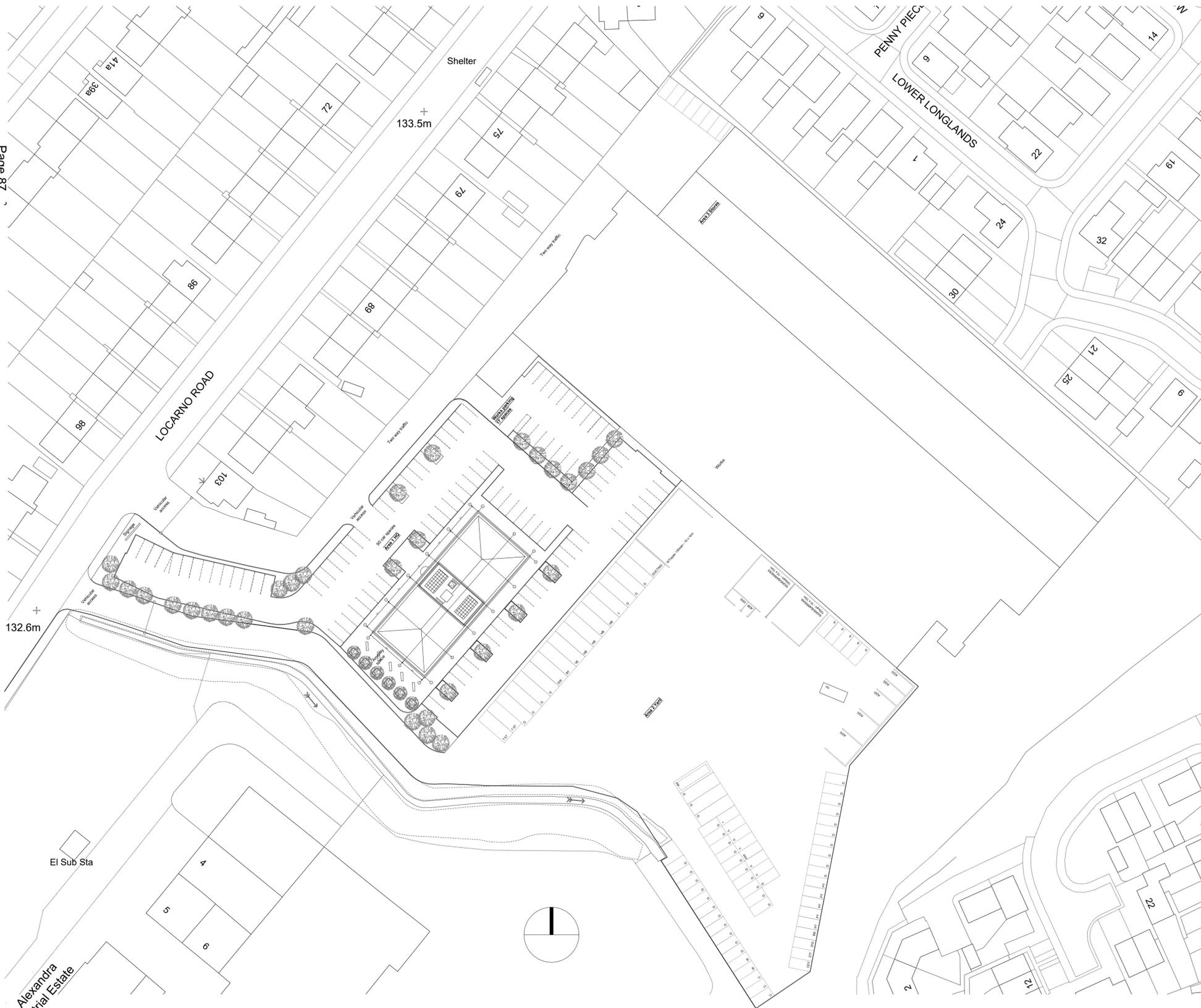
## 7. Appendices

### 7.1 Planning application reference – DC/21/65623

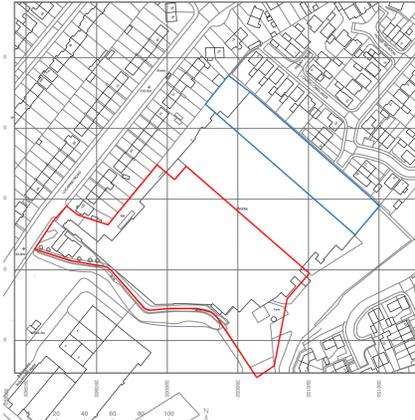
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Proposed Site Plan 1:500



Location Plan 1:2500

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Khoury Architects are to be notified immediately of any variation between drawings and site conditions.

**Notes:**  
All site dimensions and setting out to be checked and determined by contractor.

Khoury Architects take no responsibility of legal boundaries indicated on this drawing and advise a separate drawing be completed by a specialist surveyor in order to establish exact boundaries.

- Boundary line
- North
- Adjacent Ownership line

Rev	Date	Description	By
B	30.04.2021	Issued for planning	VG
A	19.11.2020	Red line amended	VG
/	18.11.2020	First Issue	VG

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Stourbridge  
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**Client**  
**Doocoy Group**

**Address**  
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Tipton  
DY4 9AF

**Title**  
**Location Plan**  
**Proposed Site Plan**

Drawn: **VG** Date: **April 2021** Scale: **As shown**  
Checked: **AK** CAD Ref: **288.P.01.010**  
Drawing Number:

**288.P01.001B**

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## Report to Council

7 December 2021

<b>Subject:</b>	Appointment of Independent Person for Standards Matters
<b>Director:</b>	Surjit Tour – Director of Law and Governance and Monitoring Officer
<b>Contact Officer:</b>	Trisha Newton Senior Democratic Services Officer Trisha_Newton@sandwell.gov.uk

### 1 Recommendations

- 1.1 That Council considers the extension of the appointment of Mr John Tew, Independent Person for Standards Matters for a further four year period ending 31 January 2026.

### 2 Reasons for Recommendations

- 1.1 In accordance with the Localism Act 2011, arrangements must be put in place for the appointment by the Council of at least one Independent Person whose views must be sought and taken into account by the Council before it makes its decision on an allegation against an elected member that it has decided to investigate.
- 1.2 The Independent Person's views may be sought by a member or co-opted member of the Council if that person's behaviour is the subject of an allegation, and may also be sought by the Council in relation to an allegation it has not yet decided to investigate.



- 1.3 The Council has decided to have three Independent Persons. There is currently a vacancy and the recruitment process has commenced to appoint a third Independent Person, any recommendations as to a further appointment will be submitted to Council at its meeting in March.
- 1.4 Of the two currently appointed Independent Persons, one appointment in relation to Mr John Tew is due to expire on 31 January 2022. Mr Tew has indicated that he is happy to continue in the role for a further period and Council is therefore asked to consider an extension of Mr Tew's appointment for a further four year period.
- 1.5 At its meeting on 9 November 2021, the Ethical Standards and Member Development Committee made a recommendation to Full Council that Mr Tew's appointment be extended for a further four year period.

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

		The role of the Independent Person is advisory and is important in providing assurance to the Council and the public that standards matters are being dealt with effectively, fairly and proportionately.
		
		

**4 Context and Key Issues**

- 4.1 In accordance with the Localism Act 2011, arrangements must be put in place for the appointment by the Council of at least one Independent Person. The Committee on Standards in Public Life recommended that there should be at least 2 Independent Persons for Standards Matters. Their views must be sought and taken into account by the Council before it makes a decision on an allegation against an elected member that it has decided to investigate. The Independent Person's views may be sought by a member or co-opted member of the Council if that person's behaviour is the subject of an allegation, and may also be sought by the Council in relation to an allegation it has not yet decided to investigate.



- 4.2 In order to be eligible to be an Independent Persons Under S 28 Localism Act 2011 the person must not be an Elected Member, Co-opted Member or officer of Sandwell Council and they must not have been any of the above in the past 5 years prior to the Appointment. The Council has decided to have three Independent Persons.
- 4.3 The Council currently has 2 Independent persons. One was appointed on 31 January 2018 until 31 January 2022 (and has agreed to remain in place for a further four year period, subject to Council approval). A recruitment exercise was carried out in early 2020, which resulted in one suitable candidate being appointed as an Independent Person on 10 March 2020 until 10 March 2024. This left one remaining vacancy which is currently being advertised and any recommendations for appointment will be submitted to Full Council for approval in March.

## 5 Implications

<b>Resources:</b>	The role of Independent Person/Independent Member is a voluntary position and no annual allowance is paid in respect of this appointment. However, travelling and subsistence expenses are paid at the appropriate rate.
<b>Legal and Governance:</b>	Section 27 of the Localism Act 2011 requires authorities to promote and maintain high standards of conduct by their members and co-opted members. The Act requires local authorities to have in place mechanisms to investigate allegations that a member has not complied with their Code of Conduct, and arrangements under which decisions on allegations may be made. Section 28(7) of the Act requires local authorities to appoint at least one Independent Person to advise the Council before it makes a decision on an allegation. The Independent Person also advises a member facing an allegation who has sought the views of that person. There are restrictions on who can be appointed as the Independent Person, mainly, that the Independent Person cannot be a councillor, officer or their relative or close friend. Public notice has to be given of recruitment for the role.



<b>Risk:</b>	Section 28(7) of the Localism Act 2011 requires local authorities to appoint at least one Independent Person to advise the Council before it makes a decision on an allegation.
<b>Equality:</b>	An equality impact assessment is not required.
<b>Health and Wellbeing:</b>	There are no direct health and wellbeing implications arising from this report.
<b>Social Value</b>	There are no direct social value implications arising from this report.

## 6 Appendices

None

## 7. Background Papers

None



**7 December 2021**

The following summary reports relate to those minutes of the Cabinet which contain a recommendation to the Council.

<b>Meeting Date</b>	<b>Subject</b>
20 October 2021	Proposal to Declare the Whole of Sandwell as a Smoke Control Area (Revoking and replacing the existing 51 SCAs) – report attached.



# 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?**

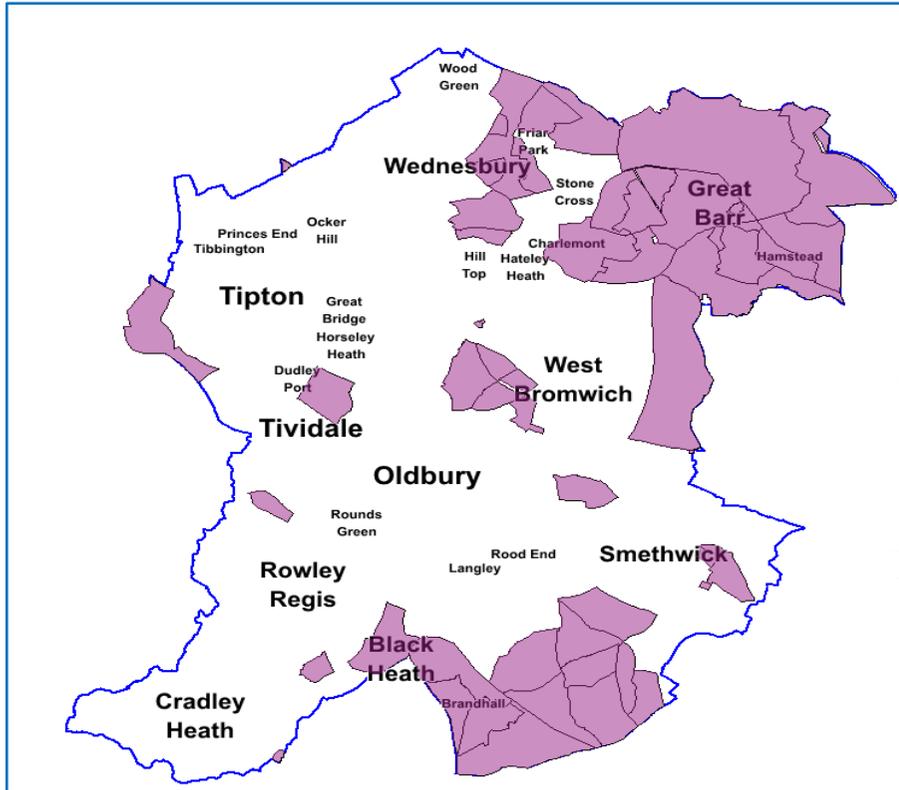
A. All commercial biomass boilers that burn wood and coal in a Smoke Control Area need to be Defra 'exempt appliances'. A list of exempt appliances is listed on the Website: [Defra Exempt Appliances](#). All commercial biomass boiler manufacturers are required to meet Defra exemption requirements under 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).

