

# Minutes of Cabinet

**Wednesday, 12 January 2022 at 3.30 pm  
at Council Chamber - Sandwell Council House, Oldbury**

**Present:** Councillor Carmichael (Chair)  
Councillors Crompton, Ahmed, Hartwell, I Padda, Piper and  
Simms

**Officers:** Kim Bromley-Derry (Interim Chief Executive), Simone Hines  
(Director of Finance), Michael Jarrett (Director of Children  
and Education), Tony McGovern (Director of Regeneration  
and Growth), Surjit Tour (Director of Law and Governance  
and Monitoring Officer) and Suky Suthi-Nagra (Democratic  
Services Manager).

## **1/22 Apologies for Absence**

Apologies for absence were received from Councillors Bostan, L  
Giles, Millard, Moore and Shackleton.

## **2/22 Declarations of Interest**

There were no declarations of interest made.



**Resolved** that the minutes of the meeting held on 15 December 2021 be confirmed as a correct record.

**Additional Items of Business**

Two additional items of business were considered:-

5/22 (a)

**Business Rates Covid Additional Relief Fund**

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.

**Reason for Decision**

The policy would ensure businesses received 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. Sandwell Council would therefore, based upon the guidance issued by the government, identify the businesses entitled to the CARF and then award relief directly to their business rates accounts. 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.

**Alternative Options Considered**

As an alternative to the direct award of CARF, an application process would be implemented which would enable those businesses who felt they might qualify for the relief to apply via an online form.

This would delay getting the financial support out to the businesses who required this financial support and the potential for businesses to miss out on the support by not applying.

As any awards given out were reimbursed to the Council in the form of a Section 31 grant, it was in Sandwell Council's own interests and local businesses interest to make these awards as quickly and efficiently as possible.

**Agreed:-**

- (1) that Sandwell's policy for administering the Business Rates Covid Additional Relief Fund (CARF) arising from new regulations introduced through the Government's Department for Levelling Up, Housing and Communities be approved;
- (2) that details of the sum of £7,582,533 that Sandwell has received to support businesses that we identify as meeting the eligible criteria be noted;
- (3) that the Director of Finance be authorised to make any changes necessary to the Business Rates Covid Additional Relief Fund policy in order to ensure all the funding is expended within the time frame.

**6/22 (b) Additional Restrictions Grant 3**

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.

**Reason for Decision**

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.

The ARG funding scheme aimed to support businesses severely impacted by coronavirus restrictions and the rise of the Omicron variant, when most needed.

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 the urgent decision.

### **Alternative Options Considered**

As the government had expressed their preferences on this funding, there was minimal scope for alternative options. Whilst there was one alternative to increase both grant sizes by £500; to £2500 and £5500 respectively, this would result in less grants being available overall and fewer local businesses would also benefit as a result.

#### **Agreed:-**

- (1) that approval be given to Sandwell's policy for administering 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;
- (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 £406,000 of Additional Restriction Grants 3;
- (3) that the Director of Regeneration and Growth be authorised to make any changes necessary to the Additional Restriction Grants policy in order to ensure all the funding is expended within the time frame.

**6/22**

### **Determination of Admission Arrangements for Sandwell's Community and Voluntary Controlled Schools for 2023/24**

Approval was sought for the publication of the Council's Admission Arrangements for 2023/24 academic year for places in all community and voluntary controlled schools.

Questions were asked by Chair of the Safer Neighbourhoods and Active Communities Scrutiny Board regarding the process and criteria of admissions of children to Sandwell schools.

In response, the Cabinet for Children and Education confirmed that whilst a school may indicate a place available at its school at a particular point in time, when a formal application to the Admissions Team was required, in accordance with the national School Admissions Code, the Authority must then consider all current applications received from parents/carers for that school. Applications were then prioritised against the school's published

admission criteria. A child may not secure a place if there was an alternative child who met a higher admission criteria or lived closer to the school.

### **Reasons for Decision**

The Council 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. The proposed arrangements were in line with the requirements of the Admissions Code.

The Admissions Code also required the Council to consult governing bodies of community and voluntary controlled schools where it proposed either to increase or keep the same Published Admission Number (PAN).

### **Alternative Options**

There was no alternative option open to the Council in relation to its responsibilities for agreeing and publishing oversubscription criteria for community and voluntary controlled schools.

