

## Sandwell Metropolitan Borough Council Statement of Decisions made at a meeting of the Executive on Wednesday, 12 January 2022

Published:

The following decisions were made by the Executive at its meeting on **Wednesday, 12 January 2022**. These decisions will come into force on **21/01/2022**. A decision by the Executive may be called-in (in accordance with Part 4 – Scrutiny Procedure Rules of the Council's Constitution) by **20/01/2022**. Should you have any queries about any decision that has been made, contact should be made in the first instance to Democratic Services at [democratic\\_services@sandwell.gov.uk](mailto:democratic_services@sandwell.gov.uk). Any declaration of interest made by any member of the Executive is shown below.

|   | Item  | Reason for Decision:   | Alternative options:   | Lead officer: |
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| 4 | <p data-bbox="174 204 577 236"><b>Additional Items of Business</b></p> <p data-bbox="264 272 725 336"><b>Business Rates Covid Additional Relief Fund</b><br/>Approval was sought for Sandwell's policy to administer the Business Rates Covid Additional Relief Fund (CARF) arising from new regulations introduced through the Government's Department for Levelling Up, Housing and Communities.</p> <p data-bbox="253 1054 725 1353"><b>Additional Restrictions Grant 3</b><br/>Approval was sought for Sandwell's policy to administer the Additional Restrictions Grant 3 (ARG 3) arising from 21 December 2021 announcement from Government to the introduction of grant support for hospitality and leisure businesses in England.</p> | <p data-bbox="882 240 1373 879">In late December 2021, the Government, through the Department for Levelling Up, Housing and Communities introduced new financial support for businesses called CARF. The policy would ensure businesses receive the financial support they were entitled to, the Council intended to make the CARF scheme as simple as possible and make the awards without the need for businesses to apply. This would ensure the financial support would be paid to businesses a lot quicker than via an application process. Furthermore, in view of the tight deadlines to expend the grant funding, a decision was required urgently.</p> <p data-bbox="882 1054 1373 1592">On 21 December 2021, the Government announced that a further £102 million would be made available for Local Authorities, through a top-up to the Additional Restrictions Grant. 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 and therefore this was the reason for</p> | <p data-bbox="1494 240 1877 507">As an alternative to the direct award of CARF, an application process would be implemented which would enable those businesses who feel they might qualify for the relief to apply via an online form.</p> <p data-bbox="1494 544 1877 1018">This would delay getting the financial support out to the businesses who require this financial support, and the potential for businesses to miss out on the support by not applying. An application process would also take up a lot of staff resource to manage due to the potential number of applications we may receive and the limited resource we have available to us.</p> <p data-bbox="1494 1054 1877 1497">As the government had expressed their preferences on this funding there is minimal scope for alternative options, however one alternative would be to increase both grant sizes by £500; to £2500 and £5500 respectively. However, this would result in less grants being available overall and fewer local businesses would also benefit as a result.</p> |               |

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| 5 | <p><b>Determination of Admission Arrangements for Sandwell's Community and Voluntary Controlled Schools for 2023/24</b></p> <p>Approval was sought for the publication of the Local Authority's Admission Arrangements for 2023/24 academic year for places in all community and voluntary controlled schools.</p> | <p>The Local Authority must abide by the requirements of the School Admissions Code and associated regulations and determine admission arrangements for community and voluntary controlled schools each year. This report related to the proposed arrangements to apply for the 2023/24 academic year and there was no obligation on the Local Authority to consult on these arrangements as it last consulted in October / November 2017. The proposed arrangements were in line with the requirements of the Admissions Code.</p> | <p>There were no alternative option open to the Local Authority in relation to its responsibilities for agreeing and publishing oversubscription criteria for community and voluntary controlled schools. The Local Authority must abide with the requirements of the Admissions Code.</p> |               |

