

# Minutes of Cabinet

**Wednesday, 18 May 2022 at 3.00 pm  
at Council Chamber, Sandwell Council House, Freeth Street, Oldbury,  
B69 3DB**

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

**In attendance:** Councillors Hackett, P Hughes, Padda, Rollins and  
Shackleton.

**Also present:** Kim Bromley-Derry (Managing Director Commissioner),  
Rashpal Bishop (Director of Public Health), Neil Cox  
(Director of Business Strategy and Change), Gillian Douglas  
(Director of Housing), Michael Jarrett (Director of Children's  
Services and Education), 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), Matthew More (Communications and Corporate  
Affairs Manager), Suky Suthi-Nagra (Democratic Services  
Manager), Kay Murphy (Divisional Manager – Brokerage  
Adult Social Care).

## **100/22** Apologies for Absence

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

## **101/22** Declarations of Interest



There were no declarations of interest.

**102/22**

## **Minutes**

**Resolved** that the minutes of the meeting held on 13 April 2022 be confirmed as a correct record.

**103/22**

## **Additional Items of Business**

There were no additional items of business to consider.

**104/22**

## **Adult Social Care Contributions Policy**

Approval was sought to consult service users on the proposed Adult Social Care Contributions Policy policy changes and three proposed contribution models.

Approval was also sought to the general principles of change to the Adult Social Care Contributions Policy and to clarifications regarding the existing Adult Social Care Contributions Policy.

Despite increasing pressures within Adult Social Care funding, Sandwell Council continued to provide allowances that exceeded those required by the relevant regulations and which were out of line with most other local authorities both locally and nationally, as Sandwell allowed people to retain 53% of their disposable income (if any) and based contributions only on the remaining 47%.

The proposed models would still be generous compared with most councils researched, and it was anticipated that by amending policy, additional income would be generated which would assist the authority in ensuring that it could continue to provide services to the most vulnerable within cash limited resources. It was noted that a significant minority of people currently paid no contributions because they had no disposable income, and these people's status would not be affected by the three models, whichever was selected.

In response to a question by the Chair of the Children's Services and Education Scrutiny Board regarding whether care home residents automatically transferred to a Council-funded place when they exhausted all their own finances used to pay for private care, the Cabinet Member for Finance and Resources responded that payment for residential charges was governed by the Care and

Support Statutory (CASS) Guidance published in October 2014 and proceeded to provide the following explanation:

“Where a local authority had chosen to charge a person for the services it was arranging it had to undertake a financial assessment. When doing so, it must assess the income and capital of the person. The financial assessment would look across all of a person’s assets – both capital and income – decide which was capital and which was income and assessed those assets according to the regulations and guidance.

“In assessing what a person could afford to contribute, a local authority must apply specified capital limits. A person with assets above £23,250 (the upper capital limit) would be deemed able to afford the full cost of their care and would not be eligible for council assistance.

“Council funded clients in a care home would contribute most of their income, excluding their earnings, towards the cost of their care and support. However, a local authority must leave the person with a specified amount of their own income so that the person had money to spend on personal items such as clothes and other items that were not part of their care. This was known as the personal expenses allowance (PEA).

“In the event that someone had been funding their own placement and funds had depleted below the upper capital limit, a referral would need to be made to Adult Social Care for an assessment to be conducted and funding addressed. Consideration would need to be made at this time regarding the cost of placement and future needs, this may require the client to fund any additional costs should the placement be more than the council would usually pay, this would take place on a case by case basis.”

The Cabinet Member for Community Safety and Environment commented that the informative response to the question above should be shared with all elected members so that residents could be given clear advice on this important aspect of care policy.

In response to a question by the Chair of Children’s Services and Education regarding clarification as to why had Sandwell Council continued to provide allowances that exceeded those required by relevant regulations since it was deemed likely to affect the council’s financial situation unnecessarily, the Cabinet Member for Finance and Resources responded that the Council had included

the revision of Non-Residential Contributions policy in its options for savings proposals for a number of years. This was the first time that the proposal had been approved and officers asked to prepare the relevant papers for Cabinet.

