

Minutes of Cabinet

Wednesday, 20 July 2022 at 3.30 pm
in the Council Chamber, Sandwell Council House, Freeth Street, Oldbury,
B69 3DB

Present: Councillor Carmichael (Chair)
Councillors Ahmed, Hackett, Hartwell, Hughes, Padda, Piper
and Rollins

In attendance: Councillors Moore, Fenton, Shackleton, Simms and Taylor.

Also present: Kim Bromley-Derry (Managing Director Commissioner),
Simone Hines (Director of Finance), Surjit Tour (Director of
Law and Governance and Monitoring Officer), Alice Davey
(Director of Borough Economy),
Tony McGovern (Director of Regeneration and Growth), Lisa
McNally (Director of Public Health),
Matthew Huggins (Interim Service Manager Parks and
Grounds), Suky Suthi-Nagra (Democratic Services
Manager).

143/22 Apologies for Absence

Apologies for absence were received from Councillors Millard and Hinchliff.

144/22 Declarations of Interest



Councillor Hughes declared a personal interest in Minute No. 147/22 (Brandhall Options) on the basis that he was a member of the Birmingham and Black Country Wildlife Trust.

Councillor Hackett declared a personal interest in Minute No. 147/22 (Brandhall Options) on the basis that he was employed by Wednesbury Juniper Training.

145/22 Minutes

Resolved that the minutes of the meeting held on 22 June 2022 be approved as a correct record.

146/22 Additional Items of Business

There were no additional items of business.

147/22 Leader's Announcements

No announcements were made at the meeting.

148/22 Brandhall - Options

Approval was sought from Cabinet to determine the preferred option for the Brandhall Site, Oldbury.

The Cabinet Member for Regeneration and Growth gave a detailed explanation of each option that was being considered and moved that option 3, provision of land for a new primary school, a new public park and development of circa 190 residential dwellings should be the preferred option for Brandhall. The Cabinet member also moved that in relation to the proposed Site of Importance for Local Nature Conservation, the Cabinet approve B – the designation of land at Brandhall as a Site of Local Importance for Nature Conservation (SLINC) excluding any land required for development to deliver the preferred option.

Reason for Decision

It was considered appropriate to provide an opportunity for members to reconsider options (including a do-nothing option) for the future of the Brandhall site given the outcomes of the public consultation and the additional technical and financial information gathered to date.

The Local Sites Partnership (LSP) had recommended to the Council that the Brandhall site be designated as a Site for Local Importance for Nature Conservation. Members were required to determine whether to accept in full, in part, or not at all the recommendation from the LSP.

The Chair of the Economy Skills Transport and Environment Scrutiny Board questioned whether any alternative sites had been considered to relocate Causeway Green Primary School. In response, the Cabinet Member for Regeneration and Growth stated that alternative options for the replacement of Causeway Green Primary School had been considered however the minimum size requirement for a school was 2.3 hectares and there were no available sites of that size within the vicinity of the existing school. A site at Grafton Road was considered but the site was only 0.5ha which was less than a quarter of the size required. Consideration was also given to Cakemore Playing Fields however these fields were used for organised and recreational sport so were not available for redevelopment.

The Vice-Chair for Economy Skills Transport and Environment Scrutiny Board asked whether the proposed provision of a new school on the Brandhall site would be Academy run or local authority run. In response, the Cabinet Member for Regeneration and Growth explained that, as this was a replacement for an existing school, it would remain a maintained school; and whilst Sandwell Metropolitan Borough Council had no plans to convert the school to an Academy, the Government White Paper required all schools to become an academy by 2030.

The Chair of Children and Education Services Scrutiny Board raised whether it was usual for C.I.L. monies to be used to support infrastructure i.e. £2.5 million for the replacement of Causeway Green Primary School. The Cabinet Member of Regeneration and Growth stated that the Community Infrastructure Levy (CIL) was a mechanism to secure funding contributions towards the future infrastructure needed to underpin the borough. It could help support new physical and social infrastructure such as schools and roads and also improve existing facilities. The Community Infrastructure Levy (CIL) Regulations 2010 (as amended) set out exactly how CIL can be used. 80% of the CIL monies collected would be used for strategic infrastructure: to fund the provision,

improvement, replacement, operation or maintenance of infrastructure to support the development of the area. Therefore, the majority of CIL funds could only be used to fund infrastructure and schools were recognised as being in this category and eligible for CIL investment.

