

Minutes of Cabinet

**Wednesday, 13 April 2022 at 3.30 pm
at Council Chamber, Sandwell Council House, Freeth Street, Oldbury,
B69 3DB**

Present: Councillor Carmichael (Chair)
Councillors Ahmed, Millard, Piper and Simms

Also present: Councillor Mabena and Shackleton.

Officers: Kim Bromley-Derry (Managing Director Commissioner), Jim Taylor (Commissioner), Neil Cox (Director of Business Strategy and Change), Alice Davey (Director of Borough Economy), Tony McGovern (Director of Regeneration and Growth), Lisa McNally (Director of Public Health), Surjit Tour (Director of Law and Governance and Monitoring Officer), Elaine Newsome (Service Manager – Democracy), Sue Knowles (Head of ICT & Revenues and Benefits Management) and Rebecca Maher (Head of Finance).

82/22 Apologies for Absence

Apologies for absence were received from Councillors Crompton, E M Giles and Moore.



83/22 **Declarations of Interest**

Councillor Millard declared a non-pecuniary interest in Minute No. 88/22 (Ormiston Sandwell Community Academy - Proposed Expansion) on the basis that he was a governor at Ormiston Forge Academy.

84/22 **Minutes**

Resolved that the minutes of the meeting on 23 March 2022 be confirmed as a correct record.

85/22 **Additional Items of Business**

One additional item of business was considered:-

85/22 (a) Household Support Fund

Approval was sought to approve the use of the Household Support Fund (HSF) to provide financial support to those Sandwell residents who were most in need once the final guidance was received.

Approval was also sought to authorise the Director of Finance/Section 151 officer to approve Sandwell's Housing Support Fund scheme and any further Household Support Schemes introduced by the Government in the future, in consultation with the Cabinet Member for Finance and Resources.

Reason for Decision

The Government announced on 31 March 2022 that they were providing a further £421m to councils to support those most in need, particularly those including children and pensioners who would otherwise struggle with energy bills, food and water bills.

Sandwell had been allocated funding of £3,471,442, for the period 1 April 2022 to 30 September 2022.

Government draft guidance stated it would be up to each council to decide how to administer the funding. Given the timeframe

involved, officers were waiting on the final guidance from the government as to how the HSF could be administered.

A HSF policy would be produced and approved by the Director of Finance/Section 151 officer and publicised on Sandwell's website. The aim was to have the policy and application process available by the end of April. It was also anticipated that a proportion of the funding would be used to support food provision during the school holidays for those eligible for Free School Meals.

Alternative Options

The draft Government guidance did state the Household Support Fund may be awarded to households not currently in receipt of Department for Work and Pensions welfare benefits.

This approach could be considered when looking at Sandwell Council's HSF policy.

Resolved:-

- (1) that approval be given to use the Household Support Fund to provide financial support to those Sandwell residents who are most in need once the final guidance is received;
- (2) that the Director of Finance/Section 151 officer be authorised to approve Sandwell's Housing Support Fund Scheme in consultation with the Cabinet Member for Finance and Resources;
- (3) that in the event that there are any further Household Support Schemes introduced by the government, the Director of Finance/Section 151 officer, in consultation with the Cabinet Member for Finance and Resources, be authorised to approve Sandwell's Housing Support Fund Scheme.

obligation placed upon the council under the School Standards and Framework Act 1998. A further report would be submitted for approval to publish at the end of the consultation period.

The Chair of Children's Services and Education Scrutiny Board raised a question on whether schools had a prescribed admission number or whether academies were able to determine this themselves. It was also clarified that the report should read 'Rowley Regis', not 'Rowley' and asked for this to be corrected in future.

In response, the Cabinet Member for Children and Education stated that schools had a Planned Admission Number (PAN). As their own admission authority, academy trusts decided their own PAN but did not have to consult where they proposed to either increase or keep the same PAN. If a decrease was planned to a PAN, consultation was required with final approval of the Regional Schools Commissioner.

Reason for Decision

The School Standards and Framework Act 1998 stated that every local education authority shall prepare a school organisation plan for their area and shall prepare further such plans at such times as may be prescribed.

The proposed 'School Organisation Plan 2021–26' sets out the current contextual basis of educational provision across the six towns, with the projected demand and supply of school places during the next 5 years. The plan would be used to inform future decisions on the supply of school places across the Borough.

Alternative Options Considered

This was a requirement placed on the council by the School Standards and Framework Act 1998. There was no other option available.