**Agreed** that the Director of Children and Education, in accordance with the School Admissions Code 2021, be authorised to publish the Local Authority's Admission Arrangements for 2023/24 academic year for places in all community and voluntary controlled schools as now submitted.

**7/22**

### **Request to procure for the Holiday Activity and Food Programme 2022-2023**

Approval was sought to undertake a procurement exercise for holiday activity provision via the Holiday Activity and Food programme 2022-2023 to a maximum value of £360,000.

Additionally, approval was sought to authorise the Director of Children and Education to request an exemption to the Council's Procurement and Contract Procedure Rules to contract an existing schools catering provider for the Holiday Activity and Food programme 2022-2023 to the maximum value of £144,000.

### **Reasons for Decision**

The Department for Education had recently informed all local authorities in England that the Holiday Activity and Food

programme would now be funded for an additional three years, from 2022 – 2025.

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.

### **Alternative Options**

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 voluntary and community sector capacity was limited and would not meet the sufficiency of places that were required to offer that exceeded 17,500 children currently in receipt of benefit related free school meals.

A procurement process was undertaken for our current schools catering provider. It identified value for money, local jobs for local people and the provider had the skills, knowledge and experience to deliver against the School Food Standards which was a requirement of the grant.

### **Agreed:-**

- (1) that the Director of Children and Education be authorised, in consultation with the Chief Finance Officer, to undertake a procurement exercise for holiday activity provision via the Holiday Activity and Food programme 2022-2023 to a maximum value of £360,000;
- (2) that the Director of Children and Education be authorised to request an exemption to the Council's Procurement and Contract Procedure Rules to contract an existing schools catering provider for the Holiday Activity and Food programme 2022-2023 to the maximum value of £144,000.

**Mobysoft Limited- RentSense Software Contract**

Approval was sought to award a contract for Mobysoft's RentSense product to deliver an efficient and effective arrears recovery process.

Whilst the Chair of the Safer Neighbourhoods and Active Communities Scrutiny Board agreed that the software was multi-purpose, he questioned whether the contract had been put out to tender and how many companies had submitted bids.

In response, the Cabinet Member for Housing stated that the contract had not been put out to tender and had been done as an exemption to procurement rules as there were no other suppliers in the market who could offer the Council this product and service. The return on investment for the contract had been proven in the initial two-year contract procured from Mobysoft which was now coming to an end.

Furthermore, officers had benchmarked what was being paid for the software and service with other Mobysoft Customers and were satisfied that Sandwell Council were getting value for money. The efficiency gains included an increased capacity within our existing team resources which had freed them from the manual checking of rent accounts ensuring their time and expertise was focused on interventions to collect rent and providing advice and assistance to tenants in financial hardship, so they could maintain their tenancies.

**Reasons for Decision**

Mobysoft's RentSense product would enable the service to deliver an efficient and effective arrears recovery process that maximised cash collection, prevented tenants from getting into debt, supported tenancy sustainment and reduced homelessness.

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.

### **Alternative Options Considered**

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.

Option 2 - Procure a new Housing Management System: 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.

Option 3 - Enter into a new contract with Mobyssoft Limited: This would not require any additional resources and Mobyssoft had 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 a reduction in arrears.

### **Agreed:-**

- (1) that the Director of Housing be authorised to enter into a direct award contract via Crown Commercial Services G-Cloud Framework Agreement with Mobyssoft Limited for RentSense software for a period of two years with the option to extend for a further two years when the existing contract expires on 23 February 2022 given no further extension provision exists within the current contract, at a total cost of £905,356, should the two year option to extend be exercised;
- (2) that in connection with Resolution (1) above, the Director of Housing be authorised to enter into a new two-year contract with the option to extend for a further

two years with Mobyssoft Limited from 24 February 2022 to 23 February 2026;

- (3) that the Director – Law and Governance and Monitoring Officer be authorised to execute any documentation necessary to enable the course of action referred to in Resolution (1) above;
- (4) that any necessary exemptions be made to the Council's Procurement and Contract Procedure Rules to enable the course of action referred to in Resolutions (1) and (2) above to proceed.

**9/22**

### **SEND Transport arrangements: February 2022 to July 2024**

Consideration was given to proposals in relation to travel arrangements for children with special educational needs and disabilities to facilitate their attendance at an appropriate education provision.

