

Agenda

Sandwell Towns Fund Superboard

Tuesday, 3 May 2022 at 4.00 pm
Meeting not open to the public

1 Welcome and Opening Remarks

The Chair will welcome attendees to the meeting and make opening remarks.

2 Apologies

To receive any apologies for absence.

3 Minutes

5 - 18

To confirm the minutes of the meeting held on 17 February 2022 as a correct record.

4 Declarations of Interests

To receive any declarations of interest from members relating to any item on the agenda.

5 Towns Fund Programme Phase 3 Delivery (Reporting)

19 - 20

To receive a report outlining the proposed reporting mechanisms for the Towns Fund Programme Phase 3 - Delivery



6 **Towns Fund Programme Governance Structure**

21 - 32

Agreement of the Governance Structure proposed for Phase 3 – Delivery.

7 **Any Other Business**

To receive any other business raised by members for discussion.

8 **Closing Remarks**

The Chair will make closing remarks and close the meeting.

Kim Bromley-Derry CBE DL
Managing Director Commissioner
Sandwell Council House
Freeth Street
Oldbury
West Midlands

Distribution

J Thompson (Chair)

A Eggington, A Taylor, C Hinson, Cllr K Carmichael, Cllr M Crompton, Cllr
I Padda, G Bradford, G Foster, G Layer, G Pennington, J Morris MP,
J Nugent, K Bevington, K Bromley-Derry, M Davis, N Richards MP, J Spellar
MP, P Begley, S Shingadia and S Bailey MP

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Minutes of Sandwell Towns Fund Superboard

Thursday, 17 February 2022 at 3.00 pm
Meeting not open to the public

Present:

- Jude Thompson, Chair of Sandwell Superboard (Chair)
- Chris Hinson, Local Board Chair- West Bromwich
- Alan Taylor, Local Board Chair- Smethwick
- Geoff Layer, Black Country Local Enterprise Partnership
- James Morris MP, Halesowen and Rowley Constituency
- John Spellar MP, Warley Constituency
- Nicola Richards MP, West Bromwich East Constituency
- Cllr Iqbal Padda, SMBC
- Geoff Foster, SCVO

SMBC Officers:

- Tony McGovern, Director of Regeneration and Growth
- Jenna Langford, Interim Towns Fund Programme Manager
- Hayley Insley, Planning Regeneration Team Leader
- Alex Oxley, Senior Planning Regeneration Officer
- Alan Reynolds, Senior Planning Regeneration Officer
- Clinton Felicio, Planning Regeneration Support Officer
- Josh Singh, Senior Planning Regeneration Officer
- Emma Parkes, Project Support Officer
- Andy Miller, Service Manager- Transport and Planning Policy
- Mark Evans, West Bromwich Town Hall Project Manager
- Jane Lillystone, Service Manager - Tourism, Culture and Leisure
- John Satchwell, Parks Project Officer
- Rina Rahim, Towns Fund Programme Manager

Also present:

- Austin Bell, Sandwell and West Birmingham NHS Trust
- Shaun Hunt, Sandwell College (Representing Graham Pennington)



34/21 Welcome and Opening Remarks

Jude Thompson welcomed attendees to the meeting of the Sandwell Towns Fund Superboard.

The Chair welcomed Rina Rahim as the recently appointed Towns Fund Programme Manager. Rina will take over from Jenna Langford, who will revert to her substantive Regeneration Manager post at the end of March.

35/21 Apologies

Apologies for absence were received from the following Superboard members:

- Adrian Eggington - Black Country Housing Group
- Geoff Layer - Black Country LEP
- Sandeep Shingadia - Transport for West Midlands
- Kim Bromley Derry- SMBC
- Cllr Maria Crompton- SMBC
- Keeley Bevington, WMP
- Cllr Kerrie Carmichael- SMBC

36/21 Minutes

The minutes of the meeting held on 20 January 2022 were agreed as a correct record.

37/21 Declarations of Interest

No new declarations of interest were received.

Existing and continued declarations from previous meetings:

- Adrian Eggington - Interest in Shaftesbury House site so will refrain from discussion with regards Sandwell MEC Campus, West Bromwich.
- Nicola Richards MP - Trustee of the Albion Foundation.
- Alan Taylor – in relation to any matters relating to Sandwell College.
- Geoff Layer – in relation to any matters relating to University of Wolverhampton.
- Graham Pennington – in relation to any matters relating to Sandwell College

38/21 Towns Fund Programme Update

Jude Thompson introduced Jenna Langford, Interim Towns Fund Programme Manager, to present an overview of the programme.

Currently all projects, aside from the Blackheath Bus Interchange and Public Realm Project (discussed within agenda item 13), are RAG rated green, and are on track for submission to DLUHC in line with the 24th March submission date.

Positive news was shared with Members regarding the Digital Den project (West Bromwich portfolio). The project Summary Document was submitted to DLUHC in October 2021 and the Programme Management Office has recently received confirmation of approval by DLUHC. In addition, funding is expected late February 2022. This project is moving into delivery phase which represents the first Towns Fund spend within the programme.