A further question was asked regarding whether the new 2 Form Entry school could be justified when there was soon to be a surplus of school places. In response, the Cabinet Member for Regeneration and Growth stated that the replacement of Causeway Green Primary would ensure that the Council continued to provide school places for the local community, in a popular and Ofsted rated “good” school. It was correct that the Council did now have some surplus places across schools but local authorities try to maintain between a 5-10% surplus to ensure that we could meet demand for mid – places. Over the course of the last 12 years with the unprecedented increase in the birth rate and inward migration the Council, despite delivering over 50000 new primary places, had only been able to maintain a surplus of less than circa 3% which was not sustainable.

In response to the Chair of Children and Education’s question on the number of vacant places at Causeway Green Primary School, the Director for Children and Education Services highlighted that at that point in time there were no vacancies within the school. The projection for September 2022 was there was likely to be one or two vacancies across all year groups, with a view for these to be immediately filled.

The Chair of the Budget and Corporate Scrutiny Management Board asked why the school had been allowed to get into its current condition by both the school and Council. The Cabinet Member for Regeneration and Growth explained that Causeway Green Primary School was a 1950s Hills Construction (sectional concrete slab) and as such, had always had a limited life expectancy, which because of a good maintenance regime over the years, it had been able to exceed without yet developing structural issues. The building now had reached the end of its life which was reflected in the Government’s Priority Schools Building Programme and Sandwell along with a number of councils had been successful with bids to replace Hill’s constructed School (Abbey Infs & Yew Tree Primary). Causeway Green had been identified by the Council as the next school to be replaced.

The Chair of Budget and Corporate Scrutiny Management Board also asked whether an estimate on how much the Council had made and spent on the matter to date, including officer time. In response, the Cabinet Member for Regeneration and Growth stated that the council did not routinely record officer time, as this was a masterplan, officer time was not recorded and the only cost that could be provided was those that have been incurred through the commission of the masterplan. The spend incurred to date was £236,289.73.

The Chair of the Budget and Corporate Scrutiny Management asked a further question on what assurances could be provided that all options had been explored for the relocation of the school. It was stated that replacing the school on the existing site would be because of the size, layout and access be complex, difficult to manage, costly, and would elongate the construction period to a minimum of 3 years. All of this would need to be done whilst keeping the existing school operational, which would have a detrimental impact on teaching and learning with restricted or no access to outdoor teaching spaces and the loss of internal spaces at critical times. Rebuilding on the existing site would also not address the very access and egress to the school and would predetermine the design/built solution rather than teaching and learning be the key driver. In terms of pupil place planning was essential that a primary school continues to serve its local community, no other site large enough and in Council ownership to accommodate a 2fe building and site had been identified in the local area.

In response to the Chair's question regarding why there was a difference in results between the environmental survey conducted by the Council and the Action group, the Cabinet Member for Regeneration and Growth stated that the Preliminary Ecological Appraisal Report was conducted in 2021 and recommends that due to the mobility of animals and the potential for colonisation of the site, it was suggested that an updated ecological survey be undertaken prior to the redevelopment of this site should this not occur by August 2022. It also set out the limitations of the study which could provide an answer for why differences in results were seen.

The Chair of Budget and Corporate Scrutiny Management questioned what communications the Council had with relevant authorities in relation to the deed of covenant and how likely was it that this could be varied by agreement. The Cabinet Member for

Regeneration and Growth stated that until the plans for the site were finalised and a deed of variation was to be agreed, the Council would not expect our legal representatives to have prior correspondence with the external authorities.