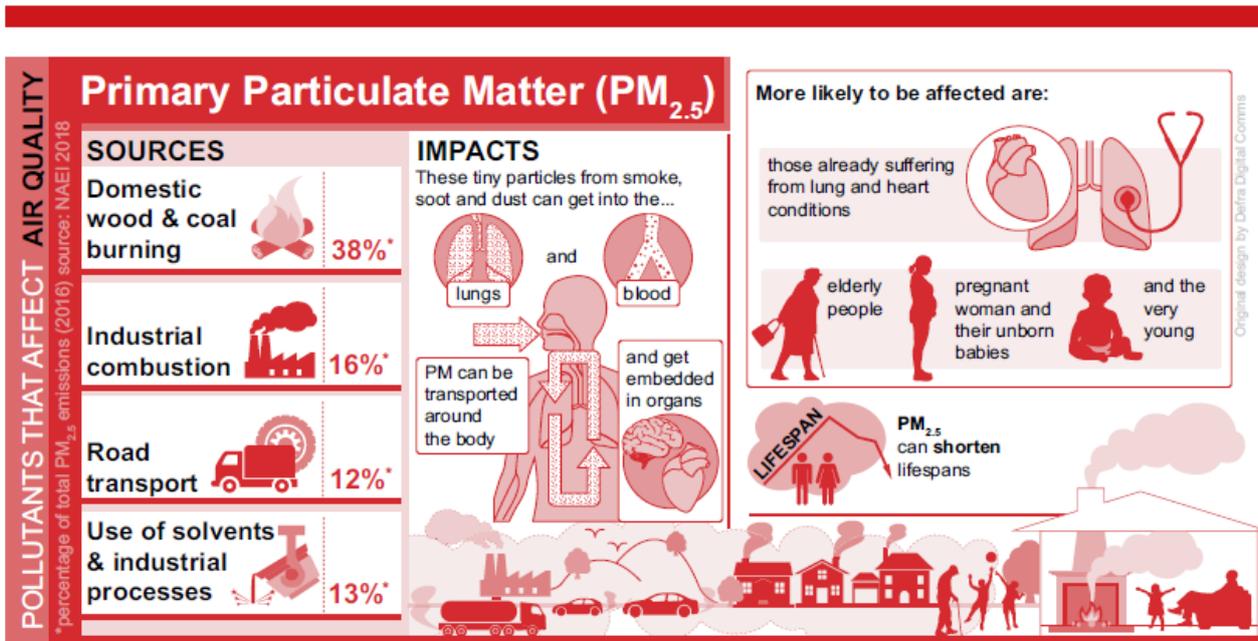
- Yes
- No
- Don't know

**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

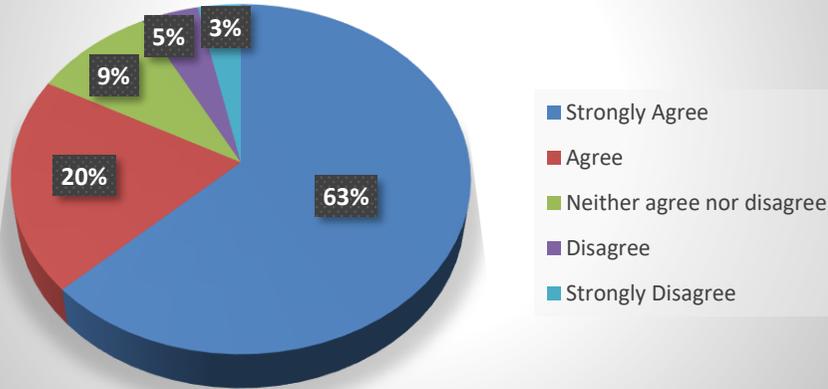
(17 Respondents)

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

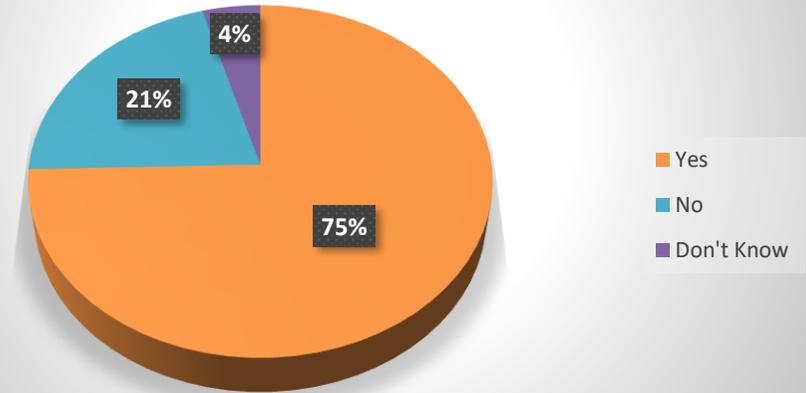
Q. Do you think all of Sandwell should be protected by a Smoke Control Area Order?	%
No	25
Yes	68.8
Don't Know	6.3

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

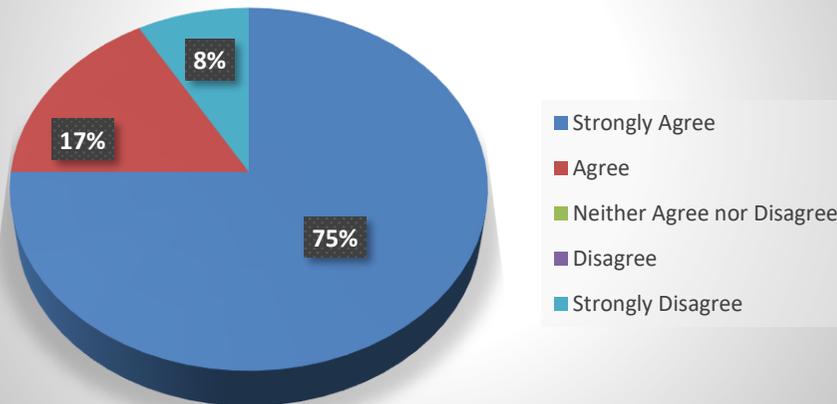
**Q.** How much do you agree or disagree that improving air quality should be a key priority for Sandwell? (Residents)



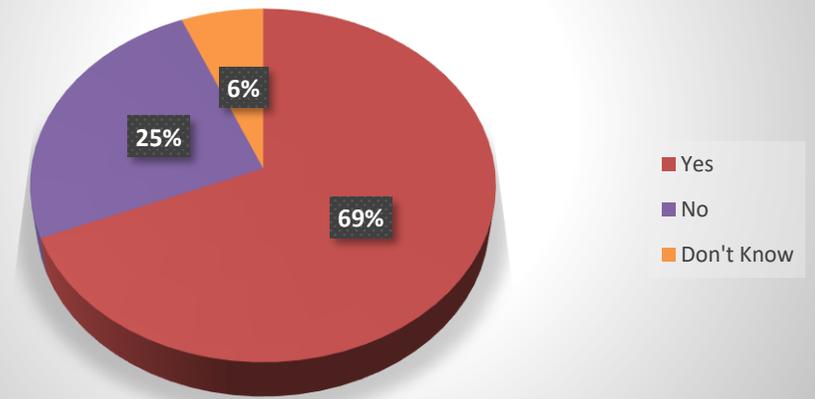
**Q.** Currently only some parts of Sandwell are protected by a Smoke Control Area order - do you think all of Sandwell should be? (Residents)



**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.	No	29/06/2021
2.	Surveys launched with information on the SCA proposal via social media platforms, press releases, and through local schools.	No	13/07/2021
3.	Councillor workshop arranged for 31 August 2021 to discuss the proposal, listen to feedback and investigate/consider any concerns.	No	31/08/2021
4.	Surveys close 1 September 2021– results to be analysed and summarised for Cabinet Committee on 20 October 2021	No	31/08/2021
5.	Proposal for 'Intention to Declare a Smoke Control Area' to be shared with the Adult Health and Scrutiny Committee on 13 September 2021.	No	13/09/2021
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.	No	20/10/2021



Step	Action	Legal Requirement? (Yes or No)	Date
7.	<p><b>Notice of Intention to Declare a Smoke Control Area</b></p> <p>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></p> <p>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.	<p>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.</p>	No	November and December 2021



Step	Action	Legal Requirement? (Yes or No)	Date
9.	<p><b>Return to Cabinet for Approval</b></p> <p>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 Smoke Control Order, this would revoke the existing 51 SCAs and declare a Borough-wide Smoke Control Area.</p>	No	9 February 2022
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. 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</p>	Yes	September 2022



Step	Action	Legal Requirement? (Yes or No)	Date
	<p>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>		



## 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. 25/20) 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.

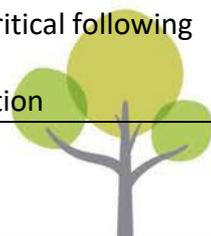
**Agreed** that the Director – Finance be authorised to consider and approve the Full Business Case and associated reports for the West Bromwich Towns Fund Digital Den Project for submission to the Department for Levelling Up, Housing and Communities, to be delivered by Greets Green Community Enterprises.

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 <small>UNAUTHORISED REPRODUCTION INFRINGES CROWN COPYRIGHT AND MAY LEAD TO PROSECUTION OR CIVIL PROCEEDINGS</small>	
	AREA 425.1 M2    508.4 Y2	SANDWELL MBC LICENCE NO 100032119 2021	
	PLAN NUMBER SAM/06980/005		

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# Minutes of The Cabinet

**Wednesday 20 October 2021 at 3.30pm  
in the Council Chamber, Sandwell Council House, Oldbury**

**Present:** Councillor R Singh (Chair)  
Councillors Ahmed, Bostan, Carmichael, Crompton, Hartwell,  
I Padda and Piper.

**Also present:** Councillors E M Giles, L Giles, 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), Rashpal Bishop (Director of Adult Social Care), Gillian Douglas (Director of Housing), Tony McGovern (Director of Regeneration and Growth), Lisa McNally (Director of Public Health), Sue Stanhope (Interim Director of Human Resources), Surjit Tour (Director of Law and Governance and Monitoring Officer), Rebecca Maher (Head of Finance), Elaine Newsome (Service Manager – Democracy), Suky Suthi-Nagra (Democratic Services Manager) and James Trickett (ICT Strategic Lead).

## 174/21 **Minute Silence**

Members paid tributes to Sir David Amess, MP for Essex constituency, who was tragically stabbed last week. A minute’s silence was held in his memory.



Members were reminded of the vigil in memory of Sir David Amess which would be held outside the Council House at 5.00pm that day.

175/21 **Apologies for Absence**

Apologies for absence were received from Councillors Millard and Simms.

176/21 **Declarations of Interest**

There were no interests declared at the meeting.

177/21 **Minutes**

**Resolved** that the minutes of the meeting held on 29 September 2021 be confirmed as a correct record.

178/21 **Additional Items of Business**

There were no additional items of business to consider.

179/21 **Recommendations of the Scrutiny Review of Special Educational Needs and Disabilities Transport Models**

The Chair of the Children's Services and Education Scrutiny Board presented the recommendations of the Board, following the Scrutiny Review of Special Educational Needs and Disabilities (SEND) Transport Models.

The Chair of Children's Services and Education Scrutiny Board advised that the Board was aware that all recommendations could not be implemented immediately but hoped to see a gradual improvement in the service with the new provider on board.



In response, the Deputy Leader and Cabinet Member for Finance and Resources confirmed, on behalf of the Cabinet Member for Children and Education, that all the recommendations of the review would be fully considered by Cabinet.

### **Reason for Decision**

The recommendations had 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 covered 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.

### **Alternative Options Considered**

In accordance with the Localism Act 2011, Cabinet was requested to respond to the recommendations of the Children's Services and Education Scrutiny Board within two months, setting out any approved recommendations and how they would be implemented.

Cabinet could decide not to 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.

**Agreed** that the response to the findings of the Children's Services and Education Scrutiny Board be submitted to the Scrutiny Board within two months' time.

180/21

### **Childcare Sufficiency Report 2021/2022**

Consideration was given to the eight recommendations arising from the Sandwell Childcare Sufficiency Report 2021-2022, which detailed how the Council was meeting its duty, as set out in the Children and Families Act 2014, to secure sufficient childcare as follows:-



1. to continue to support childcare providers to deliver high quality, sustainable provision;
2. to improve the quality of the providers which were judged by Ofsted as Requires Improvement or Inadequate by working intensively with them and those that delivered early education funded places;
3. to undertake a parent survey, increasing social media engagement and strengthened links with Jobcentre Plus to understand local demand for childcare;
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;
5. to undertake parent consultation to understand demand for wraparound childcare and how flexible it needed to be. To monitor wraparound childcare to ensure sufficient places were available for families;
6. to continue to work with childcare providers to ensure business viability and monitor for any red flags where providers were at greater risk of closure. To monitor capacity and childcare places to ensure sufficiency through the borough. To promote childminding as a business opportunity;
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;
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.