For at least the last 12 years, the Authority had responded to an unprecedented and significant growth in the birth rate, inward migration and retention levels. Pupil place planning and capital investment had responded to the challenges the growth had presented to the school sector. However, as the birth rate had started to ease, but the level of inward migration continued to fluctuate, there was now a need to plan for future provision. The option to do nothing, did not bode well for future place planning.

Agreed that the School Organisation Plan 2021 2026, as now submitted, be approved as a basis of consultation in accordance with the statutory obligation placed upon the council under the School Standards and Framework Act 1998, and a further report be submitted at the end of the consultation period to seek approval to publish.

87/22

Disposal of Former Gas Showroom Site, Lombard Street West, West Bromwich

Approval was sought to dispose of the former Gas Showroom Site, Lombard Street/High Street, West Bromwich to Black Country Housing Group for £270,000 for the delivery of 27 affordable rent dwellings. It was recognised that this figure was less than the Best Consideration that could be obtained for the site.

Approval was also sought for the Director of Regeneration and Growth to be authorised to agree the terms of the conditional contract for the disposal of the site to Black Country Housing Group. It was proposed to authorise the Director of Law and Governance to release a restrictive covenant placed on the site of the former Shaftesbury House, West Bromwich previously sold to Black Country Housing Group that restricted the permitted use for residential development and to enter into or execute under seal, if necessary, any other related documentation in connection with the freehold disposal of the site.

Reason for Decision

Black Country Housing Group were approached by Sandwell College to acquire the site of the former Shaftesbury House, High Street, West Bromwich.

To fulfil their Towns Fund application, Sandwell College required a site to deliver an engineering campus and identified the former Shaftesbury House site as the primary location.

Black Country Housing Group agreed in principle heads of terms with Sandwell College to dispose of the site and now required an alternative site to deliver their own residential project in accordance with Homes England funding.

Black Country Housing Group approached the Council to ascertain if the former Gas Showroom site, Lombard Street West/High Street, West Bromwich could be acquired to deliver their project.

Subject to satisfactory planning consent, Black Country Housing Group agreed to pay the sum of £270,000 to acquire the site. This was less than the £427,000 that the Council could achieve for the site, however, disposal of the site to Black Country Housing Group would enable the delivery of 27 much needed affordable rent units. It would also unlock several regeneration opportunities in the town centre and accelerate development in conjunction with the West Bromwich Town Centre Master Plan. As well as facilitating the new engineering campus on the Shaftsbury House site it would also enable Black Country Housing Group to deliver 27 affordable housing units on the former gas showroom site.

Alternative Options Considered

The Council could consider disposal of the freehold on the open market, but this may not generate a much greater level of capital receipt. It would also miss an opportunity to unlock two important regeneration opportunities to deliver education facilities and affordable accommodation in West Bromwich Town Centre.

Agreed:-

- (1) that approval be given to the disposal of the former Gas Showroom Site, Lombard Street West/High Street, West Bromwich to Black Country Housing Group, for £270,000 for the delivery of 27 affordable rent dwellings, recognising that this figure is less than the Best Consideration that could be obtained for the site;
- (2) that the Director of Regeneration and Growth be authorised to agree the terms for a conditional contract (subject to planning consent) for the disposal of the site to Black Country Housing Group;

- (3) that the Director of Law and Governance and Monitoring Officer be authorised to release a restrictive covenant placed on the site of the former Shaftesbury House, West Bromwich previously sold to Black Country Housing Group that restricts the permitted use for residential development;
- (4) that the Director of Law and Governance and Monitoring Officer be authorised to enter into or execute under seal, if necessary, any other related documentation in connection with the freehold disposal of the site referred to in Resolution (1) above.

88/22

Ormiston Sandwell Community Academy - Proposed Expansion

Approval was sought to approve, subject to a satisfactory financial appraisal being completed by Strategic Finance, the allocation of £763,000 from the council's Basic Need / School Condition funding to fund refurbishment works to Ormiston Sandwell Community Academy (the Academy), Lower City Road, Tividale, Oldbury, B69 2HE.

Approval was also sought to authorise the Director of Law and Governance to enter into a funding agreement on terms agreed by the Director of Children and Education as required to enable Ormiston Academy Trust (the Trust) and the Academy to procure and complete the refurbishment works.

The Chair of Children's Services and Education Scrutiny Board enquired whether the Trust would be putting any money towards Ormiston Academy's refurbishment which would allow for an increase in its admission numbers. In response, the Cabinet Member for Children and Education stated that the government's Basic Need funding was allocated on the basis to support the expansion of an Academy where the local authority needed new places. As this was an Authority led expansion, the council was responsible for funding new places.