### **Reason for Decision**

The Director of Adult Social Care and the Director of Finance had commissioned work to check the compliance of the Council's current policy against the Care Act 2014.

This paper proposed changes in council's contributions policy to identify a model which was more financially viable for the council, whilst also reflecting recent case law and Local Government Ombudsman findings to be fairer and comply with equalities expectations.

In addition, legal advice had highlighted some conflicts between that policy document and actual financial assessment practice, and these were addressed in the proposed amendments within this paper and in the practice guidance being prepared for staff use.

There were also some aspects of the policy that were no longer consistent with recent case law and rulings by the Local Government Ombudsman, and these aspects were reflected in the proposed changes for which public consultation would be required.

### **Alternative Options Considered**

The Council was required to have a Contributions Policy as it had discretion over aspects of both Residential and Non-Residential Contributions.

It was possible to defer these updates until national decisions on recent case law and on the care cap proposals were reached, but some of these changes were deemed essential and should be made without delay. The financial viability of the current policy was also important.

Furthermore, recent legal advice obtained by the Council drew attention to the risks of operating with a policy that was technically outdated or did not align to practice, and it was considered prudent, therefore, to make the identified changes without further delay to avoid any misunderstandings caused by outdated wording, which also ensured that people better understood the council's current policy.

**Agreed: -**

- (1) that the Director of Adult Social Care and the Director of Finance be authorised to enter consultation with users of services on the policy changes set out below and three proposed contribution models summarised, as now submitted, and submit a further report to Cabinet following consultation on final policy change proposals:

Joint financial assessment of couples - we are proposing to end the practice of offering a joint assessment of couples, as the Care Act no longer permits this. This has been implemented for new cases. For existing cases, we are proposing that future reassessments will be on the basis the client's share of any capital or income only. As this change – although required by the Care Act – will be detrimental to most people who have been jointly assessed, we are including it in this consultation.

Short-term (respite) care charges - to comply with Care Act requirements, it is proposed that the council move to basing contributions to the cost of respite care on the actual costs of the service, and to charge people a financially-assessed contribution based on residential regulations, whilst suspending their non-residential contributions (if any) for that period.

The three alternative contributions models proposed as set out in Appendix A, which details how they change the method by which a person's financial contribution is calculated for non-residential services. All three modify or remove the existing "Sandwell Allowance" which allows people to keep 53% of their disposable income when assessing their contributions;

- (2) that approval be given to the following general principles of change to the Adult Social Care Contributions Policy:

Disability Related Expenditure: amending the method of allowing people's DRE costs (a statutory requirement for non-residential services) to allow the full sum of any such costs against income, up to the

total of their disability benefits; also reflecting recent rulings by the Local Government Ombudsman on the type of expenses that should be considered.

Transitional protection: introducing a process that will limit changes in a person's contributions solely attributable to changes in policy (such as those outlined in this paper) to a maximum sum for a period up to three years, if that person faces a significantly adverse impact.

Other changes in policy principles and wording to remove out-of-date references and clarify what the council's policy is for both Residential and Non-residential contributions. This includes taking account of recent case law and decisions by the Local Government Ombudsman, as well as correcting any conflict between the original policy and actual practice;

- (3) that approval be given to the following clarifications regarding the existing Adult Social Care Contributions Policy, for approval with immediate effect:

Reviews and appeals: to implement a revised process for the review of financial assessments and contributions as set out in Appendix A.

Contributions start dates and backdating: to ratify existing practice to limit the backdating of Non – Residential contributions as described in Appendix A.

Services excluded from assessed contributions; our policy should list all services where we have chosen to apply a fee which everyone must pay (rather than an assessed contribution), because the Care Act states that such fees cannot be more than the actual cost of providing the service. Consequently, they must be reviewed annually and their level set by the Director of Finance under delegated authority.