In response to questions raised by the Chair of the Children's Services and Education Scrutiny Board in relation to equality of childcare provision across Sandwell's six towns, effects of lockdown on children who accessed childcare, and concerns regarding the low take-up of provision by two-year-olds, the Cabinet Member for Finance and Resources, in the absence of Cabinet Member for Children and Education, confirmed that:-



- even though quality of provision was comparatively even across six towns, ease of access to childcare places was not. This was due to an uneven number of providers across each town. Factors such as lack of suitable buildings and lack of demand in some parts of the borough contributed to this, as well as parental preferences on whether their child would attend a nursery near their workplace or near home. This created a fluctuating demand that was difficult to plan for;
- it was confirmed that there was no unmet demand for childcare places in the borough this year. Working with childcare brokers, the Council had been able to support all parents to find a suitable placement for their child which would suggest there were no inequalities in access to childcare at present;
- during the pandemic the number of two-year-old children taking up their funded 15 hours had decreased. At the lowest period, in summer term 2020, the take up was 53% of the target children. In contrast, other local authorities were reporting take up figures of between 17-24%;
- a large-scale campaign was conducted to increase the take up of places, including using social media, billboards and bus advertising. This had contributed to summer term 2021 take up to increase to 63%. The Early Years team had also been working in partnership with Inclusion Support Early Years, Health Visitors and Children's Centres to ensure that parents knew their child was eligible for a place and that they could take up the offer now. The Council was in the process of validating the autumn term data but the early indications were that the numbers had increased again this term;
- there was a general awareness of the effect of lockdown on young children. These effects were the result of a decrease in take up of places in this non-statutory phase of education, long breaks in provision due to lockdown and isolation, and a loss of parental confidence in sending their young children to nursery;



- evidence suggested that lockdown had a bigger impact on disadvantaged children rather than parents who were working from home who still took up childcare when they were able. The effects could mainly be seen in young children's development in the key prime areas of the Early Years Foundation Stage such as Communication and Language, Physical Skills, and Personal, Social and Emotional Development.

### **Reason for Decision**

In accordance with the Children and Families Act 2014 local authorities were required to report annually to members on how they were meeting their duty to secure sufficient childcare, and to make this report available and accessible to parents.

### **Alternative Options Considered**

The Childcare Sufficiency Report assessed the supply of childcare places against the demand and identified any gaps in provision. Findings were developed into recommendations. This was a required process in accordance with the Children and Families Act 2014 and there were no alternative options.

### **Agreed:-**

- (1) that the eight recommendations of the Sandwell Childcare Sufficiency report 2021-2022, as submitted, be endorsed;
- (2) that, subject to (1) above, the Director - Children and Education be authorised to develop and implement the Childcare Strategic Action Plan for 2021-2022, to be monitored based on the eight recommendations of the Childcare Sufficiency Report, to meet the Council's obligations under the Childcare Act, 2006;
- (3) that it be noted that the Childcare Strategic Action Plan would be monitored by the Early Years Strategic Group and progress would be reported termly to the meetings of the Director - Children and Education Extended Divisional Management Team.



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

Approval was sought to award the contract and accept a tender for supplying a Storage Area Network (SAN), including professional services for implementation and migration from the current platform plus annual maintenance and support, for the period 1 April 2022 to 31 March 2027.

The contract was to be awarded following a compliant further competition and evaluation process under the NHS Shared Business Services, Digital Workplace Solutions Framework agreement.

The new contract would provide an accredited channel reseller to transition the current SAN and replace with new products and services.

The value of the new contract for the 5-year period was estimated to be around £900,000 based on market engagement.

### **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.

The current SAN was being provided by the manufacturer - NetApp – and some of the support offered had now reached the end of supported life. The last refresh was in 2014. The current support contract was also due to expire on 31 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.

### **Alternative Options Considered**

The alternative of a do-nothing approach was 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 was totally lost.



A cloud data storage approach was feasible but not within the timescale for needing to refresh the current on-premise SAN. The Council would continue a gradual migration to cloud services where this was the smart approach to take, e.g. value for money, functionality, etc. However, it was not easy to lift and shift data from on premise to a cloud service and sufficient time was necessary to ensure the data is cleansed and structured ready for migration.

As the COVID pandemic still presented a significant challenge for the Council, it would not be wise to radically change the way our workforce accessed its data and the strategic approach to buy a new SAN was a sound one both commercially and operationally. By the end of the 5-year SAN contract it was envisaged that the Council would 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.

#### **Agreed:-**

- (1) that the Director of Business Strategy and Change, along with the Director of Finance and Section 151 Officer, in consultation with the Cabinet Member for Finance and Resources, be authorised 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;
- (2) that the Director of Law and Governance and Monitoring Officer be authorised to execute any documentation necessary to enable (1) above;
- (3) that any necessary exemptions be made to the Council's Procurement and Contract Procedure Rules to enable the course of action referred to in (1) above.



## Composite Door Programme

Approval was sought to award the contract to undertake the Composite Door Programme to various properties within the North of the housing stock owned by the Council to Sycamore Windows Limited for a contract period of two years, from November 2021 to October 2023, to a value of £10 million (£5 million per annum).

The delivery of this programme would include both planned programmes of door replacement as well as reactive maintenance where existing doors fail or are not fit for purpose.

In response to questions raised by the Chair of the Economy, Skills, Transport and Environment Scrutiny Board, the Cabinet Member for Housing confirmed that Councillors would be provided with the timetable for the door replacement programme in the next few weeks. For Council homes that were part of existing planned programme of works, replacement of doors was included. For homes not covered by planned programmes, doors were to be replaced according to a prioritised schedule that was separate to the planned programme.

### Reasons for Decision

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

Since Cabinet awarded these works within the North of the Borough at its Cabinet meeting of 17 March 2021, both the appointed contractor Lovell Partnerships Limited and the third-place contractor had 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 had 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.



The award of the works contract to the fourth placed bidder, Sycamore Window Limited, was deemed to provide value for money and was still within the original budget allocation for these works.

### **Alternative Options**

An option existed to re-procure the works within the North of the Borough. It was felt, however, that owing to the current uncertainty around material prices within the industry, the tender of Sycamore Windows Limited provided the best value option and outweighed the cost of re-tendering and the risk of receiving higher bids. If the Council was to re-procure, alternative doors might have to be evaluated and there would be the possibility of costs being higher now due to the unstable market.

It was not possible to award the works within the North of the Borough to Nationwide Windows Limited, who were the Contractor appointed to deliver these works in the South of the Borough as Contractors were afforded the opportunity of applying for one or both contract areas but could only be awarded one contract.

Another option was 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 was not a viable option owing to the cost of the doors via this route being 50% higher.

The last option was to not invest in our Council Housing Stock which in turn might 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 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 £5 million per annum;



- (2) that the Director of Law and Governance and Monitoring Officer be authorised to enter into appropriate contract with Sycamore Windows Limited.

183/21

## **Contract for the Supply of Mains Gas - Appointment of Contractor**

Approval was sought to utilise Eastern Shires Purchasing Organisation (ESPO) Framework 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.

ESPO was a Central Purchasing Body (CPB), defined in the Public-Sector Contract Regulations as a contracting authority that:

- acquired goods and services intended for one or more contracting authorities;
- awarded public contracts intended for one or more contracting authorities;
- concluded framework agreements for goods, services or works intended for one or more contracting authorities.

The most recognisable CPBs were known as the Pro5. The Pro5 was a group of regional local government CPBs that provided procurement services to the wider public sector and along with the Crown Commercial Service offered accredited Public Contracts Regulations 2015 compliant energy frameworks. The Pro5 members were:

- 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).

It was proposed that participation in ESPO Framework 192\_23 would 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 would have a value of £4,064 000.



In response to a question from the Chair of the Safer Neighbourhoods and Active Communities Scrutiny Board on whether the Council benefited from participation in ESPO energy framework, and why ESPO chose Total Energies Gas & Power Ltd to supply Mains Gas to Council sites, the Cabinet Member for Finance and Resources responded that participation in ESPO offered financial advantages in terms of flexible purchasing whereby energy was purchased from winning bidder in advance, when commodity prices were at their lowest. Flexible purchasing also limited exposure to rising costs by securing energy requirements in advance at multiple opportunities rather than at a single decision point. The provider was chosen following the evaluation of returned tenders, with the bid submitted by Total Energies Gas & Power Ltd being the most competitive.

### **Reason for Decision**

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.

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 had participated in the ESPO energy frameworks and had a representative on their stakeholder governance panel that established and reviewed the effectiveness of price risk strategy and purchasing performance.

The Council currently had 234 gas supply points that were included in the current ESPO energy framework arrangement that commenced in April 2019 and was due to expire on 31 March 2023.

ESPO had 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 1 April 2023 to 31 March 2027.

### **Alternative Options**

An option was 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, to seek to transfer to another Pro5 Framework provider but this would result in the loss of representation on stakeholder governance panels.

### **Agreed:-**

- (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;
- (2) that, in relation to (1) above, the Director of Law and Governance and Monitoring Officer be authorised to enter into appropriate contract with Total Energies Gas and Power Ltd.

184/21

### **Extension of Domiciliary Care Framework Agreements**

Approval was sought for the extension to the existing Community Care (Domiciliary Care) Framework Agreements for the period 1 March 2022 to 31 August 2022.

### **Reasons for Decision**

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



## Alternative Options

An options appraisal had 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 options appraisal table was the preferred solution.

### Agreed:-

- (1) that an exemption to the Council's Procurement and Contract Procedure Rules be approved 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 effected given no further extension provisions exist within the existing contract terms;
- (2) that, subject to (1) above, the Director of Adult Social Care be authorised 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 was not deliverable by 1 March 2022;
- (3) that the Director of 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 (1) above, should the enactment of the recommendation be necessitated.



## **Proposal to Declare the Whole of Sandwell as a Smoke Control Area (Revoking and replacing the existing 51 SCAs)**

Consideration was given for Cabinet to endorse and recommend to the Council the proposal for Sandwell Council to announce their Intention to Declare the whole Borough of Sandwell as a Smoke Control Area (SCA) under the Clean Air Act 1993.

The Chair of the Economy, Skills, Transport and Environment Scrutiny Board queried how the smoke control order would be enforced and whether this would be financed through existing budgets. In response, the Cabinet Member for Adults, Social Care and Health confirmed that enforcement would be carried out using existing budgets and would be enforced in the same way other local authorities enforced their smoke control areas, by following the graduated route set down in the Regulators' Code, from informal advice right through to prosecution in some circumstances. Members would be provided with a full briefing later in the week.

### **Reasons for Decision**

Sandwell Council had a duty to assess air quality and where necessary take appropriate action to protect the health of those living and working in the Borough.

There had been concerns about poor air quality 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.

Out of 72 local authorities found to have dangerous background concentrations of fine particulate matter (PM2.5) in 2019, Sandwell and Leicester were the only two local authorities that had these exceedances outside of London and the South East of England.



PM2.5 concentrations and other toxic emissions were closely associated with domestic burning. PM2.5 had a significant impact on human health. It could cause coughs, dizziness, inflamed airways and shortness of breath. It increased the risk of pneumonia, COPD and lung cancer as well as heart disease and stroke, leading to early death. It could also impact pregnancy and the development of children's lungs.

The use of open fires and solid-fuel burning stoves had risen in popularity over recent years and concerns continued about the current and future impact on urban air quality.

At present many properties in the Borough could still legally burn unauthorised fuels (i.e. wood and coal) in non-exempted appliances. The proposed new single Smoke Control Area would address this inequality.

### **Alternative Options**

To continue with Sandwell's 51 Smoke Control Orders would mean that differing legal requirements would remain for exempted properties compared to other parts of the borough. This would be inequitable and result in mixed messages and potential greater levels of non-compliance by those in existing smoke control areas who consider themselves unfairly penalised.

Air pollution was already impacting negatively on our economy and health - the do nothing option would result in higher costs to the health and lower the quality of life for those who lived and worked in Sandwell.

#### **Agreed to recommend to Council that:**

- (1) Sandwell MBC 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 to replace the existing 51 SCAs and to ensure that all properties in the Borough be subject to the same legal requirements in relation to smoke control;



- (2) a six-week period of public consultation be undertaken on the Intention to Declare a Borough-wide Smoke Control Area;
- (3) the Director of Public Health be authorised to revoke the existing 51 Smoke Control Orders and to create a single Borough-wide Smoke Control Order when an Executive Decision had been made by Cabinet after Cabinet are satisfied that there had been adequate public consultation and suitable and sufficient consideration of any objections as required under the Clean Air Act 1993.