The provisions of the deed of dedication alter significantly after 25 years in that NUFU was required to act reasonably, and it was clear from the wording of the deed, that it was not intended to absolutely prevent any development for the entire period of the deed of dedication.

The title has been reviewed by the Council, and there were no legal restrictions preventing the proposed development. The Council was permitted to appropriate land for any purpose it is entitled to hold property, pursuant to S.122 of the Local Government Act 1972 (subject to the relevant consultation requirements).

A question on what estimates the Council had made of the costs it had spent in relation to this matter, including officer time, since it first consulted on options for the site in 2019 was asked by the Chair of Budget and Corporate Scrutiny Management Board. In response, the Cabinet Member for Regeneration and Growth highlighted that the Council did not routinely record officer time unless we were to capitalise those costs as part of a funded project. As this was a masterplan, officer time had not been recorded and the only cost the Council could provide were those that had been incurred through the commission of the masterplan. Spend incurred to date is £236,289.73.

A further question on the number of consultations the Council had undertaken was questioned by the Chair of Budget and Corporate Scrutiny Management Board. It was explained by the Cabinet Member for Regeneration and Growth that the Council had arranged two consultations for the site. The 2019 rationale was to consult Sandwell residents on the Council's proposal to close Brandhall Golf Course and Club House and utilise the site to build a new school (replacement for Causeway Green Primary School), develop a new park and open space for the local community and provide much needed local housing. The Council provided three initial indicative options of how the proposed development options could be provided. The 2021 rationale was to offer the local community an opportunity to influence key aspects of the masterplan including the look, and the kinds of open space and any community facilities provided within it. There was also a report

on Community Involvement that proposed to ensure that residents were consulted on with future plans of the Council.

Councillor Anandou, as ward councillor for Brandhall, thanked the action group for the work undertaken to save the green space and urged Cabinet to listen to the wishes of the residents. In response to the Councillors question, the Director of Regeneration and Growth clarified that the decision to declare the Brandhall Site surplus to requirements was in relation to its function as a golf course.

Alternative Options Considered

There were a number of alternative options explored in the report. This included:

That Cabinet determined the preferred option for the Brandhall site, Oldbury from the options below;

- Option 1a - No change
- Option 1b - Development of a new public park
- Option 2 - Provision of land for a new primary school and development of a new public park
- Option 3 - Provision of land for a new primary school, a new public park and development of circa 190 residential dwellings
- Option 4 - Provision of land for a new primary school, a new public park and development of circa 360 residential dwellings

That in relation to the proposed Site of Importance for Nature Conservation Cabinet either;

- Approved the designation of land at Brandhall as a Site of Local Importance for Nature Conservation (SLINC) in accordance with the recommendation of the Local Sites Partnership.
- Approved the designation of land at Brandhall as a Site of Local Importance for Nature Conservation (SLINC) excluding any land required for development to deliver the preferred option determined under recommendation 1.1 of the report.
- Did not approve the designation of land at Brandhall as a Site of Local Importance for Nature Conservation (SLINC).

Resolved:-

- (1) that approval be given to the preferred option for the Brandhall site, Oldbury as:

Option 3 - Provision of land for a new primary school, a new public park and development of circa 190 residential dwellings;
- (2) that subject to (1) above, the Director of Finance in conjunction with the Director of Regeneration and Growth be authorised to identify the best option to fund the preferred option including the submission of any external funding applications and any required market testing as may be necessary;
- (3) that subject to (2) above and once more detailed costs are available, a further report be brought back to Cabinet setting out the funding strategy for the preferred option and seeking approval for inclusion into the Capital Programme;
- (4) that subject to (1) above, delegated authority be given to the Director of Regeneration and Growth to submit a planning application or applications in line with the preferred option;
- (5) t that subject to (1) above, delegated authority be given to the Director of Regeneration and Growth and the Director of Finance to allocate a minimum of £2.5m of Community Infrastructure Levy Funding from the 80% Main CIL fund towards the capital cost of the replacement of Causeway Green Primary School;
- (6) that subject to (1) above, the Director of Children and Education submit a further report to Cabinet setting out full proposals for a capital scheme to provide a replacement primary school at Brandhall for Causeway Green Primary School;
- (7) that subject to (1) above, delegated authority be given to the Director of Regeneration and Growth to take necessary steps (including publication of necessary statutory notices under S.122(2A) of the Local Government Act 1972 (and consideration of any

objections received) related to the appropriation of any public open space for Education or Housing purposes [and for the Director of Finance to make the necessary financial adjustments, with regard to the appropriation], and authorises the appropriation of the public open space for Education and/or Housing purposes;