The policy should also list services which we have chosen to provide free of charge. Some Direct Payment “specialist” support services (account management, payroll, liability insurance, employment advice and recruitment support) are provided free of

charge to clients assessed as requiring them, and need to be added to the list of services that the council has decided not to charge for.

Arranging care for self-funders: to offer an ad-hoc service on request, with no charge to be levied for this service under the policy. This situation would be reviewed if the volume of requests becomes significant.

Short-term (respite) care charges: in line with revised Adult Social Care Policy, to amend the contributions policy to reduce the number of days respite charged at flat rate from 56 to 28 within a 12-month period.

Contract issues: it was noted that there are some services where practice in the council may be inconsistent in terms of what contracts require of providers or what is included in people's care and support plan. These are equity issues that it is recommended are resolved now, and will be implemented immediately if Cabinet approve this paper;

- to include Core Support charges for Extra Care as an additional housing related cost we fund within the policy and guidance, in line with practice;
- to ensure that where travel is required to meet an assessed need and is to be met by commissioned transport (either private or in-house), then the actual cost must be included in the person's Care and Support plan and included when determining their assessed financial contribution;
- that the cost of any meals included within non-residential settings are met by individuals directly. Further details contained in Appendix A.

Debts and client liability: to develop and implement a range of measures aimed to reduce debt and implement in accordance with the details set out in Appendix A.

Residential services policies: The council has only limited discretion in the way in which financial

contributions for residential care are assessed, but there are some areas already in operation which need to be re-stated in the revised policy.

Property disregard: there are certain circumstances where the value of a property must be disregarded: however, where a person occupying the property is not a partner and does not meet the criteria, we have discretion and our policy is as follows;

- If they are aged 18 to 59 and match the Care Act definition of a relative, we will offer the option of a Deferred Payment Agreement should the person going into care qualify;
- we will disregard the property whilst any person (not necessarily a relative) who can demonstrate that the house is their sole residence lives in it, providing they can show that they gave up their own home to care for the person who is now in a care home, and they did so significantly before this time, when neither party had any reason to think residential care may be required in the future.

Twelve-week-disregard: we must disregard the value of a person's main / only home for 12 weeks in some situations to allow them and / or their family and representatives time to consider their options at a time of crisis where;

- someone is entering permanent residential care for the first time;
- a long-term disregard of a property ends unexpectedly due to the death of the qualifying relative living in it.

We have discretion as to whether to apply a twelve-week disregard in some other situations, and our policy is to consider applying it;

- where there is a sudden and unexpected change in a person's financial circumstances forcing them to approach us for assistance, e.g. the shares which they have used to fund their care suddenly lose half of their value;



- where a person who is a “self-funder” in a care home approaches us for assistance or a deferred payment agreement (DPA) because their savings or liquid assets are falling below the qualifying capital limit. This allows the person time to make the necessary decisions and arrangements.

Personal Expenses Allowance – we will exercise our discretion where a person is part of an unmarried couple and is paying half their occupational/personal pension or retirement annuity to their partner (who is not living in the same care home) to disregard this sum (we must in law do this for married couples and civil partnerships).

**105/22**

## **Asset Management and Maintenance Investment Programme 2022-23**

Approval was sought to procure contractors, in accordance with The Public Contract Regulations 2015 and the Council’s Procurement and Contract Procedure Rules, to work on behalf of the Council, to deliver the refurbishment and maintenance works as part of the asset management and maintenance investment programme.

The Chair of Children’s Services and Education Scrutiny Board pointed out that Rowley was listed in the council report instead of correct form Rowley Regis and requested that this be rectified. In response, the Cabinet Member for Housing stated that officers would be requested to make reference to Rowley Regis in all documentation.

### **Reason for Decision**

Approval was sought to procure, award and enter into contract with the successful contractors to deliver the various contracts as detailed within the report to continue the substantial investment in the Council’s Housing Stock.