## 186/21 **Tenant Home Contents Insurance**

Approval was sought to authorise the Director of Housing 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) for the period 1 April 2022 to 31 March 2025.

Approval was also sought to authorise the Director of Housing 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.

### **Reasons for Decision**

Sandwell Council had utilised Marsh as a broker to source a low cost, non-discriminatory scheme for tenants for the past 16 years. This was designed to provide insurance options for financially excluded tenants who might otherwise be excluded for reasons such as high excess, high premiums, or living 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 was there was no excess for policy holders and all tenants could join for the same rate, regardless of the postcode. The cover was from £4,000 to £40,000 and was on a new for old basis.



The value of the contract was 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 the value was in excess of £250,000 threshold, this was deemed a key decision, which required the decision to be made by Cabinet.

### **Alternative Options**

The Council could decide to no longer offer Tenant Home Contents Insurance, however, this was not recommended as it would financially exclude council tenants from an affordable home contents insurance scheme.

Alternatively, the Council could cease use of the Northern Housing Consortium (NHC) contract and procure their own insurer independently. However, this option was not recommended as the NHC had members across the country that had joined to take advantage of a wide range of frameworks it could access through the consortium procurement. Moving away from this would eliminate any economies of scale benefits.

### **Agreed:-**

- (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) for the period 1 April 2022 to 31 March 2025;
- (2) that, in connection with (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;
- (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;



- (4) that the Director of Law and Governance and Monitoring Officer be authorised to execute any documentation necessary to enable the above;
- (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) to (3) above into effect.

187/21

## **Implementation of a Public Space Protection Orders for West Bromwich Town Centre**

Approval was sought for a proposal to implement a Public Space Protection Orders (PSPO) for West Bromwich Town Centre.

The Cabinet Member for Community Safety presented the report and underlined that the main aim of this measure was to enable Council officers and partners to better engage with people who were vagrant or suffering from addiction. The measure should be managed appropriately and not become a means of criminalising people who were already poor and in crisis.

It was underlined that 84% of respondents to public consultation were in favour of renewing the order and a significant number of respondents expressed concerns about going to West Bromwich town centre. It was highlighted that responses from public consultation underlined the need for PSPO to be in place alongside measures such as engagement. It was deemed vital that agencies work together and with people affected to intervene in a manner proportionate to the scale of each case.

The Cabinet Member for Community Safety asked officers to investigate the effectiveness of PSPO given that for the last 18 months no penalty notices were given mainly due to people not visiting shops during COVID pandemic, and that only 66 penalty notices were handed during the first 3 years of operation of the PSPO (1 August 2018 to 31 July 2021).



Officers were asked to investigate how to raise awareness of wardens and public with regards to the prohibition on parking on footpaths as in the first 3 years of PSPO operation in West Bromwich town centre no fine was issued for this offence.

Officers were also asked to investigate the possibility of extending the PSPO in respect of parking on footpaths to the rest of the borough.

In response to concerns raised by the Chair of the Economy, Skills, Transport and Environment Scrutiny Board that anti-social behaviour remained a serious issue in the borough, the Cabinet Member for Community Safety responded it was the intention of the Council to liaise with police and other agencies to find ways of being more effective and proactive in enforcing the PSPO. It was also deemed important to allocate a councillor to sit on the Board of West Bromwich Business Improvement District (BID).

### **Reasons for Decision**

In August 2018, following significant consultation and public support, SMBC introduced the West Bromwich Town Centre Public Space Protection Order (PSPO). PSPOs last for up to 3 years and then need to be reviewed. This PSPO expired on the 1 August 2021, however, public consultation and a review of the first 3 years had shown there was ongoing support for continuing with a new PSPO as part of a suit of measures to tackle anti-social behaviour within the town centre.

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

The implementation of a new PSPO would ensure that we continue to have a wide range of powers available as part of a toolkit of measures to tackle these areas of ongoing concern in West Bromwich Town Centre.



The PSPO was 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 May and 16 July 2021 and showed that in areas proposed to be covered by the PSPO residents and businesses remained concerned, with 87% supporting the continuation of the PSPO.

### **Alternative Options**

An alternative option would be to not renew the implementation of the PSPO in West Bromwich Town Centre and rely on other controls. Sandwell had a number of controls in place in relation to these issues for many years, but despite these, local businesses and residents had continued to support the implementation of this PSPO to provide additional controls as part of a wider toolkit of measures.

Both enforcement and engagement figures would indicate that PSPO was used and was still needed to deal with complex cases and to provide reassurance to residents. The PSPO was also supported by partners to ensure direct action was taken using the most suitable tools and powers as required in each case. Not renewing PSPO powers and dealing with any issues individually would require additional resources and would not enable the engagement opportunities that could be utilised as part of PSPO. This was not recommended.

### **Agreed:-**

- (1) that the implementation of the proposed Public Spaces Protection Order (PSPO) for West Bromwich, which prohibits the following behaviour, be approved:
  - (a) Acting or inciting others to act in a manner that causes, or is likely to cause, harassment alarm or distress to any person;
  - (b) Threatening any person with violence and /or being verbally abusive towards any person;



- (c) Begging or asking members of the public for money or loitering for the purpose of begging or asking members of the public for money;
  - (d) 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;
- (2) that the proposed order be published in accordance with the regulations published by the Secretary of State and that the proposed order be made accessible and available via the council website;
- (3) that the Public Spaces Protection Order for West Bromwich be effective for a period of 3 years, covering the area as shown in Appendix 3.

Meeting ended at 4.16pm.

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



## Recommendations of the Scrutiny Review of Special Educational Needs and Disabilities Transport Models

- 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.



**An options appraisal for delivering domiciliary care**

	<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>



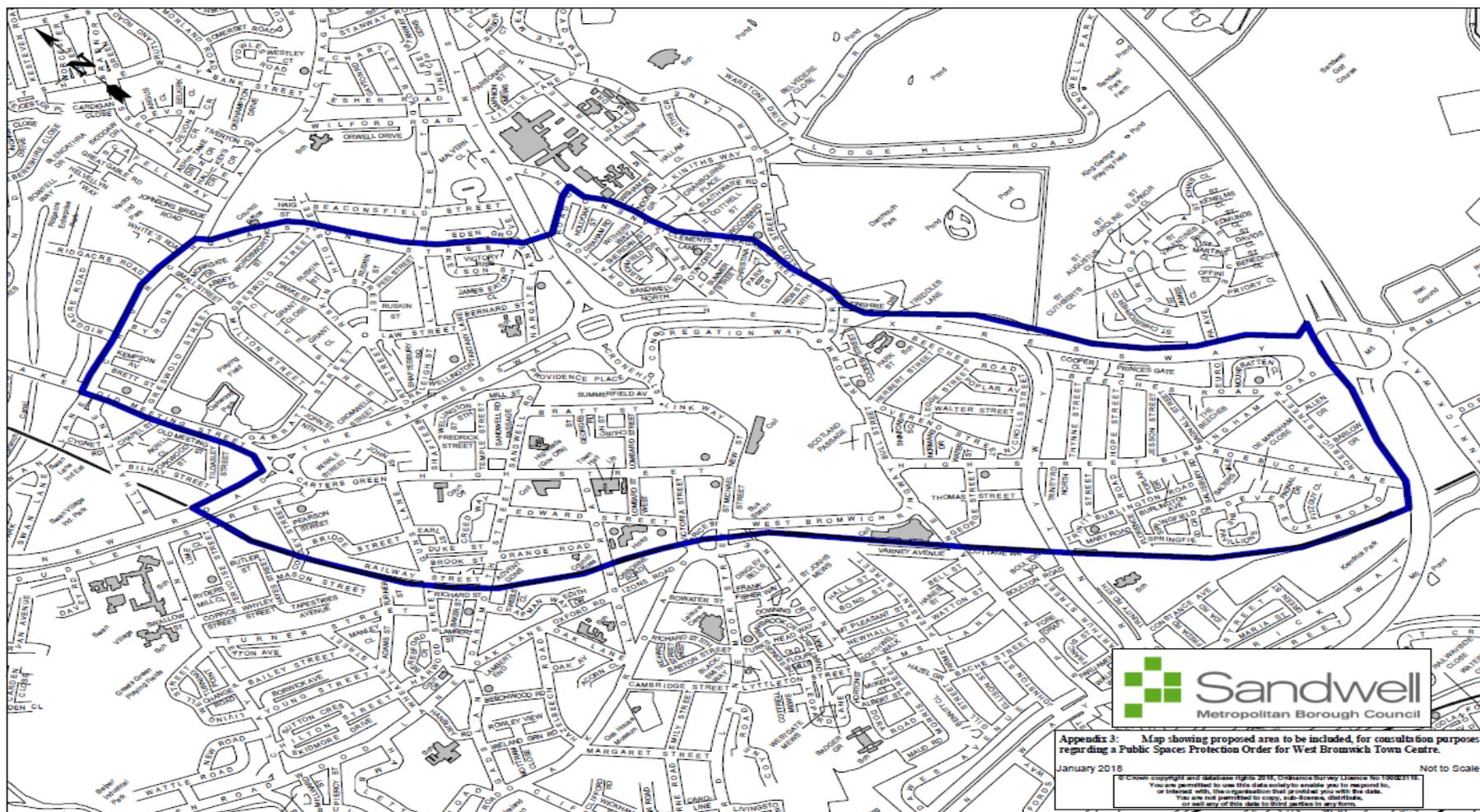
	<b>Option</b>	<b>Risks</b>	<b>Strengths</b>
<b>2</b>	Allow the framework to lapse and procure services from the Approved Provider list until such time the new model starts	<ul style="list-style-type: none"> <li>• There may be delays in sourcing and therefore potential risk of starting packages later than having a framework, which has more favourable terms</li> <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>	<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, and therefore to some extent, there remains a continuity that both providers and Brokers and Care Management Teams are familiar with</li> </ul>
<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	<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>



	Option	Risks	Strengths
	<p>continue to be used as a contingency where framework can't meet the care package needs,</p>		



Area Covered by PSPO



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## Minutes of The Cabinet

**Wednesday 3 November 2021 at 3.30pm  
in the Council Chamber, Sandwell Council House, Oldbury**

**Present:** Councillor Crompton (Chair);  
Councillors Ahmed, Bostan, Carmichael, Millard,  
I Padda, Piper and Simms.

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

**Officers:** Kim Bromley-Derry (Interim Chief Executive), Nick Austin (Interim Director of Borough Economy), Melanie Barnett (Acting Operational Director – Children and Education & Statutory Director of Children’s Services), Rashpal Bishop (Director of Adult Social Care), Gillian Douglas (Director of Housing), Simone Hines (Director of Finance) Tony McGovern (Director of Regeneration and Growth), Lisa McNally (Director of Public Health), Sue Stanhope (Interim Director of Human Resources), Surjit Tour (Director of Law and Governance and Monitoring Officer), Katharine Willmette (Interim Strategic Director Children and Education), Elaine Newsome (Service Manager – Democracy) and Suky Suthi-Nagra (Democratic Services Manager).

**188/21 Apologies for Absence**

Apologies for absence were received from Councillors R Singh, E M Giles and Hartwell.

**189/21 Declarations of Interest**

There were no interests declared at the meeting.

190/21 **Minutes**

**Resolved** that the minutes of the meeting held on 20 October 2021 be confirmed as a correct record.

191/21 **Additional Items of Business**

There were no additional items of business to consider.

192/21 **Implementation of a Boroughwide Public Space Protection Order relating to Nitrous Oxide**

Consideration was given to approve the implementation of a Boroughwide Public Space Protection Order for Nitrous Oxide making it an offence for any person, when requested by an authorised officer, not to surrender any nitrous oxide canisters, with effect from 1 December 2021 for a period of 3 years.

Implementation of this Boroughwide Public Spaces Protection Order (PSPO) would give designated officers powers to seize and dispose of any canisters found in a person's possession, in a similar way to the Boroughwide Alcohol PSPO already in place.

It was intended to help combat crime and Anti-Social Behaviour in the Borough and support public health. It would also provide a public statement of intent and provide residents with assurance that SMBC were listening to their concerns and taking appropriate action.

In response to questions raised by the Chair of Economy Skills Transport and Environment Scrutiny Board in relation to what the Council could do to lobby the government against the widespread usage of laughing gas, the Cabinet Member for Community Safety highlighted that the misuse of nitrous oxide cannisters was a national problem. On 3 September 2021, the Home Secretary commissioned the Advisory Council for the Misuse of Drugs (ACMD) to review nitrous oxide harms.

Dependent on the ACMDs findings, this may result in NOS being scheduled under the Misuse of Drugs Regulations 2001, making possession for recreational purposes an offence. Sandwell Council would be part of this review led by Public Health and would respond in writing to the Advisory Council. Sandwell would also continue to work on this regionally through our work with the Police and Crime Commissioner and through the West Midlands Community Safety Partnership.