It was now proposed to:-

- (i) abandon the mini-competition undertaken under the new Dynamic Purchasing System (DPS)
- (ii) extend the existing arrangements to ensure the continued delivery of this essential service, with the appropriate additional safeguards
- (iii) embark on the procurement of a framework agreement with measures and provisions in place to ensure the needs and priorities of the Council and the service users are most appropriately and fully met, with support (if required) by using the new DPS for additional ad-hoc service.

The Chair of Health and Adult Social Care Scrutiny Board, on behalf of the Chair of Children's Services and Education Scrutiny Board, asked the relevant Cabinet Member several questions regarding procurement rules.

In response, the Cabinet Member for Children and Education stated that the original bidders for the DPS contract would be informed following the decision made by Cabinet. Furthermore, the new procurement exercise would begin almost immediately to ensure operators would be invited to tender for the new framework early February with the aim of it being agreed by late April. The successful operators would then be invited to bid for the new

contracts, with a view to seeking Cabinet approval to award new contracts in early June ensuring sufficient lead in time for new arrangements for families, schools and operators.

The Cabinet Member for Children and Education also stated the new procurement rules included provision to address the concerns and issues identified, and to deliver the best solution for service users and their families, provide sufficient assurances for the Council around quality of provision and deliver the most economical and sustainable solution.

### **Reasons for Decision**

The Council had a duty and had powers to make particular travel arrangements for children with special educational needs and disabilities to facilitate their attendance at an appropriate education provision.

### **Alternative Options**

Option 1 – Running a new mini-competition under the New DPS: 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.

Option 2 - Continue to use the existing arrangements, under the previous DPS: 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.

Option 3 – Procure a new Fixed Term Service Contract  
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 could 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 alternative supplier.

**Agreed:-**

- (1) that the Director of Children and Education, in consultation with the Section 151 Officer and Cabinet Member for Children and Education, be authorised to:
  - (a) abandon the mini-competition undertaken under the Dynamic Purchasing System (the new DPS), pursuant to which the contract award decision was deferred by Cabinet at its meeting on 16 June 2021 and inform all operators who are on the new DPS of the decision to abandon this process;
  - (b) extend the existing contracts with providers for the continued provision of SEND transport beyond the current expiry date of 23 February 2022 until 21 July 2022, in accordance with the terms of those contracts, to ensure/enable continuity of service pending the award of new contracts, with any extension to be subject to the additional checks and balances on providers as approved by Cabinet on the 21 July 2021;
  - (c) tender any new SEND Transport work or any SEND Transport work that is not undertaken by operators using the current DPS Framework to cover the period 23 February to 21 July 2022;
  - (d) agree any necessary exemptions pursuant to the Council's Procurement and Contract Procedure Rules to enable the course of action referred to in Resolutions 1(b) and 1(c) above to proceed;
- (2) that in connection with Resolution 1 (a-d) above, the Director of Law and Governance and Monitoring Officer be authorised to agree, enter into and/or execute under seal (if necessary) all requisite contracts and ancillary documentation in relation to the extension of the contracts for the continued provision of Sandwell's SEND transport;

- (3) that the Director of Children and Education, in consultation with the Director of Law and Governance and Monitoring Officer and the Section 151 Officer, be authorised to (i) undertake a new procurement exercise to establish a new Framework Agreement to award new contracts for SEND Transport from 1 September 2022 to July 2024 (inclusive), and (ii) undertake, if necessary, the procurement of any new additional ad-hoc SEND Transport work arising during this period, not covered by the new contracts awarded under (i) using a new Dynamic Purchasing System;
- (4) that the Director of Children and Education and the Director of Law and Governance and Monitoring Officer be authorised to agree, enter into and execute all requisite contracts and documentation (including under seal) in relation to the provision of SEND Transport work pursuant to the procurement exercises referred to at Resolution (3) above, and award contracts to all successful bidders as appropriate/required.

**10/22**

### **Schools Funding 2022/2023**

Approval was sought for the Schools Funding 2022/23 proposals.

On behalf of the Chair of Children's Services and Education Scrutiny Board, the Chair of Health and Adult Social Care Scrutiny Board asked whether extra monies had been made available to school budgets to help bridge the gap/for levelling up etc to reduce the long-term effects on children's development and education and whether extra money was likely to come from the government.

In response, the Cabinet Member for Children and Education stated that additional funding had been received and had been passed onto maintained schools such as Covid -19 Catch up premium, Covid-19 Summer school programme, school led tutoring programme, Senior mental Health Leads training (this funding would be paid in January 2022 to specific schools). The government had stated they would be increasing schools funding in 2023/24; however, no announcements had yet been made as to the actual funding to be received.