### **Alternative Options Considered**

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

## Agreed:-

- (1) that the Director of Housing, in consultation with the Director of Finance, be authorised to prepare tendering documentation and to procure contractors, in accordance with The Public Contract Regulations 2015 and the Council's Procurement and Contract Procedure Rules, to work on behalf of the Council, to deliver the refurbishment and maintenance works detailed below: -

<b>Contract</b>	<b>Value</b>
External Improvement Works 2023 – 2027	£80,000,000 (£20,000,000 per annum)
Expansion of CCTV and Concierge Service	£1,400,000
Major Adaptations and Improvement Works 2023 – 2027	£24,000,000 (£6,000,000 per annum)
Retro-fitting of Sprinklers in High-Rise Flats 2022 – 2026	£15,000,000 (£3,750,000 per annum)
Refurbishment Works to Union Street, Tipton	Budget estimate £1,100,000
Refurbishment of Allen House, Great Barr	Budget estimate £3,300,000
Void Repairs and Post Tenancy Repairs to Housing 2022 - 2026	£24,000,000 (£6,000,000 per annum)
Plastering and Associated Works 2022 – 2026	£2,000,000 (£500,000 per annum)
Supply and Fit Fencing 2022 – 2026	£560,000 (£140,000 per annum)
Roofing Repairs to Council Properties 2022 - 2024	£499,000 (£239,500 per annum)
<b>TOTAL</b>	<b>£151,359,000</b>

- (2) that the Director of Housing be authorised to award the contracts, as referred to in Resolution (1) above, to the successful contractor(s);
- (3) that the Director – Law and Governance and Monitoring Officer be authorised to enter into or

execute under seal any documentation in relation to the award of the contracts;

- (4) that any necessary 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.

**106/22**

### **Award a Contract for the provision of Highway Electrical Connections**

Approval was sought to award a contract for the provision of highway electrical connections to EON Energy Services Limited to take effect from 1 September 2022.

#### **Reason for Decision**

Sandwell MBC used a wide range of contractors to help us deliver our highway maintenance programmes to maintain the highway network in a safe and useable condition for all road users. One of these contracts was the Highway Electrical Connections Contract which allowed the Council to carry out essential repairs to street lighting as well as other illuminated street furniture.

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

## **Alternative Options Considered**

There were no recommended affordable alternatives to obtain Highway Electrical Connections.

The price analysis conducted using ESPO Framework concluded that a direct award to EON Energy Services Limited was the most cost-effective option.

### **Agreed:-**

- (1) that the Director of Borough Economy be authorised to award a contract for the provision of Highway Electrical Connections, following a compliant procurement process;
- (2) that the Director of Law and Governance – Monitoring Officer be authorised to execute any documentation necessary to enable the award of contract 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 recommended course of action referred to in Resolution (1) above to proceed.

**107/22**

## **Open Housing - Integrated Housing Management System**

Approval was sought to enact a maximum of two, 1-year support and maintenance extensions, documented within the original integrated housing management system contract, to commence from 1 April 2023 until 31 March 2024 and then from 1 April 2024 until 31 March 2025, if required.

### **Reason for Decision**

The housing management system was integral to the delivery of a wide range of housing services daily. Failure to provide adequate ICT provision would have a significant impact on the delivery of services to our customers and the ability of employees to perform their duties.

The existing five-year support and maintenance contract with the supplier, Capita, was due to expire on 31 March 2023. Within the

original contract, there was an option to extend the existing support and maintenance agreement for a further 2 x 1-year periods.

### **Alternative Options Considered**

The options were considered as follow:

- No change – let the current contract expire on 31 March 2023.
- Enact year 1 of the contract extension for the support and maintenance agreement with Capita, with an option to enact the second year if needed to allow more time to conduct a full system review.
- Procure a new housing management system from the market.