### **Reason for Decision**

The implementation of a PSPO would increase the range of powers available to tackle this issue which was a considerable concern across the Borough.

As well as providing useful enforcement powers such an order, it also provided additional engagement opportunities to improve behaviour and enable support to be offered where necessary.

This PSPO was supported by Sandwell's Multi Agency Borough Tasking Group including Public Health.

### **Alternative Options Considered**

Sandwell had no other specific controls in place in relation to the inappropriate use of nitrous oxide. It was not an illegal substance. Littering regulations were in place however to enforce littering it needed to be witnessed. There were no other controls in place that provided powers to confiscate the cannisters. The council could continue as we were but this would not provide an opportunity to target this issue. There was clearly a strength of feeling from the public consultation and partners to indicate significant support to strengthen what we currently had in place and the issue was clearly a public concern. This option provided opportunities for engagement and education.

### **Agreed :-**

- (1) that approval be given to the implementation of a Boroughwide Public Space Protection Order for Nitrous Oxide making it an offence for any person, when requested by an authorised officer,

not to surrender any nitrous oxide canisters, with effect from 1 December 2021 for a period of 3 years as attached at Appendix 1;

- (2) that in connection with Resolution (1) above and in accordance with the regulations published by the Secretary of State, the Director of Borough Economy be authorised to publish the proposed order via the council website.

193/21 **Sandwell Residential Education Centres: Charges for the period 1 August 2022-31 July 2023**

Approval was sought to authorise the Director of Children and Education to implement term-time charges for Sandwell Residential Education Centres for the period 1 August 2022 - 31 July 2023.

The proposed charges would make the centres accessible to as many Sandwell children and school groups as possible, whilst generating sufficient income to provide a high-quality service at zero revenue cost to the Council.

In response to questions raised by the Chair of Children Services and Education, the Cabinet Member for Children and Education stated that in a typical year, there were more than 90 Sandwell schools that used the Centres. 102 Sandwell schools had used the service in the last 3 years. This did not include programmes such as Sandwell Young Carers, The Albion Foundation, and Sandwell Virtual School (LACE) in the figures.

Furthermore, 204 different non-Sandwell schools had visited in the last 3 years. Each September, Sandwell schools were given the first opportunity to reserve their preferred dates in the centres for the following school year before opening out to non-Sandwell schools.

It was also confirmed that all Sandwell children had a reduced fee:

- 20% reduction for children at Sandwell academy schools.
- 30% reduction for children at maintained schools. This equated to a subsidy of £74 to £111 per pupil per week.
- Looked After Children from Sandwell visiting during term time come free of charge.
- Where possible a further reduction for larger groups that are able to visit was applied. This comes, in part, by passing on an operational cost saving when a greater number of children visit.

Currently, no Home Educated pupils used the centres. However, two initiatives were upcoming to support this. Sandwell would look to work with established groups for this and would look at ways of engaging Home Educated children. The need for additional pastoral staffing would need to be considered if children visit overnight without an established relationship with group leaders in place.

### **Reason for Decision**

The intention was to have centres occupied for as much of the school year as possible, increasing attendance and positive outcomes for Sandwell children, and generating income year-round.

The proposed charges were an increase of 2.4% on 2021-22 charges, in line with the consumer price index as of July 2021, rounded to the nearest pound.

An above-inflation increase of £10 during two months in high season at the Frank Chapman Centre was proposed, to meet additional costs when demand was high.

The centres were open to Sandwell maintained schools, Sandwell academy schools, and non-Sandwell schools and groups. The business plan aimed to retain Sandwell children participation of 15 000 term-time bed nights, or 4 750 residential pupil visits, per year. The proportion of non-Sandwell schools using the centres had risen in recent years, bringing in more income; but there was capacity to accommodate more Sandwell schools and children.

Sandwell Looked After Children would continue to be able to attend the centres free of charge with their schools during term-time.

The proposed new charges would be effective from 1 August 2022.

### **Alternative Options Considered**

Increasing charges above inflation risked less uptake of places, reduced overall income, and poorer social value. Keeping charges at 2021-22 levels risks a shortfall in income and difficulties in balancing the budget when expenditure would rise with inflation.

**Agreed** that the Director Children and Education be authorised to implement term-time charges for Sandwell Residential Education Centres for the period 1 August 2022 - 31 July 2023 as shown in Appendix 2 attached.

## 194/21 **Procurement of Best Interest Assessor Services**

Approval was sought to procure Best Interest Assessor services via the call-off agreement the Council had in place with Hays Specialist Recruitment Limited, since January 2018, under the provisions of the Birmingham City Council Managed Service Contract for the Provision of Temporary Agency Workers.

In response to questions raised by the Chair of Safer Neighbourhoods and Active Communities Scrutiny Board, the Deputy Leader and Cabinet Member for Finance and Resources understood the concerns expressed on the current overspend on external resource and reported that this option was currently being reviewed as part of new legislation coming in.

Furthermore, Sandwell had a contract with Hays, which was part of Birmingham City Council Framework, for sourcing all agency workers. Whilst it was aimed to align external assessors recruited directly with the agency to the framework, HR resourcing management team would look into the possibility of recruiting providers from within Sandwell.

### **Reasons for Decision**

The proposal would allow for the Sandwell Deprivation of Liberty Safeguards service to be compliant with the procurement rules and to align the recruitment of Best Interest Assessors with the Hays Framework.

The Sandwell DoLS (Deprivation of Liberty Safeguards) service had outsourced its Best Interest Assessors directly with the recruitment agency and this fell outside the formal procurement arrangements.

There was a need to ensure the procurement of Best Interest Assessors meet Procurement Regulations, facilitate market testing and fair competition for this service.

The Council had statutory responsibilities under the provision of the Mental Capacity Act (2005) to complete formal Deprivation of Liberty Safeguarding (DoLS) best interest assessments when a person who lacked the mental capacity to consent to their care or treatment was being deprived of their liberty in a care home or hospital to keep them safe from harm.

In order to meet those responsibilities, the Council needed to appoint Best Interest Assessors on an as and when required basis.

### **Alternative Options Considered**

The alternative was for the Council to consider its internal staff to support the Best Interest Assessment work. This option was challenging and not feasible due to the specialist training and qualification required that was currently suspended by many Universities due to efforts in preparation for the new legislation, Liberty Protection Safeguards.

The other alternative was for the Council to continue procuring the Best Interest Assessors directly with the recruitment agency. However, this option was currently presenting its challenges as assessors were being sourced outside of the Birmingham City Council framework.

Procurement of these services as a single contracting authority had proved difficult because of the strong demand on resources and the level of specialism required. The Council had been procuring services on an ad hoc basis. The proposed call off arrangement with Hays Specialist Recruitment Limited would give greater certainty of availability of resources and a more robust contractual basis for the services.

**Agreed:-**

- (1) that approval be given to procure Best Interest Assessor services via the call-off agreement the Council has in place with Hays Specialist Recruitment Limited, since January 2018, under the provisions of the Birmingham City Council Managed Service Contract for the Provision of Temporary Agency Workers;
- (2) that the Director Law and Governance and Monitoring Officer be authorised to enter into appropriate contracts with Hays Specialist Recruitment Limited as a call off contract under the provisions of the Birmingham City Council Managed Service Contract for the Provision of Temporary Agency Workers.

195/21 **Highway Winter Service Operational Plan 2021/22**

Approval was sought for the Highway Winter Service Operational Plan for 2021/21.

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

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

To meet this duty, winter service operations were carried out to prevent ice forming (precautionary salting), melt ice already formed (post salting) and remove snow accumulations by using ground rock salt which is stored at Taylors Lane Depot in Oldbury.

In response to questions raised by the Chair of Economy Skills Transport and Environment Scrutiny Board, the Cabinet Member for Environment stated that the vast majority of our Winter Service Operational Plan weather and road temperature monitoring, duty rotas, managing grit stocks and the precautionary gritting of carriageways was undertaken by the in-house Highways team to an established program. Serco were responsible for gritting priority footways such as high streets and town centres.

The client team had discussed winter maintenance operations with Serco and Serco had provided assurances that they could provide the service as part of an overall established programme of gritting work that had worked well for several years. The service the client team had provided, particularly during bad spells of weather, had been generally well received by the public.

Last winter, Serco had supported maintenance of vaccination and testing stations. This would remain a priority for this coming winter. If a heavy and prolonged hoar frost or snow was forecast the Winter Maintenance Duty Officer would liaise directly with the Serco call out team to initiate the necessary gritting activity and in the event of prolonged snow was forecast senior members of Highways, the Service Manager responsible for the Serco contract and senior members of the Serco Team meet to ensure an adequate response

Sandwell's Grounds Maintenance personnel staff also played a vital part on the precautionary gritting rota and were available to support other parts of Winter Maintenance Plan if it proved necessary to do so.

### **Reasons for Decision**

Given high service costs it was not 'reasonably practicable' to provide the service on all parts of the network nor ensure running surfaces are always kept free of ice or snow. Sandwell therefore apply a risk-based approach that reflected advice and recommendations contained in the relevant Codes of Practice.

### **Alternative Options**

There was no recommended affordable alternative to mitigate the safety risks addressed by the Winter Service Operational Plan 2021/22.

**Agreed** that approval be given to the Highway Winter Service Operational Plan 2021/22 as now submitted.

## 196/21 **Award a Contract for Superimposed Road Markings, Specialist Surfacing and Studs**

Approval was sought to authorise the Interim Director of Borough Economy to award a contract for the provision of Road Markings, Specialist Surfacing and Studs; for general maintenance of new and existing road markings around the Borough following a compliant competitive tender process in collaboration with Dudley MBC and Wolverhampton City Council.

Road users and the wider community placed a high value on keeping traffic moving safely around the Borough. Ensuring road markings were visible and understandable was vital for road safety. They communicated important information to road users, help them safely navigate the road network and highlight upcoming hazards. Failure to adequately maintain road markings could result in accidents, avoidable congestion, consequent adverse economic and social impacts, public dissatisfaction and significant reputational damage.

As the Local Highway Authority; the Council had a statutory duty to ensure the road was maintained in a safe and useable manner.

To meet this duty, routine maintenance of road markings was undertaken across the Borough. This incorporated both general road markings and those road markings which communicated restrictions such as double yellow lines and red routes.

The road marking contract was also used for the installation of advisory spaces for disabled badge holders. The framework tender was a collaboration with Dudley Metropolitan Borough Council and Wolverhampton City Council in order that Sandwell could benefit from economies of scale and reduced tendering costs.

### **Reason for Decision**

Cabinet approval was sought to approve the award of a framework tender in collaboration with Dudley Metropolitan Borough Council and Wolverhampton City Council for a period of up to 4 years for Superimposed Road Markings, Specialist Surfacing and Studs.

The current contract for the supply of Superimposed Road Markings Specialist Surfacing and Studs was due to expire on 31st January 2022.

The tendering exercise would aim to ensure seamless operations remained in place and to enable a smooth and efficient switch to the new contract.

The exercise would be carried out by Sandwell MBC acting as lead authority, in collaboration with Dudley MBC and Wolverhampton City Council who would utilise the contract to support their own road marking operations.

It was anticipated that the combined value of the framework agreement over a 4-year period would be between £1,000,000 and £1,500,000, of which Sandwell's proportion was estimated to be approximately half based on historic usage.

### **Alternative Options**

There were no recommended affordable alternatives to maintain existing road markings, specialist surfacing and Studs.

#### **Agreed:-**

- (1) that the Interim Director of Borough Economy be authorised to award a contract for the provision of Road Markings, Specialist Surfacing and Studs; for general maintenance of new and existing road markings around the Borough following a compliant competitive tender process in collaboration with Dudley MBC and Wolverhampton City Council;
- (2) that the Director of Law and Governance – Monitoring Officer be authorised to execute any documentation necessary to enable Resolution (1) above;
- (3) that any necessary exemptions be made to the Procurement and Contract Procedure Rules to enable the course of action referred to in Resolution (1) above to proceed;

- (4) that approval be given to Sandwell MBC entering into a collaboration agreement with Dudley and Wolverhampton for the provision of Road Markings, Specialist Surfacing and Studs; for general maintenance of new and existing road markings around the Borough.

197/21 **Approving Amendments to the Black Country Executive Joint Committee Collaboration Agreement**

Approval was sought to make amendments to the Black Country Executive Joint Committee Collaboration Agreement covering the Joint Committee Advisory Board removal.

**Reasons for Decision**

The Collaboration Agreement set out the role of the Black Country Executive Joint Committee (BCJC) and how the Black Country Councils and the Black Country Consortium would work together. The Collaboration Agreement included an acceptance of delegated authority from each of the Councils Cabinets for the BCJC to act as the decision making body for identified programmes.