## **Reason for Decision**

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 respective schools' forum about any changes to the local funding formula, including the principles adopted and any movement of funds between blocks.

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.

## **Alternative Options**

Local Authority Funding Formula

Option 1 - Stepped increase to the 2022/23 Local authority model - Increase of the Primary: Secondary Ratio to 1:1.29 (3rd Year)

Option 2 - Secondary Schools receive 1% more above the overall increase in funding

Option 3: National Funding Formula Factor Values

Pupil Number Growth Fund

### **Agreed:-**

- (1) that in respect of the 2022/2023 schools funding formula for Sandwell schools, the outcome of the consultation proposals following review by the Schools Forum, as shown in Appendix 1 be considered and approved as follows:
  - (a) the funding formula option 1; a primary: secondary ratio of 1:1.29 be adopted;
  - (b) a minimum funding guarantee of at least 0.5% and up to 2.0% be set;
  - (c) the pupil number growth fund be set at £1.3m as recommended by Schools Forum;
- (2) that In respect of the proposal to top slice the dedicated schools grant (DSG) to create a growth fund

for 2022/23 of £1.300m, this be ring fenced for the purposes of supporting growth in pre-16 pupil numbers to meet basic need, additional classes need to meet infant class size regulation and to meet the costs necessary for new schools, including the lead-in costs, post start-up costs and any diseconomy of scale costs;

- (3) that in respect of the de-delegated budgets for Sandwell maintained schools, the outcome of the consultation proposals as agreed by the Schools Forum for 2022/23 be noted;
- (4) that in respect of the education functions budgets for Sandwell maintained schools, the outcome of the consultation proposals as agreed by the Schools Forum for 2022/23 be noted;
- (5) that in respect of the central schools' services block and the line by line expenditure as agreed by the Schools Forum for 2022/23 as now submitted be approved.
- (6) that the provisional 2022/2023 schools funding formula values as outlined below are approved:

Item	Primary	Secondary
Primary: Secondary Ratio	1	1.29
Basic Entitlement	£3,512	£4,977
<b>Free School Meals</b>	<b>To be checked by the DfE and confirmed with DCS and S151 Officer</b>	
<b>Free School Meals – Ever 6</b>		
<b>IDACI Band E</b>	£77	£350
<b>IDACI Band D</b>	£485	£676
IDACI Band C	£551	£771
IDACI Band B	£602	£855
IDACI Band A	£630	£900
Prior Attainment	£1,225	£1,776
English as an Additional Language (EAL) (2 years)	£846	£1,227

Lump Sum	£129,057	£129,057
Split Site	£129,057	£129,057
Rates	Actual	Actual
Private Finance Initiative (PFI)	Actual	Actual
Minimum Funding Guarantee (MFG)	<b>To be checked by the DfE and confirmed with DCS and S151 Officer</b>	

- (7) that the Director of Children and Education, in conjunction with the Section 151 Officer, be authorised to approve the 2022/2023 schools funding formula following confirmation of the funding allocation from the Department for Education.

**11/22**

## **Recommendations of the Scrutiny Review of Elective Home Education**

The Cabinet considered the recommendations from the Children's Services and Education Scrutiny Board in respect of the Elective Home Education Working Group.

The Cabinet Member for Children and Education, on behalf of the Cabinet, submitted her thanks to the Children and Education Scrutiny Board for considering this matter.

### **Reasons for Decision**

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 were Elective Home Educated (EHE) and the need to provide funding to local authorities work with EHE children through Designated School Grant (DSG).

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.

### **Alternative Options**

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.

#### **Agreed:-**

- (1) that, the Cabinet consider the following recommendations from the Children's Services and Education Scrutiny Board in respect of the Elective Home Education Working Group:
  - (a) The Elective Home Education (EHE) resource pack be reviewed and edited to make it more accessible to parents;
  - (b) The EHE website be refreshed to provide information, guides and links to other information and links to EHE forums for advice and support;
  - (c) To identify resource and support within the Council to facilitate the refresh;
  - (d) That additional spaces and facilities be identified for EHE groups to meet and carry out activities, and that competitive rates for use of those facilities be negotiated for EHE group use;
  - (e) That the Council develop a mechanism for resources to be shared for EHE, such as a hub for books or other educational material to be kept;
  - (f) That youth social networks, such as 'Just Youth', be promoted on the EHE website for users to find

out what's on in Sandwell for young people and to encourage engagement;