Members were informed a planning application for the Sandwell Civil and Mechanical Engineering Centre, West Bromwich project led by Sandwell College was submitted this week, which is another key milestone for this project previously agreed by Superboard.

West Bromwich

All three remaining West Bromwich Full Business Cases were scheduled for Superboard consideration and review as part of today's agenda. Subject to Superboard agreement, Full Business Cases would proceed to Assurance Panel. There were therefore no assurance panel recommendations to report on these projects.

Smethwick

Two Smethwick projects were scheduled for Superboard consideration, review and agreement as part of today's agenda.

Following Superboard agreement on 17 January 2022, The Ron Davis Centre Expansion Project was presented to Assurance Panel on 24 January and 8 February 2022, however Assurance Panel Members requested further work to address recommendations prior to Assurance Panel approval.

Jenna provided Superboard with an overview of the recommendations made by the assurance panel on the remaining Smethwick projects, previously agreed by Superboard:

Rolfe St Regeneration

- That prior to entering into a funding agreement with the DLUHC, Strategic Finance review the terms and conditions of funding to assess the level of risk to the council.
- A Project Change Request to be submitted to DLUHC to capture revised number of residential units (115 from 125).
- The Full Business Case is updated to reflect the most viable delivery option to deliver the 115 residential units will be undertaken (i.e. joint venture or through development agreement)

Smethwick Connected

- That prior to entering into a funding agreement with the DLUHC, Strategic Finance review the terms and conditions of funding to assess the level of risk to the council.
- That more detailed costings and supporting information is provided for phases 2 to 5.

Rowley Regis

The Britannia Park Community Hub project was scheduled to be presented to Superboard today for consideration, review and agreement.

The Blackheath Bus Interchange and Public Realm project was scheduled on today's agenda, but board members were advised that, given the documented difficulties in developing the Full Business Case for this project, it will be reviewed by an exceptional meeting of the assurance panel on the 10th March 22. Further discussion regarding this project continued within item 13 of the agenda.

Jenna provided Superboard with an overview of the recommendations made by the assurance panel on the remaining Rowley Regis projects:

The Rowley Regis Satellite Education Hub

- That the Partnership Agreement between Sandwell MBC and Sandwell College formally transfers the full financial risk of delivery and operation of the project to Sandwell College
- That external VAT advice is sought to confirm that VAT costs will be considered eligible spend
- That prior to entering into a funding agreement with the DLUHC, Strategic Finance review the terms and conditions of funding to assess the level of risk to the council.
- That the agreement between Sandwell Council and Sandwell College includes a provision for payments to Sandwell College to be made in

arrears, following evidence of defrayed expenditure to reduce the financial risk to Sandwell MBC.

- That the terms of the lease agreement are reviewed and confirmed as adequate prior to the commencement of the project.
- Project Change Request to be submitted to DLUHC to capture revised number of learners assisted and value of project Towns Fund Ask.

The Canal Network Connectivity Project

- That prior to entering into a funding agreement with the DLUHC, Strategic Finance review the terms and conditions of funding to assess the level of risk to the council;
- That the Partnership Agreement between Sandwell MBC and CRT formally transfers the full financial risk of delivery and operation of the project to CRT;
- That the Partnership Agreement includes a provision for payments to CRT in arrears, following evidence of defrayed expenditure to reduce the financial risk to Sandwell MBC;
- That the Financial Case includes a full breakdown of the capital costs and a narrative confirming that soft market testing has been undertaken to demonstrate robustness in the cost estimates;
- That the Commercial Case captures the Design, Consent, Construction, Financing and Operational (revenue) Risk allocation between CRT and the contractor.

The Chair invited Members to raise questions. No queries/ comments were forthcoming.

Jude invited each of the Local Board Chairs to present a short summary of recent Local Board meetings.

Chris Hinson - West Bromwich Local Board

Chris advised Superboard on the recent meeting, where Local Board Members were given presentations on the three outstanding Full Business Cases.

Throughout this process Local Board have provided constant challenge and question to project leads. Recently these have focussed on the need to ensure ongoing maintenance to ensure the future longevity of projects. This has resulted in a number of recommendations to project leads as projects move into delivery stage.

West Bromwich Local Board wholeheartedly endorse the Full Business Cases presented to Superboard today.

Chris Hinson, on behalf of Adrian Eggington - Rowley Regis Local Board

Chris read a pre-prepared statement from Adrian Eggington. Adrian outlined his - and Local Board - support for all projects presented to Superboard today and noted the Local Board's pleasure in hearing that previous projects presented to Superboard had been successfully passed on to submission to DLUHC.

Alan Taylor - Smethwick Local Board

Alan provided Members with an overview of discussions from recent Local Board.

There had been concerns raised with regards to the walking and cycling project and certain members remain to be convinced about their future success, although the majority of Local Board are optimistic in this respect.

Discussions also revolved around local procurement and ensuring spend is retained in the local area. Local Board are strongly advocating this approach to project leads and work is underway to ensure this.