Based on recent schemes where new accommodation was required for a 1 form entry expansion of an existing secondary school, it was anticipated that funding would be £3.5-4.5m dependent on sufficiency of its existing buildings. This proposal presented the council with an excellent value for money solution.

The Trust would be investing in the expansion. Whilst the local authority funding would focus in the main towards internal works, the Trust and Academy planned to remodel the external area. The Trust and Academy were aware additional pupils would bring additional footfall and vehicle movements in the local area and their works would remodel existing access/egress arrangements and car parking to minimise congestion on Lower City Road and neighbouring roads.

The Chair of Children's Services and Education Scrutiny Board also asked whether a surplus of places was expected with the opening of new secondary schools.

In response, the Cabinet Member for Children and Education stated that effective place planning had ensured the Council had been able to maintain a surplus throughout the growth period, albeit during the last 3 years the surplus had only been around 1.5% whereas we would expect to operate around 5-8%. Current plans would see the council returning to that position by 2025/26.

Reason for Decision

The local authority had a statutory duty to ensure a sufficient supply of school places. Whilst the unprecedented growth in the birth rate experienced over recent years had started to ease, the Borough continued to receive a high demand for school places, primarily due to increased migration and retention rates.

The Schools Capital Programme aligned to service needs so that the council could meet its statutory responsibility of ensuring every child in Sandwell had access to a good school place by seeking to build on its commitment to expand successful and popular schools.

Secondary school places were required in Oldbury and Ormiston Academy Trust had agreed to increase its Published Admission Number from 210 to 240 to offer an additional 150 places.

The Trust and Academy would procure the works on behalf of the council. This would provide best value for money and minimise the council's risk. A Funding Agreement would be agreed between the council and the Trust. The Trust would provide evidence, or a statement of account for payments to its contractor to support each invoice submitted to the Authority for payment.

Alternative Options Considered

Do nothing – This was not a viable option for the Authority. In 2021/22 the Authority was unable to meet all parental preferences for the Academy from the local area, which led to pupils having to be offered places at a substantial home to school distance.

Permanent expansion at an alternative local secondary school - Through the Authority's Schools Capital Programme most local secondary schools had already received significant investment to increase pupil capacity.

Permanent extension at Ormiston Sandwell Community Academy - The Trust undertook a feasibility of the Academy's existing accommodation, which proved that there was sufficient area within the existing Academy buildings, which with some remodelling and refurbishment, could provide sufficient accommodation for the proposed additional form of entry. The works package also provided a very economical solution to the Authority for a 1 form entry expansion of an existing secondary school. Alternative proposals for re-use of the Perryfields modular block would be subject to a future Cabinet report.

Temporary extension at the Academy - A temporary solution would not be conducive to educational provision. Compared to both options for either re-use of the modular block, or the planned refurbishment works, a temporary building solution was not considered to offer value for money for the Authority.

Agreed:-

- (1) that subject to a satisfactory financial appraisal being completed by Strategic Finance, approval be given to the allocation of £763,000 from the council's Basic Need / School Condition funding to fund refurbishment works to Ormiston Sandwell Community Academy (the Academy), Lower City Road, Tividale, Oldbury, B69 2HE;

- (2) that the Director – Law and Governance and Monitoring Officer be authorised to enter into a funding agreement on terms agreed by the Director of Children and Education as required to enable Ormiston Academy Trust (the Trust) and the Academy to procure and complete the refurbishment works as referred to in Resolution (1) above.

89/22

Oracle E-Business Suite Software Licence Renewal

Approval was sought for the Director of Finance to renew and award a contract for the existing Oracle E-Business Suite software licences for the period 1 May 2022 to 30 April 2023 at a cost of £330,730.

Furthermore, approval was sought to authorise the Director of Law and Governance to sign any contract documentation in relation to the renewal of the Oracle software maintenance and license agreement and that any necessary exemptions be made to the Council's Procurement and Contract Procedure Rules to enable the course of action.

The Chair of the Safer Neighbourhoods and Active Communities Scrutiny Board questioned whether the tasks that would be performed by this multi-functional software would threaten jobs in the Council.

On behalf of the Cabinet Member for Finance and Resources, the Cabinet Member for Community Safety stated that the decision to upgrade to Oracle Fusion was made some time ago by Cabinet. The decision in this report was regarding the extension of licences for the existing system in order to allow time for the upgrade to be implemented. The original decision considered the cost to the council. With regard to the risk to jobs, the system was not intended to replace jobs. The plan was for the system to undertake more of the transactional work that was currently undertaken in order to allow staff time to be spent on tasks that can add more value and contribute towards the strategic improvements across the council.