- (g) To raise awareness of the Special Educational Needs (SEN) and Education and Health Care Plans (EHCP) support available and access for children;
  - (h) That the Cabinet Member for Children and Education and the Director of Children's Services, on behalf of the Council, be requested to write to the Secretary of State for Education, Nadhim Zahawi and to the Parliamentary Select Committee Inquiry of Home Education, to register this Council's findings from the EHE review which highlights the need for regulation and resources for Elective Home Education; and to endorse a letter from the Association of EHE Professionals which asks whether consideration is being given to strengthening the legislation to provide further safeguards for children who are EHE.
- (2) that, in connection with Resolution (1) above, a further report be submitted to the Children's Services and Education Scrutiny Board, on the decision of Cabinet.

**12/22**

### **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 paragraph 3 of 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.

## **Procurement of a new Asset Management Database**

Consideration was given to proposals for a new IT system (asset database) to enable all of the Council's property and finance information to be managed effectively.

The Council owned and managed circa 4000 property assets. In a typical year, it collected and processed in excess of a thousand rental receipts and made thousands of payments to contractors and suppliers. It undertook approximately 100 rent reviews each year, granted 25 to 30 new leases and would see around 60 leases expire in a typical year. In order to manage all of this effectively and efficiently, it was crucial that accurate and up-to-date information was held on the entire estate which provided links to other Council software, including Building Services payment systems and building records, terrier / land ownership records, etc.

When assets were being valued, the valuers needed access to all the above information and the auditors needed to be satisfied that the information was accurate, up-to-date and easily available in order to be satisfied that the valuations were robust.

### **Reasons for Decision**

Grant Thornton's March 2021 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 and a replacement was therefore sought.

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.

### **Alternative Options**

An options appraisal was considered in order to determine the best course of action for the Council.

- Staying with the current provider was considered, as data migration would be easier. However, given the fundamental change to their offer and their charges, a direct award would not comply with procurement rules.

- Manage without a system. The council could not effectively manage the property estate without a system to replace.
- Full OJEU procurement had been considered, but the timescales were prohibitive.

**Agreed:-**

- (1) that approval be given to the acquisition of a new IT system (asset database) to enable all the Council's property and finance information to be managed effectively;
- (2) that in connection with Resolution (1) above, the Director of Regeneration and Growth and the Director of Finance be authorised to commence a procurement process using the Crown Commercial Services G-Cloud 12 Framework or such other process as the Director of Regeneration and Growth and the Director of Finance Section 151 Officer considers appropriate;
- (3) that the Director of Regeneration and Growth and the Director of Finance and Section 151 Officer be authorised to oversee the procurement process for the acquisition of a new IT system (asset database) to enable all the Council's property and finance information and to approve the selection of a system provider, to approve the terms of the contract and to award and enter into contract with the selected provider;
- (4) that an exemption, in accordance with the Council's Procurement and Contract Procedure Rules (Rule 15), be made in the absence of a minimum of 3 tenders being obtained;
- (5) that the Director of Law and Governance and Monitoring Officer be authorised to execute any documentation necessary to enable the course of action referred to in Resolution (3) above to proceed.

## **Agreement with JKA**

Cabinet considered the proposals in relation to the option. Consideration was given to proposals in relation to the option agreement with the developer for the Lion Farm site, Oldbury.

### **Reasons for Decision**

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. Consideration was now given 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.

Having considered the options agreement, the Cabinet was of the view that the Council should trigger the Arbitration Clause of the existing Agreement to refer the matter for Expert Determination in order to resolve the current impasse.

### **Alternative Options**

An options appraisal was considered in order to determine 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.

#### **Agreed:-**

- (1) that in order to resolve the long-term impasse with the developer in relation to the Option Agreement for the Lion Farm site, approval be given to Option 2: Trigger the Arbitration Clause of the existing Agreement;
- (2) that in connection with Resolution (1), the Director of Regeneration and Growth and the Director – Law and Governance and Monitoring Officer be authorised to take the necessary actions in relation to legal processes and documentation to implement the preferred option;
- (3) that the Director of Regeneration and Growth be authorised to submit a further detailed report on the implementation of the preferred option including the approval of any specific financial implications.

Meeting ended at 4.12 pm

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