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| 6 | <p><b>Request to procure for the Holiday Activity and Food Programme 2022-2023</b></p> <p>Approval was sought to undertake a procurement exercise for holiday activity provision via the Holiday Activity and Food programme 2022-2023.</p> | <p>The Department for Education had recently informed all Local Authorities (LA) in England that the Holiday Activity and Food programme will now be funded for an additional three years, 2022 – 2025.</p> <p>Approval was therefore requested to undertake a procurement process for holiday activity provision for centralised activity providers at a maximum value of £360,000 and to undertake an exemption to procurement procedures to contract an existing centralised meal provider at a cost of £144,000. Both decisions would require Cabinet approval in order to meet the procurement and contracting regulations in order to meet the timescales to enable live delivery for Easter 2022.</p> | <p>There were no viable alternative options, as the Holiday Activity and Food programme 2022 would continue investing through a grant making scheme to support the voluntary and community sector to deliver holiday activity in communities. Local VCS capacity was limited and would not meet the sufficiency of places that we were required to offer that exceed 17,500 children currently in receipt of benefit related free school meals.</p> <p>A procurement process was undertaken for our current schools catering provider. It identified value for money, local jobs for local people and the provider has the skills, knowledge and experience to deliver against the School Food Standards which is a requirement of the grant.</p> |               |

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| 7 | <p><b>Mobysoft Limited- RentSense Software Contract</b></p> <p>Approval was sought to award a contract for Mobysoft’s RentSense product to deliver an efficient and effective arrears recovery process.</p> | <p>Mobysoft’s RentSense product would enable the service to deliver an efficient and effective arrears recovery process that maximised cash collection, prevents tenants from getting into debt, supported tenancy sustainment and reduced homelessness.</p> <p>The value and return on investment had clearly been demonstrated during the existing contract term in delivering greater caseload accuracy, a more manageable caseload enabling officers to focus on tenants most in need, reduced arrears, fewer tenants in debt, fewer evictions and in supporting tenant wellbeing and tenancy sustainment.</p> | <p>Option 1 – Use Capita’s Open Housing Management System: there was no guarantee moving forward that any future version upgrade would deliver on the functionality required to reduce arrears, increase cash collection and manage the escalating demands of universal credit.</p> <p>Option 2 - Procure a new Housing Management System:<br/>The current contract with Capita expired March 2023 and approval was being sought to commence a system review. The end to end process to review, procure and implement a new housing management system would not be completed until approximately 2025.</p> <p>Option 3 - Enter into a new contract with Mobysoft Limited:<br/>This would not require any additional resources and Mobysoft have delivered on the projected outcomes which included a reduced arrears caseload, capacity gain enabling officers to focus on complex arrears cases and mitigate the impact of universal credit, increased cash collection and</p> | <p></p>       |

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| 8 | <p><b>SEND Transport arrangements: February 2022 to July 2024</b></p> <p>Cabinet considered proposals in relation to travel arrangements for children with special educational needs and disabilities to facilitate their attendance at an appropriate education provision.</p> | <p>The Local Authority had a duty and has powers to make particular travel arrangements for children with special educational needs and disabilities to facilitate their attendance at an appropriate education provision.</p> | <p>Option 1 – Running a new mini-competition under the New DPS:<br/>A new mini-competition could not be split into smaller lots, for shorter periods, so would not remedy all the issues arising and raised during the review process, particularly in relation to the mini-competition again producing only two successful bidders.</p> <p>Option 2 - Continue to use the existing arrangements, under the previous DPS:<br/>It was possible for the Council to extend the previous DPS (completed in 2018), however this would not address the concerns and issues raised recently and would not positively contribute to the Council’s current priorities.</p> <p>Option 3 – Procure a new Fixed Term Service Contract<br/>This would be the least flexible option and high risk in terms of service delivery due to the rigid nature of a fixed term contract. Once a fixed term contract had been let, no further suppliers can be added to the contract, therefore should any suppliers wish to leave the contract, there would be no mechanism available to replace them with an</p> | <p>Page 7 of 11</p> |