Reason for Decision

The council was currently progressing a large-scale project to migrate from the Oracle E- Business Suite to a cloud-based Enterprise Resource Planning (ERP) solution, Oracle Fusion.

An exemption report was signed off to extend the Oracle EBS licences from 1 November 2021 to 30 April 2022 at a total cost of £218,148. This included additional HR invoices of £54,000 which were subsequently not required and therefore the actual cost was approximately £164,000. There was now a need to further extend this until 30 April 2023 in order to allow sufficient time for the project to be completed whilst ensuring adequate cover for vendor support, software maintenance updates and license compliancy. The cost of this was £330,730 and the renewals would be directly with ORACLE Corporate Limited.

The successful migration to a modern cloud-based ERP would enable the council to deliver key functions such as Finance, Human Resources, Payroll, and Procurement to effectively and efficiently support frontline services to deliver corporate objectives.

Alternative Options Considered

The migration to the Oracle Fusion solution could not be completed before 30 April 2022 therefore the council would need to continue to operate with the Oracle E-Business Suite. The council could continue to use the E-Business Suite without renewing licences and maintenance. However, remaining on unsupported software was an unacceptable risk to the council due to the loss of service updates and support patches which were required to ensure that the software operates effectively and in accordance with appropriate legislation.

Agreed:-

- (1) that the Director of Finance be authorised to renew and award a contract for the existing Oracle E-Business Suite software licences for the period 1 May 2022 to 30 April 2023 at a cost of £330,730;
- (2) that the Director of Law and Governance and Monitoring Officer is authorised to sign any contract documentation in relation to the renewal of the Oracle software maintenance and license agreement as referred to in Resolution (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 Resolution (1) above to proceed.

90/22

Award of Contract for ICT Technology Hardware

Approval was sought to authorise the Director of Business Strategy and Change and the Director of Finance - Section 151 Officer, in consultation with the Cabinet Member for Finance and Resources, to approve the award of contract for providing ICT Technology Hardware for the period 1 June 2022 to 31 May 2025, with the option to extend for a further 12 months. Furthermore, the report sought that an exemption be made to the Council's Procurement and Contract Procedure Rules.

Approval was also sought for the Director of Law and Governance – Monitoring Officer to execute any documentation necessary to enable this course of action.

Reason for Decision

This report sought approval to award a contract for the provision of ICT Technology Hardware through the Crown Commercial Services Framework RM6068, following a compliant further competition and evaluation process.

The contract award would allow for the purchase of new end user devices such as laptops, desktops, monitors, docking stations, mobile phones, tablets and other end user ICT peripherals. The contract period would be 3 years from 1 June 2022 to 31 May 2025 with an option to extend for a further 12 months.

The value of the new contract for the 3 -year period was estimated to be £4.5 million based on current hardware costs and forecasted future requirements. If the option to extend for a further 12 months was invoked, the total value of the contract was estimated at £6m.

Alternative Options Considered

A "do nothing" approach was not feasible, as this would result in ICT hardware orders being spread across multiple hardware resellers rather than having one single point of contact with dedicated account management.

The alternative approach was to go out to tender every time for every hardware order, however, this reduced the opportunity for best value as orders were considered in isolation rather than strategically.

Without a hardware supplier, it would not be possible to take advantage of free bonded warehouse storage, which had benefited Sandwell many times during the Covid-19 pandemic.

Agreed:-

- (1) that approval be given to authorise the Director of Business Strategy and Change and the Director of Finance - Section 151 Officer, in consultation with the Cabinet Member for Finance and Resources, to approve the award of contract for providing ICT Technology Hardware for the period 1 June 2022 to 31 May 2025, with the option to extend for a further 12 months;
- (2) that an exemption be made to the Council's Procurement and Contract Procedure Rules to enable the course of action referred to in Resolution (1) above to proceed;
- (3) 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 (1) above to proceed.

Outcome on the Consultation for Statutory Taxi and Private Hire Vehicle Standards

Consideration was given to the results of the consultation on the Statutory Taxi and Private Hire Vehicle Standards and approval was sought to the adoption of the proposed changes to conditions of licence in line with the changes to the Draft Sandwell Private Hire and Hackney Carriage Licensing Policy.

The Chair of Children's Services and Education Scrutiny Board asked whether the recommendations from the Scrutiny Review into SEND transport had been considered for this report.