At its meeting on 5 November 2020, ABCA Chief Executives considered proposals for streamlining the BCJC governance arrangements and processes, and the option of removing Joint Committee Advisory Board approval stage and increasing the number of BCJC meetings was endorsed. It was followed by ABCA Leaders (9 December 2020) and Joint Committee Advisory Board (1 February 2021).

The removal of the Joint Committee Advisory Board resulted in the Heads of Regeneration Working Group holding the responsibility for consultation on all reports requiring recommendation to BCJC, including with the Cabinet Portfolio Holders. To ensure continuous visibility and Transparency, Heads of Regeneration now briefed their respective Regeneration Cabinet Portfolio Holder on all of the reports, from across the Black Country, which required Heads of Regeneration Working Group endorsement.

The increase of BCJC meeting frequency ensured that key time-bound projects could receive approvals as required, reducing any delays. However, if there were no items on the BCJC forward plan meetings would be cancelled.

The revised process was still compliant with requirements set out within the National and Local Assurance Frameworks following individual project assessments and spend recommendations by the Black Country Local Enterprise Partnership.

BCJC approved and adopted the current governance arrangements at its meeting on 17 February 2021. The BCJC Constitution and Protocols, and the BCLEP Local Assurance Framework had been updated to reflect these changes and were approved by the BCJC at its Annual General Meeting on 23 June 2021.

### **Alternative Options**

Failure to approve the proposed amendment to the Collaboration Agreement may impact on the operation of the BCJC which had successfully administered a number of complex government programmes including Growth Deal over the past five years. It was unlikely that Sandwell MBC would be able to access this funding without being part of the Collaboration agreement.

### **Agreed:-**

- (1) that approval be given to amendments to the Black Country Executive Joint Committee Collaboration Agreement covering the Joint Committee Advisory Board removal, as now submitted;
- (2) that the Director of Regeneration and Growth and the Director of Finance be authorised to draft and enter into the appropriate Black Country Executive Joint Committee Collaboration Agreement Deed of Variation;

- (3) that the Chief Executive, in consultation with the Leader of the Council, be authorised to take part in any negotiations and to make any minor amendments in connection with above, prior to its sealing as a Deed.

## 198/21 **Revised Corporate Health & Safety Policy**

Approval was sought to the revised corporate Health and Safety Policy. The Council was legally required to have a Health and Safety (H&S) policy that was formally reviewed at regular intervals.

### **Reasons for Decision**

The policy was formally reviewed every three years. Consultation had already taken place amongst the Leadership team and Trade Union safety representative colleagues.

There had been a few minor but no substantial changes to the policy during this formal review. The minor amendments included;

- Names of Chief Executive and Council Leader amended to reflect current incumbents,
- Removing reference to “EMT” and replacing with “Leadership”,
- Incorporating “Infection Control” and “SMART/Home Working” as standalone arrangements,
- Updating and merging of arrangements for “Occupational Road Risk” and “Vehicle movements on site” into one “Driver & Vehicle Safety” arrangement.

### **Alternative Options**

There were no alternative options as it was a legal requirement for employers to have a recorded H&S Policy.

**Agreed** that approval be given to the revised corporate Health & Safety Policy as now submitted.

## Household Support Fund

Approval was sought to use the Household Support Fund to provide financial support to those Sandwell residents who were most in need this winter and to provide support to families who received free school meals with food vouchers during the school holidays in October, December 2021, February and April 2022 at a cost of £1.67 million, providing additional support for around 18,700 households.

Approval was also sought to provide a sum of £123,000 to food banks to purchase food and other essential items and to include the setting up of 3 new food pantries.

Consideration was given to the criteria for Household Support Fund payment award and approval was sought for the Household Support Fund Policy 2021-22.

In response to questions raised by the Chair of Children Services and Education, the Deputy Leader and Cabinet Member for Finance and Resources stated that West Bromwich and Oldbury would be the towns to have the 3 new food pantries. Discussions were being held with a number of partners to identify potential venues and capacity. West Bromwich and Oldbury had been selected as there were already pantries in Rowley Regis, Smethwick, Tipton and Wednesbury with each town in Sandwell having at least one.

### Reasons for Decision

The Government had made available £500m to councils to support those most in need this winter during the final stages of economic recovery. This had been made available to councils earlier in October. Sandwell had been allocated funding of £3,471,442, for the period 6<sup>th</sup> October 2021 to 31<sup>st</sup> March 2022.

At least 50% of the total funding must be spent on families with children, and for Sandwell this was £1.7m.

Funding would be provided to support families who received free school meals with food vouchers during the school holidays in October, December 2021, February and April 2022. This would cost £1.67m and would provide additional support for around 18,700 households.

The Household Support Fund would be administered by Revenues and Benefits. We know from our Council Tax Reduction records that there are around 21,000 households which receive financial help towards their Council Tax as they were on low incomes. These households would be written to in order to invite them to make an application.

### **Alternative Options**

The Government guidance stated that the Household Support Fund may be awarded to households not currently in receipt of DWP welfare benefits.

This approach could be considered in future application windows after the initial window from the 5 November to the 3 December 2021

#### **Agreed:-**

- (1) that approval be given to use the Household Support Fund to provide financial support to those Sandwell residents who are most in need this winter;
- (2) that approval be given to use the Household Support Fund to provide support to families who receive free school meals with food vouchers during the school holidays in October, December 2021, February and April 2022 at a cost of £1.67 million, providing additional support for around 18,700 households.
- (3) that approval be given to use the Household Support Fund to provide £123,000 to food banks to purchase food and other essential items and to include the setting up of 3 new food pantries in accordance with the following criteria:

an individual who is:

- working age
- liable for Council Tax and or Rent in Sandwell
- receiving Universal Credit, Working Tax Credit, income-based Employment & Support Allowance, income-based Jobseeker's Allowance, Income Support, Housing Benefit, Council Tax reduction
- suffering financial hardship
- not have savings over £3k

(4) that the Household Support Fund Policy 2021-22 as now submitted be approved.

200/21 **Action Taken on a Matter of Urgency – Provision of Free School Meals – October 2021 half term holiday**

Details of the urgent action taken by the Leader of the Council were given, in relation to giving approval to authorising the Acting Operational Director of Children and Education to allocate £90,000 of the Extended Local Support Grant and £180,000 from the Emergency Covid Funding to provide food vouchers to families with children who are eligible for a free school meal for the October 2021 school half term period, be received.

The matter was urgent and could not be delayed until the next Cabinet meeting as otherwise the opportunity to fund meal vouchers for the October half term week would have been missed.

**Reasons for Decision**

It was proposed to continue to support vulnerable families in receipt of Free School Meals with food vouchers for the upcoming school half term holiday.

The proposal was possible with the recent announcement by the Government that a new grant allocation, the Household Support Grant, in the sum of £3,471,442, would shortly be allocated to the Local Authority, 50% of which should be made available to support households with children.

As the total value of the vouchers was estimated to be in the region of £267,000, executive approval was required to allocate grant funding and approve spend above £250,000.

An urgent decision was requested to avoid losing the opportunity to fund meal vouchers for the October half term week.

For children on a school roll, Schools would receive a payment from the Council to purchase vouchers directly from Wonde, continuing with their existing procurement arrangements.

For children not on a school roll, vouchers would be purchased and issued to parents / carers using Black Hawk, a specialist company previously engaged by the Authority.

An urgent decision by the Leader of the Council was requested to proceed with allocation of the grant funding identified to purchase meal vouchers for children, either in receipt of Free School Meals, or not on a school roll but who would be eligible to receive Free School Meals.

### **Alternative Options**

Do nothing was not a realistic option as to date the council's food voucher scheme has supported some of our most vulnerable families.

Use of alternative voucher suppliers:

Children on roll: schools had the option to use Wonde, who they had primarily used for previous schemes, or to approach alternative voucher providers.

Children not on roll: research undertaken prior to extending the original Black Hawk contract to issue food vouchers found that either, not all major food retailers based in local communities were available through the voucher supplier, or that for those that were listed, limited food options were available to families.

Increased vouchers value: The current value was in line with the Free School Meal daily price per meal.

Development of a Council Voucher Scheme: the requirement was time limited, requiring extensive negotiations with major food retailers based in our communities. The cost benefit analysis of continuing with recent providers, namely Wonde and Black Hawk with a tailor-made package far outweighs the work and cost required to negotiate a small package for the expected procurement value, and short contract period.

**Received** the details of the urgent action taken by the Leader of the Council, in relation to giving approval to Acting Operational Director of Children and Education to allocate £90,000 of the Extended Local Support Grant and £180,000 from the Emergency Covid Funding to provide food vouchers to families with children who are eligible for a free school meal for the October 2021 school half term period, be received.

Meeting ended at 4.04pm.

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

## Appendix 1



### **Nitrous Oxide Public Space Protection Order Consultation**

#### **INTRODUCTION**

- Nitrous oxide is a public health risk and the rise in the recreational use of this in Sandwell is thought to be correlated to some of the anti-social behaviour which has occurred across the borough.
- Residents of Sandwell in addition to local businesses, voluntary groups and interested parties were invited to have their say on Sandwell Council's proposal to introduce a Public Spaces Protection Order (PSPO) to combat the consumption of this as a recreational drug in public spaces.
- Under this PSPO, it would be an offence for people not to surrender nitrous oxide canisters when requested to by an authorised officer.

#### **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 borough.
- The consultation was left open for feedback from 10<sup>th</sup> May 2021 to 16<sup>th</sup> July 2021.

#### **FINDINGS**

##### **About Consultation Participants**

- 178 individuals participated in the consultations.
- The majority of individuals stated that they were residents (94%) when asked about this with a small number of businesses also taking part (3%) [Figure 1].
- 84% of feedback came from people local to Sandwell [Figure 2].
- Oldbury was the town in Sandwell which was best represented in the consultation with 25% of those who took part being from here jointly followed by Smethwick (19%) and West Bromwich (19%) [Figure 2].

##### **Anti-Social Behaviour Linked to Nitrous Oxide**

- When quizzed on personal experiences of anti-social behaviour associated with the recreational use of Nitrous Oxide, 57% of individuals revealed that they had come across or been the victim of this [Figure 3].
- 88% of feedback showed that this anti-social behaviour was occurring on a regular basis [Figure 4].



- Feedback showed that this anti-social behaviour was occurring in a number of different ways across the six Sandwell towns and which was generally believed to be a result of or associated with the recreational use of Nitrous Oxide [Figure 5].
- The most common types of anti-social behaviour reported per Sandwell town have been compiled below along with some of the feedback provided by local people:

### **Oldbury**

- 1) Just over 1 in 4 people (26%) from Oldbury expressed their unhappiness with anti-social behaviour in the form of littering of the Nitrous Oxide canisters.

#### Comments:

- *'At the back of my property cars park up and always leave these canisters all over the floor.'* (B69 1SR)
- *'Littering Causeway green road curbs are littered with them! 'Walking on discarded cannisters.'* (B69 1SR)
- *'Young adults got "high" on the nitro oxide and dumped the cannisters on private property'* (B69 3LB)

- 2) 21% of comments touched on the consumption of drugs taking place in public spaces in Oldbury with residents especially sharing their concerns about this taking place near their homes.

#### Comments:

- *'Younger adults sitting outside our homes smoking'* (B68 9TH)
- *'We have a lot of cars that drive and sit at the back of our house, they do drugs have music on in the cars'* (B69 1SR)
- *'Cars parked in front of my house people travelling form far just inhale gas or smoke drugs police has been called nothing gets done'* (B69 1UX)

- 3) 17% of feedback centred on the noise nuisance which would occur once users of the Nitrous Oxide had got 'high'.

#### Comments:

- *'Youths making noise whilst using the canisters'* (B68 8AQ)
- *'Youths hanging around screeching cars around the quiet residential street.'* (B69 1UU)
- *'On a nightly basis, cars park in our street after midnight playing music'* (B69 1UU)

### **Rowley Regis**

- 1) 27% of feedback from local people in Rowley Regis referred to the littering resulting from the use of Nitrous Oxide.



Comments:

- *'Silver canisters thrown on to my garden'* (B65 8HB)
- *'Witnessed a lot of cannisters littered on the floor.'* (B65 0HA)
- *'I have noticed the number of these cannisters increasing in the area of my local park on York Rd'* (B65 0EW)

2) 20% of anti-social behaviour resulting from people inhaling Nitrous Oxide in Rowley Regis was reported to be in the form of vandalism.

Comments:

- *'Kids smashing up bus stops, smashing bottles in the street.'* (B65 8EH)
- *'My car constantly damaged either tyres slashed or paint work scratched.'*(B65 8HB)
- *'General loud behaviour and vandalism'* (B65 9DX)

3) Noise nuisance was also made mention of in 20% of the feedback provided by locals in the town.