39/21 Town Hall Quarter Full Business Case

Chris Hinson provided an overview of the project, the strategic rationale and the proposed outputs, highlighting the fact that this project, from a Towns Fund perspective, is phase one of a three phase programme of works and is primarily concerned with improvements to the internal and external Town Hall and Library buildings. West Bromwich Local Board have endorsed this project for submission to Superboard.

Jane Lillystone and Mark Evans provided further high-level narrative to board members, confirming this is a standalone project but is also envisaged to be part of a wider programme to extend beyond Towns Fund.

Mark Evans presented pictures of the areas of most in need of renovation as a visual aid to board members.

The project has a benefit cost ratio of 1.7 for phase one in isolation ranging to 2.66 on completion of further stages.

The HM Treasury compliant Full Business Case, which outlines the project details in entirety, has been provided to board members in advance as part of the meeting pack for reference and review.

Floor was opened to questions - none arising.

Vote: Agreement of the Full Business Case for the Town Hall Quarter project including project adjustment and approval for submission.

Vote passed unanimously.

40/21 West Bromwich Connected Full Business Case

Chris Hinson provided overview of the strategic rationale for the project. Chris advised that this was a multi-phase programme and highlighted that the project has strong links to other complementary projects in the Towns Fund and other strategic sites in the town centre. West Bromwich connected aims to increase the uptake of walking and cycling in the town to facilitate sustainable transport methods. West Bromwich Local Board have endorsed this project for submission to Superboard.

Andy Miller was present to answer any local board questions. Andy did provide board with details of the BCR, which has come out at a score of 2.41 and is therefore considered to provide high value for money.

Question from John Spellar MP - would like to understand exactly how the BCR figure has been calculated and what specific inputs have been identified to arrive at this figure.

Andy Miller advised that the BCR has been calculated using the Dept for Transport BCR tool.

Action (Andy Miller) to share BCR methodology with John Spellar MP.

The HM Treasury compliant full business case, which outlines the project details in entirety, has been provided to board members in advance as part of the meeting pack for reference and review.

Vote: Agreement of the Full Business Case for the West Bromwich Connect project.

Vote passed by majority.

41/21 Retail Diversification Programme Full Business Case

Chris Hinson provided an overview of the project including its status as the largest towns fund project in West Bromwich at £13m. The project aims to deliver transformational change to West Bromwich's retail submarket and

address an oversupply of retail floorspace which has resulted in high levels of vacancy and decline in the visual amenity of the area.

It aims to: -

- Bring 26,559 sqm of land into full public ownership
- Rationalise 7,590 sqm of floorspace
- Rehabilitate 11,217 sqm of land
- Clear three sites
- Deliver a new indoor market

Alex Oxley provided a summary of amendments made since the Full Business Case was circulated to board members. Some additional legal costs were identified as the project has progressed, these have been picked up within the total project budget through value engineering and confirmed there are no changes to scope.

The HM Treasury compliant full business case, which outlines the project details in entirety, has been provided to board members in advance as part of the meeting pack for reference and review.

Floor was opened to question. None arising.

Vote: Agreement of the Full Business Case for the Retail Diversification Programme including project adjustment and approval for submission.

Vote passed unanimously.

42/21 Midland Met Learning Campus Full Business Case

Alan Taylor introduced the project and provided an overview of the strategic rationale. The Midland Met Learning Campus aims to bring a world class learning facility to the heart of Smethwick and represents the first university presence in the area. Alan passed over to Austin Bell who provided board members with a detailed project presentation.

The proposed building will be a net zero carbon design and is currently at RIBA stage 2 concept design. The project team will be proceeding with RIBA stage 3 designs at risk in April 2022, this is in order to maintain momentum and ensure that the facility does not lose an academic year in the programme.

Planning permission has already been submitted and is anticipated to be determined in March 2022.

The BCR has been calculated at 4.03 which represents high value for money. Social value outputs have been a key topic of discussion at Local Board. Project team ensuring these will be captured in the procurement process.

The HM Treasury compliant full business case, which outlines the project details in entirety, has been provided to board members in advance as part of the meeting pack for reference and review.

Vote: Agreement of the Full Business Case for Midland Met Learning Campus including project adjustment and approval for submission.

Vote passed unanimously.

43/21 Grove Lane Regeneration Full Business Case

Alan Taylor provided an overview of the project including key outputs, strategic rationale and links to other project in the vicinity. It is a key transformational project for Smethwick. The agenda item cover report will be updated to include accurate information following receipt of final FBC.

The Grove Lane Regeneration project aims to enable the future delivery of up to 800 new homes through a package of land remediation and associated remedial works.

In light of the updated FBC, it is noted that the total land remediated is now 2Ha and the final BCR has been calculated at 2.87, which represents good value for money.

Hayley Insley was on hand to answer any board member questions and advised that the project would aim to deliver a number of affordable homes for the area. It is important that SMBC take ownership of the site to ensure high quality future development.

Question - John Spellar MP. We need to be incorporating high density development in the borough, especially around key infrastructure such as the hospital. What is being done to accommodate this?

Hayley advised that SMBC Cabinet have recently agreed the area Masterplan which outlines a good mix of density so there will be high density elements as part of the future proposals.