In response, the Cabinet Member for Culture and Tourism stated that the Statutory Taxi and Private Hire Vehicle Standards were the national standards issued by the Department of Transport to licensing authorities with a focus on protecting children and vulnerable adults and aimed to provide a common-core minimum standards for the taxi and private hire vehicle sector.

Whilst officers were aware of the Scrutiny Review into SEND transport, the recommendations were service specific to SEND transport and those providing that service.

The council's Private Hire and Hackney Carriage Licensing policy related to the whole of the taxi and private hire vehicle sector and therefore service specific requirements were not included in this policy. Any additional service requirements for SEND transport were detailed in the service's Driver & Passenger Assistant Handbook.

Reason for Decision

The Statutory Taxi and Private Hire Vehicle Standards were introduced to protect children (under 18) and vulnerable people as defined by Section 42 of the Care Act 2014. Licensing authorities were under a legal duty under Section 177 (1) of the Police and Crime Act 2017, to have regard to the Statutory Standards which meant they should be rigorously considered in formulating policy.

The Standards recognised that licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters in light of the relevant law, however it should be noted that the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority's practice.

The Licensing Committee recognised that substantial changes would be required to the current Sandwell Private Hire and Hackney Carriage Licensing Policy and met to discuss these changes in detail together with the implementation plan detailing when these changes would come into effect on 24 February 2022.

Alternative Options Considered

There were no alternative options given for consideration. Licensing Authorities had a legal duty under Section 177 of the Police and Crime Act 2017, to have regard to the Statutory Standards.

Agreed:-

- (1) that Cabinet receive the results of the consultation on the Statutory Taxi and Private Hire Vehicle Standards as now submitted;
- (2) that approval be given to adopt the proposed changes to conditions of licence as set out in Appendix 1 in line with the changes to the Draft Sandwell Private Hire and Hackney Carriage Licensing Policy;
- (3) that approval be given to adopt the proposed changes to the current policy as now submitted, which is the draft revised Sandwell Private Hire and Hackney Carriage Licensing Policy containing the proposed changes highlighted in yellow;
- (4) that approval be given to the implementation plan as now submitted outlining the approach and actions to be taken for implementing the changes resulting from the adoption of the Draft Sandwell Private Hire and Hackney Carriage Licensing Policy;
- (5) that the standard relating to mandating the installation of CCTV in all licensed vehicles as a mandatory policy requirement is not adopted at this time, and that the current policy position of voluntary installation is maintained;

- (6) that approval be given to adopt the draft Data Processing Policy for NR3 (National Register for Revocations and Refusals of Licence) as now submitted.

92/22

Hackney Carriage Fare Review

Approval was sought to agree to initiate a public consultation on the request received from a group of hackney carriage vehicle licence holders to increase the hackney carriage fares.

Reason for Decision

The Council sets the fares for Hackney Carriage Vehicles and any request for an increase was usually submitted by the Trade. The last time that the fares were increased in Sandwell was November 2013.

Charges for private hire vehicles were set by each Private Hire Operator and varied between operators. They could also be lower or higher at peak times than the hackney carriage fares.

The Local Government (Miscellaneous Provisions) Act 1976 under Section 65 requires that when a request was received, a notice was published in a local newspaper inviting objections and, in the event that no objections were received, the change of fares comes into effect on a date specified in the notice. The setting of fares was an executive function and was brought to Cabinet for consideration to proceed with the public consultation as outlined in the Act.

Licensing Committee met on 24 February 2022 to discuss the proposed changes and Committee were in support of consultation on the proposed fare increase.

Alternative Options Considered

By virtue of Section 65 of the Local Government (Miscellaneous) Provisions Act 1976 there are no alternative options other than to consult upon the request received by hackney carriage vehicle licence holders, and in the event of no objections being received to adopt the fare increase proposal made. In the event that objections are received, a further report would be brought to Cabinet for consideration.

Agreed:-

- (1) that approval be given to consult on the request received from a group of hackney carriage vehicle licence holders to increase the hackney carriage fares by means of an advert in the local press and via a public notice in Council buildings;
- (2) that, in connection to Resolution (1) above, in the event that no objections are received, the proposed increases as set out below, to come into effect on the date stated within the advert:

	Current Charge	Proposed Increase
Mileage tariff 1 (0600 to 2200 hours)		
For the first mile (or part thereof)	£4.00	£5.00
For each subsequent 110 yards (or part thereof)	£0.10	£0.12
Or for each subsequent mile thereafter	£1.60	£1.92
Waiting time (per hour)	£16.00	No change
Mileage tariff 2 (2200 to 0600 hours)		
For the first mile (or part thereof)	£4.80	£5.80
For each subsequent 110 yards (or part thereof)	£0.15	£0.18
Or for each subsequent mile thereafter	£2.40	£2.88
Waiting time (per hour)	£24.00	No change
Extra Charges		
For hiring on Sundays and Bank Holidays between 0600 and 2200 hours	£0.45	£0.50
For hiring from 1800 hours on Christmas Eve, throughout Christmas Day and Boxing Day	Double tariff 1 charge	No change
For hiring between the hours of 1800 hours on New Year's Eve and 0600 hours on New Year's Day	Double tariff 1 charge	No change
For every article of luggage conveyed outside the passenger compartment of the carriage after the first article of luggage	£0.10	No change
For each person over the age of 7 years in excess of 4	New Charge request from trade	Tariff 2 to be applied
Soilage fee	£50.00	No change

- (3) that, in the event that objections are received and are not withdrawn, a further report be submitted to Cabinet for those objections to be considered.

Procurement of Adult Weight Management System

Approval was sought to re-commission the Tier 2 Weight Management Service for Adults ensuring future delivery of support for Sandwell residents.

Reason for Decision

The Council wanted to expand on some previous short-term funding provided by Office for Health Improvement and Disparities (OHID) by commissioning a service that would continue to improve levels of physical activity, healthy eating and support people to adopt healthier behaviours beyond the initially funded period.

Alternative Options Considered

There was an option to wait until there was confirmation of further funding from OHID to seek approval to commission future adult weight management services. However, there had been no confirmation on the extension of the adult weight management services grant, or any timescales on when a decision might be made.

This could lead to a significant gap in service delivery and officers would not know how long the funding would be for.

Another option would be to not commission a future adult weight management service. This would have implications for people locally that could widen health inequalities.

Agreed:-

- (1) that approval be given to re-commission the Tier 2 Weight Management Service for Adults ensuring future delivery of support for Sandwell residents;

- (2) that the Director of Public Health be authorised, in consultation with the Chief Finance Officer, to procure a two plus one-year behavioural (tier 2) weight management service for adults using either the public health budget, or external funding provided by the Office for Health Improvement and Disparities to commence on 1 July 2022 for a period of two years to 30 June 2024 with the option to extend up to a further year until 30 June 2025 at a cost of £200,000 per year;
- (3) that the Director of Law and Governance & Monitoring Officer be authorised to enter into and execute, under seal as may be required, any contracts or ancillary documentation in relation to the award of contract referred to in Resolution (2) above;
- (4) that any necessary exemption be made to the Council's Procurement and Contract Procedure Rules to allow a contract to be awarded to enable the course of action referred to in Resolution (2) above to proceed;
- (5) that the Director – Public Health, in consultation with the Cabinet Member for Adults, Social Care and Health, be authorised to approve Variations to the Contract up to a maximum of 10% of the Contract value, should they be necessitated.

94/22

Drug Strategy Grant: Enhanced Substance Misuse Treatment Provision

Approval was sought to authorise the Director of Public Health, in consultation with the Director of Law and Governance and Monitoring Officer, to vary the current Adult Alcohol and Drug Service Contract to fund additional enhanced provision totalling £280,066 allowing the additional enhanced provision for the remaining period of the contract term which will end 31 January 2023.

Reason for Decision

The Government announced further additional funding for substance misuse treatment services for a period of 3 years covering the following financial years: 2022/23, 2023/24 and 2024/25

Sandwell's indicative allocated amount for the 2022/23 period (the period of overlap with the current Alcohol & Drug Service Contract term) was £530,000. The funding was to be additional to existing Public Health grant expenditure on substance misuse treatment services.

The funding must be spent on interventions that aimed to achieve the Drug Strategy ambition to reduce drug and alcohol related deaths and harms. The Strategy therefore required that local areas rebuild and reinvest into treatment services towards "a world class drug treatment and recovery system"

The expectation from government was that the additional enhanced delivery commenced from Quarter 1 of 2022/23 and continued throughout the 3-year period of enhanced funding (2022/23, 2023/24 and 2024/25).

Alternative Options Considered

Do not approve the variation. An alternative method of delivery of the proposed variation interventions would be to secure provision through a competitive tender process. However, there were a number of risks associated with this option.

Do not approve the variation and not utilise the additional funding but simply return the monies to government. This would mean that the local treatment service and ultimately those who could benefit from accessing such a service would not benefit from the potential quality and capacity improvements that the monies could afford.