Comments:

- *'Loud motorbikes on public footpaths behind Mission Close and canal tow path'* (B64 6SG)
- *'Large groups in several cars Loud music and dancing when they are off their face'* (B65 8AH)
- *'General loud behaviour and vandalism'* (B65 9DX)

### **Smethwick**

1) Nearly 1 in 2 comments from locals in Smethwick (46%) explained littering as the biggest anti-social behaviour concern associated with the use of Nitrous Oxide.

Comments:

- *'The estate I live on is blighted by discarded canisters'* (B66 1RW)
- *'People using the NO and then throwing the cannisters out of car windows'* (B66 4AR)
- *'Canisters are consistently dumped in the local area. Not just the odd canister but many of them.'* (B67 5HQ)

2) 17% of concerns in Smethwick related to the drug taking which was taking place.

Comments:

- *'Cars parking to inhale NOS and smoke cannabis'* (B67 5EA)
- *'Comes with a lot of antisocial behaviour of youths taking them on Adkins Lane and Lightwoods Hill Galton Road. There is other drug taking at this time as well. It does not feel safe in the area after dark, large numbers of youths, cars stopping full of people etc.'* (B67 5EX)



- *'Mass gatherings in lightwoods park. As a direct result of taking this substance bad behaviour ensued'* (B67 5DS)

3) 11% of comments touched on the experiences of locals in Smethwick being the victim of or coming across abusive behaviour by individuals who had been using Nitrous Oxide.

Comments:

- *'People using the NO being rowdy and aggressive'* (B66 4AR)
- *'Abuse towards local residents.'* (B67 5DS)
- *'I've had to walk back into Bearwood high street with a member of the public who was being threatened by youths taking NOS canisters in the park who was being heckled and intimidated by them'* (B67 5EX)

### **Tipton**

1) 33% of feedback from local people in Tipton highlighted their distress/frustrations at the littering of Nitrous Oxide canisters in their neighbourhoods.

Comments:

- *'My neighbour uses laughing gas every weekend and they always around the street'* (DY4 9HL)
- *'I have attempted to complain twice regarding used canisters littering the street near schools.... not one person from the local neighbourhood team even replied'* (No Address Provided)

2) 17% of responses alluded to the vandalism that had taken place by individuals engaging in the recreational use of Nitrous Oxide.

Comments:

- *'Sometimes teenagers set fire to the trees behind our home.'* (DY4 0HZ)
- *'Last year teenagers were setting off fireworks aiming them into our street. They hit several houses and cars.'* (DY4 0HZ)

3) 17% of concerns revolved around noise nuisance.

- *'Our house backs onto public land. We often hear loud noise, music, etc.'* (DY4 0HZ)

### **Wednesbury**

1) In line with the feedback from the other Sandwell towns, litter was also the biggest reason for unhappiness amongst Individuals from Wednesbury with 33% of feedback making mention of this.

Comments:

- *'Deposits of canisters in various locations'* (WS10 0ED)
- *'I pick up easily 60+ a week'* (WS10 9PE)



2) 17% of feedback from locals in Wednesbury raised concerns with drug taking.

Comments:

- *'I have seen people taking it during the day and this happened when I was walking with my children'* (WS10 9BQ)

3) Noise nuisance was also made mention of in 17% of comments by locals.

Comments:

- *'Gangs in Cars back of Farm Foods in Wednesbury with these canisters. The noise and revving of cars.'* (WS10 7AZ)

### **West Bromwich**

1) 33% of feedback from West Bromwich centred on the littering that was accompanying Nitrous Oxide use.

Comments:

- *'Large numbers of canisters littered on the streets.'* (B70 6BA)
- *'Groups of teenagers in Dartmouth Park using in nitrous oxide incorrectly and littering.'* (B71 3NP)
- *'Street littered with canisters'* (B71 2EH)

2) 23% of feedback showed the unhappiness of local people with the drug taking which was taking place in their neighbourhoods.

Comments:

- *'Drug taking (injecting) in the street (carpark)'* (B70 6NW)
- *'Cars full of people doing 'balloons' shouting'* (B71 2EH)
- *'They often congregate and drink alcohol and take nitrous when hanging about'* (B71 1LH)

3) 10% of comments touched on the drug dealing that was believed to be linked to the recreational use of Nitrous Oxide.

Comments:

- *'Drug users using the estate daily to pick up drugs from their dealers.'* (B71 1LH)
- *'Drug dealing Agressive begging general ASB'* (B70 8ET)

### **Impact of Anti-Social Behaviour on Local People**

- Participants in the consultation were then asked about the effects of the anti-social behaviour which was accompanying Nitrous Oxide consumption on them [Figure 6]. Close to 1 in 4 responses (24%) alluded to people feeling unsafe with 13% of respondents commenting on the distress which they felt due to the anti-social behaviour stemming from the recreational use of Nitrous Oxide. 7% of individuals spoke about how this behaviour would disrupt their sleep.



## Feedback of Proposed PSPO

- Feedback from 95% of respondents demonstrated support for the proposed PSPO [Figure 7].
- The littering of discarded canisters was most commonly pointed out as the reason for why individuals were in favour of the proposed PSPO (68%). This was followed by the anti-social behaviour that was believed to be linked to the inhalation of Nitrous Oxide (22%) and worries around children coming across discarded canisters (18%) [Figure 8].
- 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:

### Recommendation of Tighter Measures/Security

- *'CCTV cameras are needed to monitor known hotspots.'*
- *'Curfews should be mandatory and public spaces closed once the curfew begins.'*
- *'Go further ban sales of these in shops.'*
- *'It should be an offence for them to be sold. There are a number of venues on Bearwood high street who sell these canisters'*

### Strong Enforcement Needed for PSPO to be Successful

- *'It needs to be enforced. I often see blatant breaches of the order regularly on the streets and estates of West Bromwich. Order will only be as good as the level of enforcement applied.'*
- *'If it is brought into force, let's hope it is enforced'*
- *'Street wardens or others should have the powers. Not just the police.'*
- *'it's all right proposing or making new rules, but have you got the people to police it'*

### Support for the Proposed PSPO

- *'I think it's a brilliant idea'*
- *'Think it's about time this matter was tackled and fully support proposal.'*
- *'we support this PSPO and hope they get the people who keep doing it'*
- *'Yes, it would be wonderful if something could be done'*

## West Midlands Police and Crime Commissioner

Feedback was also received from the West Midlands Police and Crime Commissioner who welcomed effective action to prevent and tackle the anti-social behaviour linked to the use of Nitrous Oxide. However, a potential limitation of the proposal was identified by the commissioner who commented that it seemed the PSPO could only allow authorised officers to confiscate Nitrous Oxide canisters where these were visibly seen in the possession of a person. As such, this would limit the ability and scope for prevention and enforcement and ultimately the effectiveness of the proposed prohibition.



## Appendix 2.

### Proposed per pupil 2022-23 term-time residential charges for Sandwell Residential Education Centres, inflationary rise of 2.4% (based on CPI July 2021)

Edgmond Hall, Frank Chapman, Ingestre Hall									Plas Gwynant	
4 nights					2 nights				4 nights	
Standard rate per student, ( £ )										
Season	2021-22 charge	Proposed 2022-23 charge	2021-22 Large group discount charge	Proposed 2022-23 Large group charge	2021-22 charge	Proposed 2022-23 charge	2021-22 Large group Discount charge	Proposed 2022-23 Large group charge	2021-22 charge (no large group discount)	Proposed 2022-23 charge
low	245	251	225	231	135	138	130	133	300	307
mid	290	297	270	277	155	159	150	154	330	338
high	315	323 (333FC)	290	298 (308FC)	170	174 (184FC)	160	164 (174FC)	370	379
Sandwell academy schools: standard rate -20% discount										
low	196	201	180	185	108	110	104	106	240	246
mid	232	238	216	222	124	127	120	123	264	270
high	252	258 (268FC)	232	238 (248FC)	136	139 (149FC)	128	131 (141FC)	296	303
Sandwell maintained schools: standard rate -30% discount										
low	171	176	158	163	95	97	91	93	210	215
mid	203	208	189	194	108	111	105	108	231	237
high	220	226 (236FC)	203	209 (219FC)	119	122 (132FC)	112	115 (125FC)	259	265

#### Notes.

1. Large group discounts encourage non-Sandwell schools to bring bigger numbers and more income. Large numbers: 65+ at Ingestre; 45+ at Frank Chapman and Edgmond. Plas Gwynant works close to maximum numbers, so no large number discount applies.
2. A minimum number requirement applies at all centres. Schools can share to meet minimum numbers.
3. Sandwell Looked After Children come free of charge with their schools during term-time.
4. 2-night courses are not normally offered at Plas Gwynant; and at Ingestre only at certain times.
5. Low season: the first 2 weeks of the autumn term; 20 Nov-31 Jan;  
Mid-season: the third week of autumn term-20 Nov; Feb, March, April (and to SATs week, Plas).  
High season: May, June and July (post SATs at Plas Gwynant).
6. Frank Chapman Centre pods are open Easter to October, with prices to be set at 85% of main centre charges, providing a lower-cost summer option.
7. Frank Chapman high season prices reflect the additional operational costs at that time of the year.

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## Minutes of Budget and Corporate Scrutiny Management Board

**Tuesday, 21 September 2021 at 6.00 pm  
at Council Chamber - Sandwell Council House, Oldbury**

**Present:** Councillor L Giles (Chair)  
Councillors Anandou, E M Giles, Mabena and Shackleton.

**Also present:** Councillors Abrahams and Bhullar.

**In attendance:** Neil Cox (Director Business Strategy and Transformation), Simone Hines (Director of Finance), Surjit Tour (Director of Law and Governance), Rebecca Maher (Head of Finance), Charlie Davey (Business Partner - Adults, Finance), Steve Lilley (Finance Business Partner), Sarah Sprung (Senior Lead Officer) and Suky Suthi-Nagra (Democratic Services Manager).

### 45/21 **Apologies for Absence**

An apology for absence was received from Councillor Moore.

### 46/21 **Declarations of Interest**

There were no declarations of interest made.

### 47/21 **Minutes**

**Resolved** that the minutes of the meeting held on 21 July 2021 are approved as a correct record.



## **48/21 Additional Items of Business**

There were no additional items of business to consider as a matter of urgency.

## **49/21 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's 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.

Having considered the refreshed plan, members of the Board commented that:-

- work was now needed to develop business plans with key milestones and timelines identified so as to measure progress against tangible outcomes. It was noted that this was the next phase of the plan Directorate business plans would be realigned to the financial plan and would be considered in February 2022;
- more engagement was needed with members on the Corporate Plan and knowledge of what was happening in each ward. It was felt that more Member Briefings should be carried out to keep members informed;
- periodic reporting on the Corporate Plan to be provided to the Scrutiny Board for consideration;
- that the Chair of the Scrutiny Management Board be invited to further engagement sessions with young people at schools;
- that further work be done with residents to ensure that as many residents as possible are responding and that responses are representative of the communities in Sandwell.

**Resolved:-**

- (1) that the progress and the steps taken to co-produce the refresh of the Corporate Plan 2020-2025 be noted;
- (2) that the comments of Budget and Corporate Scrutiny Management Board in relation to the refresh of the Corporate Plan 2020-2025 be considered by the Cabinet.

At its meeting on 1 September 2021, the Cabinet referred the financial monitoring for individual directorates as at 30 June 2021 (Quarter 1 2021/22) report to the Budget and Corporate Scrutiny Management Board for consideration and comment.

The Board noted that services were projecting an over spend of £4.621m against allocated budgets, however, after adjusting for reserves, corporate resources, RCCO and the application of centrally held Covid-19 grant funding, the adjusted projected outturn was an under spend of £6.185m.

Services were continuing to experience the financial impact of Covid, most significantly a loss of income due to suspended or significantly reduced services. Pressures of £7.610m were expected to be managed through the centrally held Covid funding which was from the unused balance of grants received in 2020/21 and additional grants received or anticipated for part of 2021/22.

In addition to the Covid related issues, services were reporting a number of significant ongoing operational pressures which would need to be incorporated into the next refresh of the corporate medium term financial strategy.

In relation to questions raised by the Board, the Director – Finance clarified that:-

- There had been an underspend in Adult Social Care due to:
  - the receipt of NHS funding to support hospital discharges in the sum of £900,000, however, after quarter 2, this funding would not be available;
  - at the height of Covid-19, Sandwell had seen significant deaths in nursing homes and therefore the number of people in care had decreased by 15%. Numbers were now increasing and was expected to go back to pre-Covid levels;
  - during the pandemic, residents were reluctant to come to the Council to receive care and with many family members staying at home, they were looking after vulnerable residents;

- a further report would be submitted to Cabinet to quantify the underspend in Adult Social Care and recommend how it should be used.