John was pleased to hear this.

Floor opened to further questions. None arising.

The HM Treasury compliant full business case, which outlines the project details in entirety, has been provided to board members in advance as part of the meeting pack for reference and review.

Vote: Agreement of the Full Business Case for Grove Lane Regeneration Project including project adjustment and approval for submission.

Vote passed unanimously.

44/21 Rowley Regis Connected Full Business Case

Chris Hinson, on behalf of Adrian Eggington, provided a short overview of the project to board members. The Rowley Regis Connected project is a multiphase cycling and walking proposal which aims to improve the connectivity around multiple town centres in Rowley Regis.

It will deliver against sustainability targets by reducing air pollution and encouraging residents to take up active travel modes. It has received full approval by Rowley Regis Local Board.

Andy Miller advised board members that this project has distinct aspects which each focus on individual parts of the transport network, such as Oldbury ringway, which has a focus on cycling, where other aspects focus on providing more comprehensive walking routes and links to other projects, such as Britannia Park.

Question - James Morris MP. How do all these separate items link together?

Andy Miller advised that, whilst they have been separated for the purposes of the Towns Fund process, all the proposals have been designed spatially as one whole, so there is a clear focus on interconnectivity of projects.

Floor was opened to further questions. None forthcoming.

The HM Treasury compliant full business case, which outlines the project details in entirety, has been provided to board members in advance as part of the meeting pack for reference and review.

Vote: Agreement of the Full Business Case for Rowley Regis Connected and approval for submission.

Vote passed unanimously.

45/21 **Britannia Park Greenspace and Community Hub Full Business Case**

Chris Hinson, on behalf of Adrian Eggington, provided board with an overview of the project. Proposals aim to deliver a rejuvenated park, changing rooms to encourage the use of the sports pitches, new allotments and accessibility improvements. The project will also deliver a new skate park and plant 100 trees in the park. It has a total budget of £2.46m.

Alan Reynolds provided board with a summary of the process to date, adding that there will also be a full circuit walking path installed around the perimeter and a contemporary garden which will replace the rose garden. The local community have readily recognised the benefits of this project, and it has therefore been relatively straightforward to gain community buy in.

It is envisaged that this is the first phase of a wider programme where SMBC will procure a not-for-profit partner to deliver a full community building on the park.

Jude Thompson outlined his pleasure with how the project was developing and, as someone who grew up in the area, can clearly see the benefits this will have for the local community.

The HM Treasury compliant full business case, which outlines the project details in entirety, has been provided to board members in advance as part of the meeting pack for reference and review.

Vote: Agreement of the Full Business Case for Britannia Park Community Hub project and approval for submission.

Vote passed unanimously.

46/21 **Blackheath Bus Interchange and Public Realm Project Update**

Andy Miller provided a project overview including strategic rationale and alignment with vision for town centres. The project aims to pedestrianise a central part of the town centre.

The complexity of the project, and the various sensitivities that need to be assessed has resulted in difficulty calculating the BCR. This is the primary reason for the delay in programme and why the FBC has yet to be complete. Consultation proposed for later this year.

There are many stakeholders involved with the project who will need to be consulted in due course.

The project has a total value of £3.74m. This also includes contributions from Transport for West Midlands. There is currently a project board in place which are overseeing the development of the FBC. Andy Miller is chairing this and also has representation from TfWM.

Jenna Langford invited to introduce the governance and assurance proposals to ensure the project is submitted on time to DLUHC. Given that there is no FBC to present to Superboard, and understanding the need for proper due diligence, it is proposed that the FBC be assessed in an exceptional meeting of the assurance panel on the 10th March. In order to provide a level of Superboard and Local Board oversight, it is proposed that Adrian Eggington, Chair of the Rowley Regis Local Board, also be present on the assurance panel as a representative. The assurance panel, in collaboration with Adrian, would then review and approve the FBC.

Question - James Morris MP. If consultation is not proposed before the submission to DLUHC, how can we utilise the feedback?

Andy Miller recognised that if it were outside the Towns Fund process, this would not have been the preferred approach, however, the primary reason was that no design or detailed work had been done to this point and therefore there was little of note to consult on. Furthermore, there has been conceptual consultation done previously, for which there was support and this provides basis for the project, although there is further work to be done to address specific feedback around access.

James Morris happy pleased to hear this work had been done previously. No further question or alternative proposals to what have been suggested by Jenna Langford.

Tony McGovern advised that despite being at FBC stage, the future plans are still subject to change dependent on future design and consultation. The FBC will be circulated to board members on completion, so Superboard will have sight of the document.

Question - John Spellar MP. Concerned about traffic, where will traffic go if the through road is pedestrianised?

Andy Miller advised that the ring road is likely to be the main route following works, it has been identified that the majority of road users are currently not using the road to explicitly access the town centre, rather to pass through. This has impacts on levels of pollution. The FBC, and associated BCR calculations, are taking these implications into account and will need to show clear benefit if it is to be passed by assurance panel.

John Spellar advised that he is not overly happy, in principle, with the proposed assurance arrangements, however, he will have a discussion with James Morris MP- as the local MP for the area- and come back to the board if there are any significant problems arising.