Agreed that the Director of Public Health, in consultation with the Director of Law and Governance and Monitoring Officer, be authorised to vary the current Adult Alcohol and Drug Service Contract to fund additional enhanced provision totalling £280,066 allowing the additional enhanced provision for the remaining period of the contract term which will end 31 January 2023.

To approve the submission of Sandwell's capacity fund spend proposal, for the financial year 2022/23, to the Black Country Local Enterprise Partnership Board.

Reason for Decision

The Black Country Local Enterprise Partnership (BCLEP) Board was the approver of the BCLEP Capacity Fund allocations to Local Authorities, and proposals put forward by Local Authorities were to be approved by Cabinet. The total value of the proposal from Sandwell MBC was circa £500k.

The nature of the proposals may require changes to be made throughout the financial year. Should this become necessary, it would be critical that the council could act swiftly to ensure it met its spend allocation by close of financial year 2022/23.

Procurement processes would need to be undertaken swiftly to secure specialist support to develop Sandwell's regeneration projects within financial year 22/23. There may also be a requirement for the council to enter into legal agreements to deliver against the proposals.

Alternative Options Considered

No alternative options were considered, given this was the process outlined within the Collaboration Agreement.

Projects identified within the proposal had been selected on the basis they met the BCLEP funding criteria.

Agreed:-

- (1) that the Director of Regeneration & Growth, in consultation with the Cabinet Member for Regeneration & Growth, be authorised to submit Sandwell's capacity fund spend proposal, for financial year 22/23 to the Black Country Local Enterprise Partnership Board;
- (2) that the Director of Regeneration & Growth, in consultation with the Cabinet Member for Regeneration & Growth, be authorised to make any necessary amendments to the spend proposal to ensure the full allocation is spent within financial year 2022/23;
- (3) that the Director of Regeneration & Growth and the Director of Finance, in consultation with the Cabinet

Member for Regeneration & Growth, be authorised to undertake the necessary procurement processes and award contracts associated with the Black Country Local Enterprise Partnership Capacity Fund;

- (4) that the Director of Regeneration & Growth, in consultation with the Director of Law and Governance and Monitoring Officer, be authorised to enter into necessary legal agreements and execute under seal where required, to ensure the full allocation is spent within financial year 2022/23.

96/22

Arts Council England - Libraries Improvement Fund funding for Sandwell Libraries / Archives

Approval was sought to receive funding of £495,000 from Arts Council England's Libraries Improvement Fund to roll out Library+ to 10 libraries, following a pilot at Thimblemill Library, in line with action C6 of the Corporate Plan.

The Chair of Children's Services and Education Scrutiny Board asked whether it could be guaranteed whether this project would receive the best publicity possible to highlight the positive work done. In response, the Cabinet Member for Culture and Tourism stated that all Cabinet Members and officers involved were very enthusiastic about this project and would ensure that it would be promoted as much as possible.

The Cabinet Member for Community Safety congratulated the Cabinet Member for Culture and Tourism and Library Services on the project.

Reason for Decision

Inward investment from Arts Council England would enable the delivery of the Library+ project at 10 of the borough's libraries.

Approval to accept the Arts Council England funding would enable officers to complete and submit the necessary grant paperwork.

The project would enable access to the council's libraries to be extended beyond current advertised opening hours.

By authorising the Director of Borough Economy to oversee the implementation of recommendations would ensure the timely and efficient roll out of this key project.

The project would assist in the Council's efforts to help residents access libraries for books, computers, events and activities for longer and allow local groups to use libraries outside of advertised opening hours.

Strategic Finance colleagues had carried out an appraisal of the funding application, which had been evaluated against HM Treasury Green Book guidance. The appraisal process recorded a score of 72%, with some areas of risk identified. The appraisal recommended action points to mitigate any risk to the Council.

Alternative Options Considered

No alternative options were considered for this project. Whilst the 'Do nothing' approach was an option, it would result in the loss of potential inward investment along with a missed opportunity to make libraries more accessible to local people. As such it was not considered a satisfactory option.