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| 9 | <p><b>Schools Funding 2022/2023</b></p> <p>Approval was sought for the Schools Funding 2022/23 proposals.</p> | <p>The Schools Revenue Funding 2022/2023 – Operational Guide required the Council to engage in open and transparent consultation with maintained schools and academies in their area, as well as with their schools forum about any changes to the local funding formula, including the principles adopted and any movement of funds between blocks.</p> <p>The Council was responsible for making the final decisions on the formula and for ensuring there was sufficient time to gain political approval before the schools funding model (Authority Proforma Tool – APT) deadline in January 2022.</p> | <p><b>Local Authority Funding Formula</b></p> <p>Option 1 - Stepped increase to the 2022/23 Local authority model - Increase of the Primary: Secondary Ratio to 1:1.29 (3rd Year):<br/>This model used the same factors as previous years, except for the two factors mentioned below. In Sandwell’s local school funding formulae, the 2021/22 rate for Basic Entitlement/AWPU was significantly above the National Funding Formula (NFF) rate. The recommendation was therefore; to keep these rates the same for 2022/23 and instead introduce for the first time, factor value rates for Free School Meals (FSM) and Free School Meals Ever 6 (FSM6) in order to reflect the change of moving to a primary secondary ratio of 1:1.29.</p> <p>Option 2 - Secondary Schools receive 1% more above the overall increase in funding:<br/>This model gave secondary schools 1% more of the additional funding than primary pupils (The 1% is calculated on the basis of funding to primary and secondary schools prior to</p> | <p></p>       |

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| 10 | <p><b>Recommendations of the Scrutiny Review of Elective Home Education</b></p> <p>Cabinet considered the recommendations from the Children's Services and Education Scrutiny Board in respect of the Elective Home Education Working Group</p> | <p>The findings reflected wider national concerns that the Association Directors of Children's Services (ADCS) and Association of Elective Home Education Professionals (AEHEP) had made to the Government relating to the need to strengthen the legislation, to provide further safeguards for children who are EHE and the need to provide funding to local authorities work with EHE children through Designated School Grant (DSG).</p> <p>The Cabinet was requested to consider the recommendations and determine what action it wished to take. In accordance with the Localism Act 2011, the Cabinet was requested to respond to the recommendations of the scrutiny board within two months, setting out any approved recommendations and how they would be implemented. Progress against these recommendations would be monitored by the Children and Education Scrutiny Board.</p> | <p>The purpose of the review was to consider current support for Elective Home Education and if it met the needs of young people and parents, findings would inform if the Council should consider alternative options.</p> |               |
| 11 | <p><b>Exclusion of the Public and Press</b></p>   |   |   |               |

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| 12 | <p><b>Procurement of a new Asset Management Database</b></p> <p>Cabinet considered the proposals for a new IT system (asset database) to enable all the Council's property and finance information to be managed effectively.</p> | <p>Grant Thornton's March '21 Audit Findings Report highlighted an urgent need to improve the Council's systems and practices particularly with regard to the maintenance of property information. The Council's current system (Atrium) would cease to be operational from December 2022, so needs replacing.</p>   | <p>An options appraisal was considered to deem the best course of action for the Council. It was agreed to approve the acquisition of a new IT system (asset database) to enable all the Council's property and finance information to be managed effectively.</p> |               |
| 13 | <p><b>Agreement with JKA</b></p> <p>Cabinet considered the proposals in relation to the option agreement with the developer for the Lion Farm site, Oldbury.</p>  | <p>The Council entered into an Agreement with JKA (Developer) in 2013 to explore the establishment of a Retail Outlet Village on the Lion Farm site in Oldbury. The recommendations were before Cabinet to resolve the long-term impasse with the developer in relation to the Option Agreement for the Lion Farm site and as part of the Action Plan to implement the recommendations of the recently published Grant Thornton report which identified this issue for resolution.</p> | <p>An options appraisal was considered to deem the best course of action for the Council. It was agreed to trigger the Arbitration Clause of the existing Agreement to refer the matter for Expert Determination.</p>  |               |