Geoff Foster advised that he would like to see an improved project management approach for this project going forward.

Vote: Agreement for the Blackheath Bus Interchange FBC to be submitted to an exceptional assurance panel on 10th March and for Adrian Eggington to attend as a representative of Superboard.

Vote passed by majority.

Note that John Spellar MP and James Morris MP agreed to have a further conversation and feedback to Jude Thompson if any issues arise.

47/21 Any Other Business

John Spellar - wanting to stress that projects should not apply for government grant simply because it exists, and benefits must clearly be outlined.

Tony McGovern advised that there is a robust governance and assurance process as part of the Local Authority review of projects as accountable body. This process is detailed and provides clear challenge and recommendations to project leads to ensure that only projects that deliver clear benefit and provide value for money, will move through to application stage.

48/21 Closing Remarks

Jude Thompson thanked members for attendance and input.

Meeting ended at 17:10

Contact: town_deal@sandwell.gov.uk

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Sandwell Towns Fund Superboard 3 May 2022

Subject:	Towns Fund Programme Phase 3 Delivery (Reporting)
Presenter:	Rina Rahim, SMBC Towns Fund Programme Manager
Contact Officers:	Rina Rahim, Towns Fund Programme Manager Emma Parkes, Towns Fund Programme Officer

1. Purpose of the Report

- 1.1. To outline the background and main considerations to the reporting requirements of the Towns Fund Programme delivery phase.

2. Background and Main Considerations

- 2.1. With the signing of the Heads Terms in March 2021, the Towns Fund Programme entered Phase 2 (Full Business Case Development). Towns had 12 months to develop projects to Full Business Case stage and make preparations for their delivery, submitting Project Summary Documents to DLUHC by 24 March 2022.
- 2.2. By 24 March 2022, The Towns Fund Programme had successfully submitted all Project Summary Documents to DLUHC. As a result, the Towns Fund Programme has now entered Phase 3 (Delivery).
- 2.3. Government guidance relating to Phase 3 was updated in Dec 2021 and includes the reporting of:
- General progress of project delivery
 - Key project delivery milestones
 - Key expenditure milestones being met by the Lead Council
 - Expenditure on the project total: forecast and actual
 - Match funding, broken down by sector (public/ private/ third sector) – actual and forecast
 - Contractual Commitments – actual and forecast
 - Key outputs delivered by projects. These may include business start ups, jobs and skills developed, investment and businesses attracted.
 - Activities and implementation of ongoing community collaboration and partnership working



- 2.4. Input and delivery data will be collected as part of the six-monthly monitoring data which will identify areas/ projects which are under and over delivering. Annual reporting to DLUHC will also be in place to allow for the release of funding allocations for the next financial year.
- 2.5. Qualitative interviews will be undertaken with all project managers to understand particular delivery issues, and to enable work to be done to address these issues at the point in time, ensuring that places are supported throughout delivery.
- 2.6. Whilst awaiting Government decisions on the submitted documentation, the Programme Management Office are setting out monitoring and reporting requirements for project leads and the Accountable Body to ensure compliance with reporting requirements.
- 2.7. Further guidance from DLHUC is imminent and will indicate the level of reporting required to release funding allocations. Subject to any changes required, the quarterly reports from projects leads will include: -
- Project progress
 - Financial spend and forecasts
 - Outcomes achieved and updated forecasts
 - Milestone achieved and revised dates where applicable
 - Procurement
 - Social Value
 - Risk register
 - Where applicable, consideration of change requests
- 2.8. Following project quarterly claims, the Programme Management Office will collate the information submitted and present progress on the projects and overall programme to the Local Boards for consideration.

Appendices

None

Source

DLUHC Towns Fund Guidance (Stage 2 Business Case Guidance, December 2020)
Towns Fund Monitoring and Evaluation Guidance, April 2021, Dec 2021)



Sandwell Towns Fund Superboard 3 May 2022

Subject:	Towns Fund Programme Governance Structure
Presenter:	Rina Rahim, SMBC Towns Fund Programme Manager
Contact Officers:	Rina Rahim, Towns Fund Programme Manager Emma Parkes, Towns Fund Programme Officer

1. Recommendations

- 1.1. To agree the governance structure for Phase 3 (Delivery) of the Towns Fund Programme as part of the consultation process ahead of Cabinet's consideration.

2. Purpose of the Report

- 2.1. To outline the background and main considerations to a review of the governance arrangements for Phase 3 – Delivery of the Towns Fund Programme.

3. Background and Main Considerations

- 3.1. Governance arrangements for the Towns Fund Programme were approved by Cabinet in July 2020. To co-ordinate the three Towns Deals in Sandwell, an overarching Towns Fund Superboard was established with three Town-level Local Boards established as working groups of the Superboard. These arrangements reflected the requirements of the first Phase of the Towns Fund Programme (development of the Town Investment Plans), and DLUHC Towns Fund Guidance, June 2020.
- 3.2. With the signing of the Heads Terms in March 2021, the Towns Fund Programme entered Phase 2 (Full Business Case Development). Towns had 12 months to develop projects to Full Business Case stage and make preparations for their delivery, submitting Project Summary Documents to DLUHC by 24 March 2022.
- 3.3. Following receipt of additional guidance from DLUHC in December 2020 and April 2021, Governance Arrangements were updated to reflect the roles of the Superboard and Local Boards over Phase 2 and Phase 3 of the programme. These arrangements were approved by Cabinet in June 2021.