The recommendation was to enact the first 1-year contract extension for the support and maintenance agreement with Capita whilst conducting the system review and to enact the second 1-year extension if required. It was deemed unfeasible to not have a Housing system in place and there was inadequate time to undertake a full review and implement the outcome of that review prior to the end of March 2023.

### **Agreed:-**

- (1) that approval be given to authorise the Director of Housing and the Director of Business Strategy and Change to award a contract for up to 2 x 1yr extensions for the support and maintenance agreement with Capita Business Services Limited for Open Housing, (the housing management ICT system) from 1 April 2023 to 31 March 2024 at a total cost of £291,000, and from 1 April 2024 to 31 March 2025 at a total cost of £202,000;
- (2) that the Director of Housing and the Director of Business Strategy and Change be authorised to purchase the additional products and services as set out below in order to further develop and future proof the housing management system for the period of the extension:

<b>Support Requirement</b>	<b>Cost - Year 1</b>	<b>Cost - Year 2</b>
Annual support and maintenance for Capita Open Housing for all licenced software	£79,256	£80,841

products including annual version upgrades		
Out of hours support – DBA Contract	£43,000	£43,000
Development Days (maximum of 50 per year)	£46,250	£46,250
Technical ICT support Days (10 per year)	£9,250	£9,250
Additional modules identified for development (including annual support)	£113,606	£22,548
<b>Totals</b>	<b>£291,362</b>	<b>£201,889</b>

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

**108/22**

**Towns Fund - Procurement requirement for SMBC projects**

Approval was sought to authorise the Director of Regeneration and Growth, in consultation with the S151 Officer, Director of Law and Governance and Monitoring Officer and the Cabinet Member for Regeneration & Growth to commence, where required, procurement exercises and award contracts and call off orders above £250,000 for all SMBC Towns Fund Projects until March 2026.

### **Reason for Decision**

The Council's Procurement and Contract Procedure Rules Section 3.3(c) required Cabinet to award all contracts with total value above the key decision threshold of £250,000.

Section 3.3(d) of the Procurement and Contract Procedure Rules required Cabinet approval for exemptions from these rules for contracts with a total value above the key decision threshold.

It was proposed to seek exemption under this rule for Cabinet to approve authority to allow for the timely procurement of SMBC Towns Fund projects to ensure the successful delivery of the Towns Fund Programme within timescale and budget.

### **Alternative Options Considered**

The alternative was that each project/procurement activity above key decision threshold was considered for approval by Cabinet separately. This option, however, would delay project starts and could impact on the delivery of projects within the timescale and budget.

#### **Agreed:-**

- (1) that the Director of Regeneration and Growth, in consultation with the S151 Officer, Director of Law and Governance and Monitoring Officer and the Cabinet Member for Regeneration & Growth (Leader) be authorised to commence, where required, procurement exercises and award contracts and call off orders above £250,000 for all SMBC Towns Fund Projects until March 2026;
- (2) that the Director of Law and Governance and Monitoring Officer be authorised to enter and execute, under seal as might be required, any contracts or ancillary documentation in relation to the award of contracts referred to in Resolution (1) above;
- (3) that any necessary exemption be made to the Council's Procurement and Contract Procedure Rules to enable the course of action referred to in Resolution (1) and (2) above to proceed.

Approval was sought to update the Towns Fund governance arrangements, to update the Terms of Reference and for delegated authority for project virements above £250,000 to be extended to the Section 151 Officer and Director for Regeneration and Growth, in consultation with the Cabinet Member for Regeneration and Growth.

In response to a concern raised by the Chair of Children's Services and Education Scrutiny Board regarding local councillors being omitted from representation on the Town Fund Boards, the Leader responded that her comments were duly noted and she would be invited to attend.

### **Reason for Decision**

As Phase 2 of the Towns Fund Programme – Completion of Full Business Case and submission to Government – had been completed, Governance arrangements needed to be updated to ensure that the structure was fit for purpose for Phase 3 – Delivery of the Towns Fund Programme.