- (8) that subject to (1) above, reserves from Regeneration and Growth Directorate be allocated for resources to project manage the delivery of the preferred option;
- (9) that subject to (1) above, approval be given to add this to the Council's approved regeneration Pipeline as a new project;
- (10) that in relation to the proposed Site of Importance for Nature Conservation Cabinet;
 - (b) approval be given to the designation of land at Brandhall as a Site of Local Importance for Nature Conservation (SLINC) excluding any land required for development to deliver the preferred option determined under recommendation (1) above.

149/22

Review of Parking Charges Policy

Approval was sought for the realignment of parking charges to support the objectives of Climate Change Policy, Carbon Reduction, Air Quality, sustainable transport choices, balancing available parking with demand and to meet the cost of providing and maintaining car parks, parking related services and highway projects.

The Vice-Chair of the Economy Skills Transport and Environment Scrutiny Board questioned how the recommendations would influence our climate change policy, carbon reduction, air quality and sustainable choices. The Sandwell Climate Change Strategy reports that the second highest source on greenhouse gas emissions was Road Transport at 29.5%, only narrowly beaten by Residential Property at 30.5%. The Sandwell Climate Change Strategy consequently included an Action Plan for Transport with a

key focus on a transition to the more widespread use of sustainable travel choices and less dependence on the use of single occupancy private cars powered by fossil fuels.

In response, the Cabinet Member for the Environment Services stated that the proposed parking charges applied to the car parks in town centres that attracted larger numbers of cars associated with town centre workers as well as shoppers and visitors. Town centres have good sustainable transport links, via Bus, Metro and Train, also active travel opportunities via cycle lanes and pedestrian routes. In addition, commuters and workers often have colleagues that provide an opportunity for car sharing. Commuters often fill parking spaces before shoppers arrive impacting on the convenience of town centres and hence trade.

The proposed scales of parking charge have been set at levels to reduce carbon emissions by encouraging and incentivising the following,

- Greater use of sustainable travel options as a less costly option than commuting by car
- Similarly, a greater use of active travel also providing the associated health benefits
- More use of car sharing opportunities for low cost commuting
- A 50% reduction in season ticket prices for zero emission vehicles
- More working from home through greater season ticket choices that are discounted for less use per week
- Improved air quality in town centres through less peak time car use

The Vice-Chair also asked why the parking charges did not apply to Sandwell Valley. The Cabinet Member for Environment Services explained that Sandwell Valley parking charges would be benchmarked and considered separately as part of a strategic review of the attraction.

A further question on whether the charges were competitive was raised by the Vice-Chair. The Cabinet Member for the Environment Services stated that the proposed season ticket prices had been set to incentivise the climate change and health benefits outlined above. The consequent reduction in commuter parking would also free up spaces for town centre shoppers and visitors helping to benefit trade and commerce. The comparisons with the Black

Country indicated that season tickets were most competitive if drivers park for one, two or three nominated days per week. If drivers choose to park four or five days of the week, season tickets were at the upper end of the range in the Black Country. Hourly rates for shoppers and visitors were more aligned with average levels in the Black Country.

Reason for Decision

The purpose of this report was to review Sandwell Parking Policy to ensure that Sandwell Council could continue to provide suitable, adequate, safe and well-maintained public parking to secure the following objectives:

- To support the response to the Climate Change Emergency by reducing congestion in and around our town centres and reducing carbon emissions.
- To facilitate more working from home, walking and cycling for short journeys and journeys to work.
- To secure the health benefits associated with more active transport choices and improved air quality.
- To free up more parking spaces on town centre car parks for short stay shoppers and visitors who contribute to the local economy.
- To fund the post pandemic costs of the parking service, the provision, operation, maintenance enforcement of car parks, Highway Maintenance and traffic management on the network.