- 3.4. By 24 March 2022, The Towns Fund Programme had successfully submitted all Project Summary Documents to DLUHC. As a result, the Towns Fund Programme has now entered Phase 3 (Delivery).
- 3.5. Whilst awaiting project approvals from DLUHC, it provides opportunity to review the existing governance arrangements for both the Accountable Body, Superboard and Local Boards ensuring they are fit for purpose to deliver the Town Fund Programme successfully. This would also allow updating the Terms of Reference to ensure that matters relating to membership and decision making are noted.
- 3.6. The current governance structure would require programme reporting to be presented to the three Local Boards for review, prior to presenting to the Superboard. As the focus now shifts to delivery phase, alternative governance structures which would best serve the efficient reporting throughout the delivery phase should be considered.
- 3.7. The Superboard operating at a strategic level and overseeing the work of the 3 Local Boards has generally worked well but it is recognised that it needs to be updated to now meet the opportunities and challenges that lie ahead. Revision of the governance structure would also allow opportunity to refresh the membership of the Boards and update the Terms of Reference accordingly.
- 3.8. Governance options considered as part of this review and consultation are: -
- Local Boards inherit Superboard responsibilities and as a result Superboard structure is no longer required
 - Amalgamate the three Local Boards to the Superboard
 - All three Local Boards merge to one Towns Delivery Board and make recommendations to the Superboard
 - Continue current structure with Local Boards meeting quarterly alongside Superboard
- 3.9. As part of the consultation around these options, Superboard and Local Board Members received a briefing note on 21 April 2022 outlining the context and proposed Governance Arrangements as outlined above. Feedback from Board Members will be presented during the Superboard meeting held 3 May 2022.
- 3.10. Agreed changes to governance structure will be presented to SMBC Cabinet on 18th May 2022 for approval prior to taking effect.

Appendices

Sandwell Towns Fund Programme Draft Terms of Reference

Source

DLUHC Towns Fund Guidance (Stage 2 Business Case Guidance, December 2020)

Towns Fund Monitoring and Evaluation Guidance, April 2021)



1. Purpose of Document

- 1.1 The purpose of this document is to outline the governance arrangements for Sandwell's Towns Fund Programme for Phase 3 and supersedes the Towns Fund Governance Arrangements agreed in July 2021 which was relevant to Phases 1 and 2.
- 1.2 It has been updated to reflect the next phases of the programme now that the Town Deals have been signed and to reflect the latest Towns Fund Guidance (released by MHCLG December 2020 and April 2021).
- 1.3 The document includes Roles and Responsibilities, Code of Conduct for Board Members, Decision Making arrangements, Scrutiny arrangements, Transparency and Accountability and a List of Members of the three Local Boards

2. Context

- 2.1 Governance was provided to this programme through the Towns Fund Superboard and three Local Boards, and the Council as the Accountable Body for Phases 1 and 2.
- 2.2 For Phase 3 - Delivery, the work of the Local Boards will involve reviewing progress of the Towns Fund Programme and projects, assessing change requests and ensuring compliance with Heads of Terms. In accordance with the Towns Fund Guidance published June 2020 and updated guidance in, the Local Boards will each act as the Town Deal Board for their respective Towns.



2.3 MHCLG guidance outlines the following responsibilities for the Town Deal Board: -

2.3.1 Phase 3 of the Programme (project delivery) - that the Town Deal Board should ensure an element of independent 'on-the-ground' monitoring of the deal delivery and act as a 'critical friend' throughout the programme lifecycle.

2.3.2 Through project delivery, ensure regular catch ups with the Town Deal Board to enable the board to see through the town vision, take ownership of their proposed projects and provide a level of accountability.

2.3.3 The Town Deal Board should have an ongoing role and sight of decisions, the nature and degree of which should be agreed locally.

3. Roles and Responsibilities

3.1 Local Boards

3.1.1 The Local Board will be responsible for: -

- Leadership/ Direction - Provide strategic direction across all of the Town Deal Areas
- Coherent Governance - Ensure a coherent approach across all of the Town Deal Areas, maximising cross town initiatives where possible
- Consistency - Ensure interventions are not competitive across the Town Deal Areas and act to build the local economy
- Alignment to Strategic Priorities - Ensure alignment of projects to Local, Regional and National strategies
- Approve the Stakeholder Engagement Approach – ensuring that communities' voices are involved in shaping design and decision making at each phase of development, and ensuring diversity in its engagement with local communities and businesses
- Support and provide a steer (as required) to the Local Town Boards
- Upholding the Seven Principles of Public Life (Nolan Principles)
- Ensure compliance with Heads of Terms Agreements
- Have sight of and be consulted over project change requests
- Agree Full Business Cases and recommend them for appraisal and approval
- Act as a critical friend throughout the programme
- Fulfil any other duties and responsibilities required of the Town Deal Board by Central Government