### **Alternative Options Considered**

Alternative proposals for governance could be implemented including different structural options which had been considered by Chairs. The proposed model of the Local Boards inheriting the responsibilities from Superboard would provide an ongoing consistent approach strengthening the governance arrangements to ensure effective engagement of stakeholders.

The proposed updated Terms of Reference adhered to the Government's Towns Fund Guidance which was a requirement to access the Towns Fund funding.

Cabinet approval for changes to financial profiles for each project would delay the reporting to Department for Levelling Up, Housing and Communities (DLUHC) and, consequently, for requested project adjustments to be approved and implemented.

### **Agreed:-**

- (1) that approval be given to the updated governance arrangements relating to Phase 3 of the Towns Fund Programme;



- (2) that the Managing Director Commissioner, in consultation with the Leader of the Council, the Cabinet Member for Regeneration and Growth, and the Monitoring Officer be authorised to agree updates to Terms of Reference and arrangements for the Governance of the Towns Fund Programme in accordance with the Government's Towns Funds Guidance;
- (3) that the Section 151 Officer and Director for Regeneration and Growth, in consultation with the Cabinet Member for Regeneration and Growth, be authorised to approve Towns Fund virements of above £250,000 or 1% of approved Gross Expenditure budget (whichever is greater);
- (4) that approval be given for an exemption from Part 5 Section 4.4 of the Council's Financial Regulations to action Resolution (3) above.

**110/22**

## **Procurement of a Wrap Around Service**

Approval was sought to complete a procurement exercise and then award contract(s) for the delivery of a Wrap Around Service for a contract term from 6 November 2022 to 5 November 2023, with an option to extend for a further one-year period from 6 November 2023 to 5 November 2024.

### **Reason for Decision**

There was a current contract in place with Universal Care Ltd that was due to expire on 5 November 2022 and there was no extension option available. Therefore, the approval to commission a new service would ensure there was another service that could be used to provide a Wrap Around response from 6 November 2022.

### **Alternative Options Considered**

Six options were identified as follows:

1. Recommission the service with 6 providers for a term of 3 years paid for on a spot basis as per November 21 and December 21 referral data;
2. Recommission a spot with one provider for 3 years according to November 21 and December 21 referral data;

3. Recommission the service with 6 providers on a block basis for 3 years according to November 21 and December 21 referral data;
4. Recommission a block with one provider for 3 years;
5. Recommission on a block retainer basis with SPOT purchased hours for 3 years based on 3 carers retained;
6. Recommission with 6 providers on a spot basis for one year plus one year according to November 21 and December 21 referral data + 25%.

Option 6 was recommended as the preferred option because the service was in its infancy and had the potential for increased referrals, but an accurate picture of demand was still unknown at this stage as D2A continued to embed. It was therefore recommended that a one-year contract, with an option to extend for a further year should be established for up to 6 providers based on an additional 25% of referrals as received in November 2021 and December 2021. By establishing a one plus one- year contract from November 2022, further analysis could be undertaken of referral patterns in order to commission a longer-term service that would be based on data that better predicts referral numbers from 2024.

**Agreed:-**

- (1) that the Director of Adult Social Care be authorised to complete a procurement exercise for the delivery of a Wrap Around Service for a contract term from 6 November 2022 to 5 November 2023, with an option to extend for a further one-year period from 6 November 2023 to 5 November 2024;
- (2) that the Director of Adult Social Care be authorised to award and enter into Agreements with all successful bidders, on terms to be agreed with the Director of Adult Social Care, for the provision of a Wrap Around service to commence on 6 November 2022 to 5 November 2023, with an option to extend for a further one- year period from 6 November 2023 to 5 November 2024;
- (3) that the Director - Law and Governance and Monitoring Officer, or their designated representative, execute any documents necessary within a reasonable time to give

effect to the proposal in Resolution (2) above for the provision of a Wrap Around service;

- (4) that any necessary exemptions be made to the Council's Procurement and Contract Procedure Rules 2018-19, to allow the Director of Adult Social Care to award contracts to the successful tenderer(s) in relation to Resolution (2) above.