Agreed:-

- (1) that approval be given to receive funding of £495,000 from Arts Council England's Libraries Improvement Fund to roll out Library+ to 10 libraries, following a pilot at Thimblemill Library, in line with action C6 of the Corporate Plan;
- (2) that the Director of Borough Economy be authorised to accept the funding from Arts Council England's Libraries Improvement Fund on terms and conditions agreed by the Director – Borough Economy in consultation with legal services to enable roll out of Library+ to proceed;
- (3) that the Director of Borough Economy, in consultation with the Section 151 Officer, be authorised to:
 - Prepare any necessary Tendering documentation;
 - Procure, in accordance with the public procurement rules, the Council's procurement and financial regulations a contractor(s) to carry out works on site; to award a contract and to enter into or execute

- under seal any financial agreement(s) as may be deemed necessary in relation to the project; and
 - Accept Grant funding from the Art Council England on terms and conditions to be agreed by the Director of Borough Economy in consultation with the Director of Law and Governance & Monitoring Officer.
- (4) that in connection with Resolution (1) and (2) above, the following action points identified within the financial appraisal of the funding application by Strategic Finance, be implemented to reduce any risk to the council:
- That cost estimates are reviewed to ensure that any future costs can be managed within the allocated funding.
 - That a corporate Risk Register is produced for the project, with target risk scores and dates for mitigation included.

97/22

Governance Improvement Plan Progress

Consideration was given to the progress made up to 10 March 2022 against the Governance Improvement Plan.

Reason for Decision

To provide an update on progress made against the Governance Improvement Plan and the approach to develop a single Improvement Plan to address the recommendations from the CIPFA Financial Management Review and LGA Corporate Peer Challenge.

Alternative Options Considered

The Value for Money Governance Review was undertaken as part of the external auditor's role to provide assurance on the council's arrangements for securing economy, efficiency and effectiveness in its use of resources. As the report included statutory recommendations, the council had a legal obligation to respond appropriately. Reviewing progress against the improvement plan enabled senior officers and members to have oversight of delivery and take corrective action, as necessary.

The government's Directions for improvement set out clearly that the Improvement Plan must address the specific areas set out in the report. Failure to update the existing Improvement Plan to address the intervention package and demonstrate delivery of sustained and embedded improvement would likely result in further intervention measures.

There were no alternative options to consider.

Agreed that progress against the Governance Improvement Plan up to 10 March 2022 be received.

98/22

Action Taken on Matter of Urgency - Transforming Cities Fund Grant Agreement

Cabinet noted details of the urgent action taken by the Leader of the Council, in relation to:-

- authorising the Director for Regeneration and Growth to accept the £1,000,000 Transforming Cities Fund (TCF) Grant for the Birchley Island M5 Junction 2 Scheme under the Terms and Conditions contained in the Grant Agreement;
- authorising the Director of Law and Governance & Monitoring Officer, in consultation with Section 151 officer, to accept the TCF £1,000,000 Transforming Cities Fund (TCF) Grant for the Birchley Island M5 Junction 2 Scheme under the Terms and Conditions contained in the Grant Agreement.

Reasons for Decision

The West Midlands Combined Authority would provide up to £1,000,000 of grant funding into the Birchley Island M5 Junction 2 scheme to ensure the funding package for the scheme. This was consistent with the budget request to the Department for Transport (DfT) for Major Road Network funding. The DfT had confirmed Programme Entry for the scheme within the Major Road Network programme as outlined in a letter to Sandwell Metropolitan Borough Council and WMCA dated 1 February 2021. As part of this approval, the DfT would provide a maximum capped funding of £24.400,000 towards the Birchley Island scheme on approval of the Full Business Case submission.

The matter was urgent and could not be delayed until the next Cabinet meeting given the need to ensure that the Transforming

Cities Fund Grant could be drawn down in this financial year (2021/22) to maintain the funding profile needed to deliver the scheme. The Chair of Economy, Skills, Transport and Environment Scrutiny Board had been consulted.

Alternative Options Considered

The Birchley Island M5 Junction 2 Scheme would be under-funded if the TCF Grant was not accepted. An alternative would be to make up the shortfall with an additional £1m Capital contribution from the Council.

Agreed:-

- (1) that the following details of the urgent actions taken by the Leader of the Council be noted:-
 - (a) to authorise the Director for Regeneration and Growth to accept the £1,000,000 Transforming Cities Fund (TCF) Grant for the Birchley Island M5 Junction 2 Scheme under the Terms and Conditions contained in the Grant Agreement;
 - (b) to authorise the Director of Law and Governance & Monitoring Officer, in consultation with Section 151 officer, to accept the TCF £1,000,000 Transforming Cities Fund (TCF) Grant for the Birchley Island M5 Junction 2 Scheme under the Terms and Conditions contained in the Grant Agreement.

99/22

Minutes of Cabinet Petitions Committee

The minutes of the Cabinet Petitions Committee meetings held on 24 November 2021 and 16 February 2022 were noted.

Meeting ended at 4.06 pm

Contact: democratic_services@sandwell.gov.uk