3.1.2 The Chair of the Local Boards will be responsible for:

- Upholding the Seven Principles of Public Life (Nolan Principles)
- Leading the Local Boards to achieve its objectives, maintaining an overview of activity, and championing the supporting partnership working
- Ensuring that decisions are made by the Board in accordance with good governance principles
- Signing the submissions to Government on behalf of the Local Boards

3.2 Sandwell Council

3.2.1 Sandwell Council is the Accountable Body for Sandwell's Town Deal Programme.

3.2.2 Sandwell Council is responsible for: -

- Upholding the Seven Principles of Public Life (Nolan Principles)
- Developing a delivery team, delivery arrangements and agreements
- Ensuring that decisions are made by the Local Boards are in accordance with good governance principles.
- Ensuring transparency through the publication of agendas and minutes of the Local Boards on CMIS
- Developing agreed projects in detail and undertaking any necessary feasibility studies
- Undertaking any required Environmental Impact Assessments or Public Sector Equality Duties
- Monitoring and evaluating the delivery of Towns Fund projects and impact
- Submitting monitoring reports, as required
- Receiving and Accounting for the Town's Funding allocation and capacity funds
- Undertake business case assurance and sign off in line with local processes (approval from SMBC Cabinet)
- Engage with the Towns Fund Local Boards regarding project changes
- Proactively consult the Towns Fund Lead (MHCLG representative) on any potential changes to approved plans
- Ensure that all templates submitted to MHCLG are accurate and complete representations of current circumstances



4. Board Vacancies

- 4.1 **Local Board** - Vacancies occurring within the Local Boards are for the identified organisations to make an appointment to in line with their own governance procedures.
- 4.2 **Young People's Representatives** - Vacancies occurring in young people's representation at Local Boards will be identified and appointed to via the Sandwell Council Youth Service in consultation with the Chair of the Local Boards, as appropriate.

5. Code of Conduct

- 5.1 All Members of the Local Boards will sign the Councillor Code of Conduct which is based on the Seven Principles of Public Life (Nolan Principles) and contained within Article 13 of the Council's constitution.
- 5.2 Members of the Local Boards as a whole will be required to declare and register any gifts and/or hospitality which will be maintained by the Council.

6. Decision Making – Local Boards

- 6.1 The Council's Principles of Decision Making will apply to the Local Boards, as laid out in article 13 of the Council's Constitution. 'elected member' is taken to refer to Local Board member: -

6.1.1 Article 13.02 Principles:

- Proportionality (i.e. the action taken is proportionate to the desired outcome);
- Decisions are taken on the basis of due consultation and professional advice from officers (Decisions taken by elected members will be based on information provided in a written report prepared by the responsible officer/s);
- Respect for human rights and giving due regard to the Public Sector Equality Duty;
- A presumption in favour of openness (Reports will only be considered in private where they contain exempt information as defined in Schedule 12A to the Local Government Act 1972 (as amended)(see Part 4 Access to Information Rules – Rule 10);
- Clarity of aims and desired outcomes (The written reports submitted to elected members will contain a clear recommendation of the professional officer for every decision they are asked to take)



- 6.2 **Quorum** – the Local Boards will be considered quorate with one quarter of voting members present.
- 6.3 **Voting** – any matter will be decided upon by a simple majority of those members present in the room and eligible to vote.
- 6.4 **Confirmation of minutes** - The Chair presiding shall put the question that the minutes submitted to the meeting be approved as a correct record.
- 6.5 Declarations of Interest**
- 6.5.1 Members shall be required to declare interests in accordance with any relevant statutory provisions and the Members' Code of Conduct as set out in Part 5 of the Constitution.
- 6.5.2 Where a Local Board member has a disclosable pecuniary interest or pecuniary interest in the business of the authority he/she must withdraw from the room or chamber where the meeting considering the business is being held unless the member has obtained a dispensation from the Council's Monitoring Officer, Council's Ethical Standards and Member Development Committee.
- 6.5.3 Where a Local Board Member is nominated as the Lead Officer for a project and/or is involved in project delivery, they may attend the Local Board discussion relating to the project in the capacity of providing and presenting information but they may not participate in any deliberations or decision by the Local Board concerning that project.
- 6.6 In the event that Local Board wishes to move to a vote, any matter will be decided upon by a simple majority of those members present in the room and eligible to vote.
- 6.7 The Chair shall have a casting vote.



7. Scrutiny

7.1 Scrutiny of Sandwell's Towns Fund Programme will be provided by the Council's Economic, Skills, Environment and Transport Scrutiny Board on a quarterly basis and through the critical friend challenge that will be provided by the Local Boards.