**111/22**

## **Award of Mobile Telephony, Voice and Data Contract**

Approval was sought to award a contract for Mobile Telephony, Voice and Data Services, to be procured via a direct award of contract using Crown Commercial Services (CCS) framework RM3808 Network Services 2, Lot 6 (Mobile Voice and Data), for a two-year period with an option to extend for a further year.

### **Reason for Decision**

The current contract for the provision of Mobile Voice and Data Services was due to expire 25 July 2022. Approval was sought to enable a direct award in order to continue provision of these services from 26 July 2022 – 25 July 2024 with an option to extend for a further year.

### **Alternative Options Considered**

A full above threshold procurement could be taken as an alternative approach. However, all of the main providers were on the CCS framework, making it unlikely that any additional benefits would be achieved. Procuring via a framework was compliant with Public Contract Regulations 2015.

Instead of a direct award from the framework, the Council could run a call-off competition from the same framework. This seemed unnecessary and would not deliver additional benefit to the council. The service offerings from the market suppliers had equalised over time. Pricing was based on volume, which competition would not alter.

Doing nothing was not an option. The provision of mobile telephony, voice and data services was essential to support modern service delivery. Out of contract mobile telephony costs might increase, potentially leaving the Council without a mobile telephony service.

**Agreed:-**

- (1) that the Director of Business Strategy and Change, in consultation with the Director of Finance - Section 151 Officer and the Cabinet Member for Finance and Resources, be authorised to award a contract for Mobile Telephony, Voice and Data Services, to be procured via a direct award of contract using Crown Commercial Services (CCS) framework RM3808 Network Services 2, Lot 6 (Mobile Voice and Data) and to be awarded for a two-year period with an option to extend for a further year;
- (2) that the Director Law and Governance – Monitoring Officer be authorised to execute any documentation necessary to enable the action referred to in (1) above;
- (3) that any necessary exemptions to the Council's Procurement and Contract Procedure Rules be made to enable the course of action referred to in (1) above to proceed.

**112/22**

### **Use of Road Weather Forecasting Service Contract**

Approval was sought for delegated authority to use a framework tender working in collaboration with Birmingham, Coventry, Dudley, Solihull, Walsall and Wolverhampton councils for a period of up to 5 years for a contract for the supply of road weather forecasting services for winter service operations to support the efficient and effective running of the Winter Service Operational Plan. The initial contract would be for three years with the option to extend by a further two years in collaboration with all consortium members.

## **Reason for Decision**

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

The new forecasting service contract would utilise the weather stations Sandwell had alongside our neighbouring authorities to produce high quality and specific road weather forecasting details for our area.

The new contract would also provide additional resource where Sandwell could opt to receive forecasts around the year rather than just through the winter period. This would help the council plan and prepare for maintenance work and provide further specific to the area details where or when summer storms are likely to occur

## **Alternative Options Considered**

There were no recommended affordable alternatives to mitigate the safety risks arising from winter weather.

### **Agreed:-**

- (1) that the Director of Borough Economy in consultation with the Cabinet Member for Environment be authorised to approve the use of a contract for the supply road weather forecasting services for winter service operations, following a compliant competitive tender process in collaboration with Birmingham, Coventry, Dudley, Solihull, Walsall and Wolverhampton Councils;
- (2) that the Director of Law and Governance – Monitoring Officer be authorised to execute any documentation necessary to enable (1) above;
- (3) that any necessary exemptions be made to the Procurement and Contract Procedure Rules to enable the course of action referred to in (1) above to proceed;

- (4) that approval be given to working in collaboration with Dudley MBC, as lead authority, for the provision of road weather forecasting services for winter service operations.

Meeting ended at 3.24 pm

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