In response to concerns raised regarding seeing a roadmap on budget spend, it was reported that this report being considered outlined the Council's current financial monitoring position. In relation to the budget 2022-23, this work was in progress. A report would be considered by Council in December to ensure that the budget was sustainable and would be submitted to Cabinet and to the Scrutiny Board for consideration as part of the budget setting process.

#### **51/21 Cabinet Forward Plan**

The Scrutiny Management Board noted the Cabinet Forward Plan as at the time of the meeting.

#### **52/21 Budget and Corporate Scrutiny Management Board Work Programme 2021-22**

The Scrutiny Management Board noted its work programme for the remainder of the 2021-22 municipal year.

Further updates were sought on the Sandwell Leisure Trust to ensure that progress had been made following consideration of issues by the Board in the 2020-21 municipal year.

Meeting ended at 6.37 pm

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

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# Minutes of Budget and Corporate Scrutiny Management Board

**Wednesday, 17 November 2021 at 6.00 pm  
at Sandwell Council House, Oldbury**

**Present:** Councillor L Giles (Chair)  
Councillors E M Giles and Moore.

**Also present:** Neil Cox (Director of Business Strategy and Change) and  
Suky Suthi-Nagra (Democratic Services Manager).

## **53/21 Apologies for Absence**

Apologies were received from Councillors Anandou, Bhullar and Shackleton.

## **54/21 Declarations of Interest**

There were no declarations of interest made.

## **55/21 Minutes**

**Resolved** that the minutes of the meeting held on 21<sup>st</sup>  
September, 2021 are approved as a correct record.



## 56/21 Additional Items of Business

There were no additional items of business to consider as a matter of urgency.

## 57/21 Update on the Senior Management structure

The Board received an update on the senior management structure.

It was noted that Full Council had approved the structure on 6<sup>th</sup> October 2020 which aimed to deliver on the proposed Corporate Plan six outcomes and associated key priorities as well as be able to meet emerging priorities over the coming years.

Following a competitive recruitment process, the Chief Officers Terms and Conditions Committee had approved the following appointments:-

- **Director of Housing** – approved on 24<sup>th</sup> March 2021  
Gillian Douglas appointed and commenced on 12<sup>th</sup> July 2021
- **Director of Adult Social Care** – approved on 25<sup>th</sup> March 2021  
Rashpal Bishop appointed and commenced on 19<sup>th</sup> July 2021
- **Director of Finance** – approved on 23<sup>rd</sup> March 2021  
Simone Hines appointed and commenced on 2<sup>nd</sup> August 2021
- **Director of Regeneration and Growth** – considered on 1<sup>st</sup> April 2021 however appointment not made. Re-advertised and considered by Chief Officers Terms and Conditions Committee on 16<sup>th</sup> July 2021. Tony McGovern appointed and commenced on 13<sup>th</sup> September 2021
- **Director of Children and Education** – approved on 21<sup>st</sup> July 2021  
Michael Jarrett appointed and was due to commence on 22<sup>nd</sup> November 2021
- **Director of Borough Economy** – approved on 31<sup>st</sup> March 2021, unable to appoint. Re-advertised and considered by

Chief Officers Terms and Conditions Committee on 26<sup>th</sup> August 2021.  
Alice Davey appointed and due to commence on 29<sup>th</sup> November 2021.

In addition to implementation of the senior management structure at their meeting on the 31<sup>st</sup> July 2021, Full Council approved the early retirement of the Chief Executive.

At their meeting on the 5<sup>th</sup> August 2021, the Chief Officer Terms and Conditions Committee appointed Kim Bromley Derry into the role of Interim Chief Executive and Head of Paid Service. Kim started with the Council on 10<sup>th</sup> August 2021.

Given the interim nature of the above appointment, it was important that the Council sought to appoint to the role on a permanent basis. The next stage in the recruitment process was to advertise the post externally.

It was also reported that the next officer layer below Directors would be reviewed next.

The Board noted that with the exception of the Chief Executive post, all other Director positions had now been filled. Members did however request that timely communications should be sent to all elected members as well as a structure chart demonstrating which areas Directors were responsible for.

In relation to a query regarding appointing to the vacant Deputy Chief Executive post, the Director Business Strategy and Change reported that once the Chief Executive and all other Directors had commenced in their role, the new Chief Executive would review whether an appointment into this role was still required.

It was agreed that a meeting with the Interim Chief Executive would be arranged with Scrutiny Board Chairs as well as a briefing session for all members to meet with all newly appointed Directors.

**Resolved:-**

- (1) that the senior management structure update be noted;
- (2) that the Director Business Strategy and Change send a structure chart of the senior management structure to all elected members;

- (3) that the Democratic Services Manager arrange a meeting between Scrutiny Board Chairs and the Interim Chief Executive and a briefing session for all elected members to meet with newly appointed Directors.

**58/21 Cabinet Forward Plan**

The Scrutiny Management Board noted the Cabinet Forward Plan as at the time of the meeting.

**59/21 Budget and Corporate Scrutiny Management Board Work Programme 2021-22**

The Scrutiny Management Board noted its work programme for the remainder of the 2021-22 municipal year.

Further updates were sought on:-

- response rates for Freedom of Information queries (Director of Law and Governance);
- costs associated with the Aquatic Centre (Director of Regeneration and Growth);
- an overview of projected spend in service areas and proposed efficiency savings for future years (Director of Finance).

Meeting ended at 6.24 pm

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

## Minutes of Audit and Risk Assurance Committee

**Thursday, 16 September 2021 at 5.00 pm  
at Council Chamber - Sandwell Council House, Oldbury**

**Present:** Councillor M Gill (Chair)  
Mr Ager (Independent Vice-Chair)  
Councillors Allen, Z Hussain and O Jones.

**Also present:** S Tour – Director of Law and Governance and Monitoring Officer  
S Hines - Director of Finance and Section 151 Officer  
R Maher – Head of Finance  
M Barnett - Acting Operational Director of Children and Education Services  
M Stocks – Grant Thornton

### 45/21 Apologies for Absence

Apologies were received from Councillors Akpoteni and Anandou and Independent Member Mr J Hussain.

### 46/21 Declarations of Interest

There were no declarations of interest made.

### 47/21 Minutes

The Committee received the minutes of the meetings held on 18<sup>th</sup> March and 29<sup>th</sup> July 2021.



**Resolved:**

- (1) that the minutes of the meetings held on 18<sup>th</sup> March and 29 July 2021 are approved as a correct record;
- (2) that the Director of Law and Governance and Monitoring Officer, reports to the next meeting on progress in carrying out the resolutions of Minute No. 21/21 of the meeting held on 18<sup>th</sup> March (and reconvened, following an adjournment, on 18<sup>th</sup> May) 2021.

**48/21 Additional Items of Business**

There were no additional items of business to consider.

**49/21 Statement of Accounts 2019/20**

The Committee received the Council's Statement of Accounts for 2019/20. It was noted that that the delays in presenting these accounts was due to queries that external auditors, Grant Thornton, had around asset valuation.

The accompanying Audit Findings Report was presented as a separate agenda item.

**Resolved** that the Statement of Accounts for 2019/20 is approved.

**50/21 Audit Findings Report 2019/20**

In reference to Minute No. 49/21 (above) the Audit Findings Report in connection with the 2019/20 Statement of Accounts was presented by the Council's external auditors, Grant Thornton.

It was noted that there had been many delays in presenting this report, as a result of queries around asset valuation. Adjustments to the Comprehensive Income and Expenditure Statement (CIES) had resulted in a net decrease of £10.6m in deficit. A number of significant adjustments had been made, however, there was no loss to the Council.

It was again highlighted that the current processes for valuation of property, plant and equipment were poor and overly complex and would continue to cause delays in the audit process until resolved. Urgent action had been recommended.

Concerns had been reported to management around weaknesses in IT controls and the use of journals and the control measures in place.

Concerns around the establishment of Sandwell Land and Property and the contingent liability for the Council around its shares were re-iterated. The Committee noted that the company was in the process of being wound up.

Auditors had concluded that the Council had proper arrangements in place to secure economy, efficiency and effectiveness in its use of resources, except for its arrangements around Children's services which had been rated as 'inadequate' by OFSTED. Progress could be seen in Sandwell Children's Trust however there was a need to address staff vacancy rates. Members highlighted that the recent Ofsted inspection of the Trust's fostering service had resulted in a "Good" rating. It was hoped that this have a positive impact on the wider organisation.

The Head of Finance confirmed that the majority of required actions in the report had now been implemented, however the implementation of an electronic asset register was still in progress as a procurement process would need to be undertaken.

The Committee requested a further report to a future meeting on progress in addressing the high-risk actions set out in the accompanying action plan, particularly in relation to the implementation of new systems to replace Excel asset registers, the implementation of a new property database and management challenge of external valuations of property, plant and equipment.

In relation to the sale of Providence Place in West Bromwich, (Minute No. 20/20 of the Budget and Corporate Scrutiny Management Board meeting held on 20 August 2020 and Minute No. 68/8 of the Cabinet meeting held on 26 August 2020 refer), the sale represented a significant financial loss for the Council of around £22m. Whilst the decision to sell the building for use as an academy for arts and music was laudable, the external auditor highlighted the significant financial loss to the Council and urged that future purchases or sales of land and property were clearly aligned with a long-term estates strategy.

The Committee was informed that both the purchase of the building and its subsequent sale were supported by external valuations. The decision to purchase the building and the cost of such had been offset against the cost of rent for the remainder of the lease (up to 2026). Following a change in the Council's operational requirements, and the declaration of

the building as surplus to requirements, the opportunity to attract a new school had been taken.

Contracts for the sale of the building had recently been exchanged with the Department for Education and discussions were taking place regarding a completion date. Discussions were also taking place with officers from Strategic Assets and Land on the lessons learned from the process, as part of Grant Thornton's detailed review of governance, the findings of which would be reported to the Committee after October 2021.

### **51/21 Audit and Risk Assurance Committee Annual Report 2020/21**

The Committee gave consideration to its Annual Report which detailed the work undertaken during 2020/21.

The Head of Finance reported the main causes for concern were the Audit Findings Report 2019/20 and the five 'limited' rated internal audit reports. Based on the work undertaken during the year and the implementation by management of the recommendations made, Internal Audit had given reasonable assurance that the Council had adequate and effective governance, risk management and internal control processes.

**Resolved** that the Audit and Risk Assurance Committee Annual Report 2020/21 is approved and presented to the next meeting of the Council.

### **52/21 Local Government and Social Care Ombudsman Annual Report year end 2020 and 2021**

The Committee noted the Local Government and Social Care Ombudsman's (LGSCO) Annual Reviews for the years ending 31 March 2020 and 2021, which provided a summary of the complaints dealt with in relation to the Council.

115 complaints had been received by the LGSCO in 2019/20 period, of which 17 detailed investigations had taken place and 15 complaints had been upheld. 78 complaints had been received in 2020/21 period, of which 16 detailed investigations had taken place and 13 cases were upheld. It was reported that there was a more pro-active approach to managing complaints, which had resulted in a reduction in the number of complaints so far for the 2021/22 period.

The Committee noted that the most common complaints related to adult social care, of which there was a backlog due to the impact of the covid-19 pandemic. The LGSCO was aware of the delay and the team was now working through a backlog. It was noted that the Council compared favourably to other local authorities in the region in this respect.

### **53/21 Strategic Risk Register - Children's Social Care**

Further to Minute No. 37/21 of the meeting held on 29 July 2021, the Acting Operational Director of Children and Education attended the meeting to address the Committee on strategic risk 4 on the strategic risk register, which related to children's social care.

Further detail was provided on the measures in place the risk, which included monthly meetings between the Council and the Trust to provide assurance on the management of the risk and to consider performance and operational matters (Operational Partnership Board). In addition, each quarter, the Lead Member for Children's Services and the Chief Executive met with the Chair of the Trust Board and the Chief Executive of the Trust, at a Strategic Partnership Board (SPB).

On behalf of the Council, the Trust had developed a three-year Improvement Plan in response to the Ofsted inspection findings published in January 2018. The Plan had recently been refreshed, utilising the feedback provided by Ofsted during its regular monitoring visits and input from both the Council and Independent Improvement Board, with an aim of becoming a 'Good' or better organisation. The delivery of the Improvement Plan was overseen by the Improvement Board, which was independently chaired, and progress was monitored as part of the Council's contractual monitoring processes.

It was reported that following a recent Ofsted inspection, the fostering service had been rated "Good", which demonstrated the progress being made by the Trust.

Meeting ended at 5.58 pm

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

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