8. Transparency and Accountability

8.1 Local Board Agendas and Minutes

8.1.1 The Council will publish Local Board meeting agendas on Modern.gov 5 clear days before the meeting.

8.1.2 Draft minutes of the Local Boards will be published within 10 clear working days; and

8.1.3 Approved minutes of the Local Boards will be published within 10 clear working days

8.2 Member profiles

8.2.1 Profiles of Local Board Members will be published on Mod.gov.

8.3 Conflicts of Interest

8.3.1 Members of the Local Boards will be required to declare any conflicts of interest (commercial, actual and potential). This will be maintained by the council in a declaration of interest register which will be managed by Sandwell Council.

8.3.2 Local Boards Members should take personal responsibility for declaring their interests before any decision is considered by the Local Boards. These will be formally noted within the published minutes of meetings of the Local Boards including action taken in response to any declared interest.

8.3.3 Local Board Members should take personal responsibility for declaring their interests prior to an item being discussed. These will be noted within the minutes including action taking in response to any declared interest. If any Member has any queries about their interests and the disclosure thereof, they should seek advice from the Monitoring Officer.



NB. Sections 9 – The Boards relationship with Sandwell Council, 10 – Membership and Annex 2 – Scheme of Delegation are new additions to the Towns Fund Programme Terms of Reference).

9. The Boards relationship with Sandwell Council

- 9.1 In accordance to the government guidance, the Town Deal Board will make decisions in partnership with the Accountable Body. Sandwell Council will remain the Accountable body for any Town Deal funding that is received, and any other funding received in future in relation to Town Deal projects.
- 9.2 These Terms of Reference do not change, replace, substitute for or amend in any way the statutory powers or duties or other responsibilities of any of the people or organisations represented on the Sandwell Town Deal Boards.
- 9.3 The procurement policies of Sandwell Council will apply. Any delivery partners will be identified using the procurement policies of Sandwell Council and contracts will be entered into between Sandwell Council and the delivery partner in accordance with Sandwell Councils policies and procedures including its contract procedure rules.
- 9.4 Sandwell Councils Cabinet will receive regular reports on progress of activities through regular performance monitoring.
- 9.5 Board Members shall make themselves available from time to time to meet Cabinet and / or Portfolio Holder and to attend meetings of the Council's Scrutiny Committee if invited.
- 9.6 The council's data protection policies will be adopted and are included as an annex to these Terms of Reference.
- 9.7 The Scheme of delegation in relating decision making are included as an annex to these Terms of Reference.



10. Membership

- 10.1 The Lead Council had responsibility for establishing the Town Deal Boards for the development and implementation of the Town Investment Plans
- 10.2 The Local Boards will now assume responsibility for future governance under these TORs in consultation with the Accountable Body.
- 10.3 Membership will be reviewed annually and seek to continue to be representative of a diverse range of sectors, skills and interests in Sandwell in order for the Sandwell Towns Boards to be a valuable resource to draw on at all stages of the Town Investment Plan implementation.
- 10.4 Advisors – Advisors are invited by Board Members and participate in the meetings but will have no voting rights or ability to make decisions on behalf of the Board.
- 10.5 S151 Officer – Sandwell Council is the Accountable Body for the Town Board. The Council's S151 Officer or substitute will have a standing invite on the Local Boards to ensure compliance with all necessary financial regulations.
- 10.6 These terms of reference may be reviewed and modified at any time at the discretion of the Board.
- 10.7 The council's data protection policies will be adopted and are included as an annex to these Terms of Reference.



Annex 2

1. Scheme of Delegation

- 1.1 The current scheme of delegation is for all strategic decisions to be made by the Local Boards.
- 1.2 Any financial decision must be signed off by Sandwell's S151 Officer as the Accountable Body. The Council's S151 Officer will ensure compliance with all necessary financial regulations, in order to protect the accountable body and ensure proper administration of all financial affairs.
- 1.3 A decision which is made in contravention of the process will be invalid based on non-compliance unless the Local Board has given prior approval for variation in the decision-making process.
- 1.4 Any decision that needs to be made by the Local Boards that does not fit within the timeframe of the scheduled meetings can be decided through the written/urgent procedure below.
- 1.5 Only in the most exceptional circumstances might it be considered necessary and appropriate for a matter of strategic importance usually reserved to the Main Board to be decided through this procedure.

Written/ Urgent Procedure:

- Following consideration by DoR/S151, a report in the usual meeting format and including reasons for urgency, will be circulated to the Chair and Vice chair to consider whether, due to the urgent nature of the decision to be made, it is necessary and appropriate for the decision to be made before the next meeting.
- The Chair may consult with DoR/S151 or other officers prior to taking the required decision.
- The Chair will take the required decision, if at all possible within 5 working days of the report being presented.
- For transparency the report, reasons for urgency, and decision will be presented to the next appropriate meeting.

2. Objections following Consultations

- 2.1 Project Leads will present any objections that have been received following consultation on Towns Fund projects to the Local Boards. The Local Board will consider the objections and alternative options prior to making a decision in consultation with the appropriate Cabinet member.
- 2.2 In the event that a decision cannot be agreed between Local Board and Cabinet member, a separate meeting will be held with the Leader, Cabinet



Member, Chair of Local Board and Director of Regeneration and Growth to discuss/ resolve difference of view.

- 12.2 The project will not proceed in the delivery phase until a decision has been made.