Alternative Options Considered

To leave parking charges unchanged would miss the opportunity to support the strategic response to the declared Climate Change Emergency, would miss the opportunity to make the most of changes in travel behaviour as experienced during the pandemic, would fail to address the existing supply and demand problems, would miss the opportunity to mitigate against the expected exacerbation of demand and associated impacts on safety, the environment, trade for small businesses and local economy and would fail to take the opportunity to encourage working from home and modal shift in transport choice.

Highway Services would require subsidising with additional revenue funding as income would no longer be sufficient to fund the costs. Highway Services provided the maintenance, operation and enforcement of car parks, enforcement on street, including around hospitals and schools gate

parking, meeting request for new traffic regulation orders, resident parking schemes and other costs permitted by the legislation.

Agreed:-

- (1) that approval be given to the realignment of parking charges to support the objectives of Climate Change Policy, Carbon Reduction, Air Quality, sustainable transport choices, balancing available parking with demand and to meet the cost of providing and maintaining car parks, parking related services and highway projects.
- (2) that future reviews of the appropriate documents that make up the Sandwell Local Plan consider the appropriate level of parking provision in centres for the future taking into account the level of redevelopment planned and implemented since the last review, climate change policy and facilitating modal shift through parking management.
- (3) that approval be given to authorise the Director Borough Economy to implement the revised scales of parking charges set out in the recommendations subject to statutory public consultation for the changes to Traffic Regulation Orders.
- (4) that the Cabinet Member for Environment be authorised to consider and determine any unresolved objections in relation to Traffic Regulation Order concerning parking charges, arising from the statutory public consultation; and that they be delegated to make any adjustments to the proposals as part of their determination.
- (5) that the proposed scales of charges in this report are not applied to Sandwell Valley car parks.
- (6) that for all other off-street car parking, the scale of charges outside West Bromwich be reset from the start of 2023 including a new low cost 30 minute charge to assist small businesses with the scale of charges then to increase at the start of each year until the start of 2027 as follows :-

Up to No. of Hours	2023	2024	2025	2026	2027
30 mins	20p	30p	40p	50p	50p
1 hr	50p	60p	70p	70p	70p
2 hrs	£1.00	£1.10	£1.20	£1.20	£1.20
3 hrs	£1.50	£1.60	£1.70	£1.70	£1.70
4 hrs	£2.00	£2.10	£2.20	£2.30	£2.40
Day	£4.00	£4.50	£5.00	£5.50	£6.00

- (7) that for off-street car parking, the scale of charges within West Bromwich be reset at the start of 2023 including a new low cost 30 minute charge to assist small businesses. The scale of charges then to increase at the start of each year until the start of 2027 as follows:-

Up to No. of Hours	2023	2024	2025	2026	2027
30 mins	40p	60p	80p	80p	80p
1 hr	£1.00	£1.20	£1.40	£1.60	£1.80
2 hrs	£2.00	£2.20	£2.40	£2.40	£2.40
3 hrs	£3.00	£3.20	£3.40	£3.40	£3.40
4 hrs	£4.00	£4.20	£4.40	£4.60	£4.80
Day	£8.00	£8.50	£9.00	£9.50	£10.00

- (8) that parking shall be free of charge at the following times to assist small businesses.
- On Sundays,
 - Overnight between the hours of 18.00 and 08.00.
 - For Blue badge holders and
 - For two Saturdays before Christmas
 - Every Saturday for season ticket holders
- (9) that short stay on-street parking charges will remain unchanged to assist small businesses.
- (10) that, to support flexible working, encourage the use of sustainable transport alternatives and free up short stay parking to assist small businesses, the annual charges for long stay season tickets that operate on nominated days of the week be set as follows, on the basis of one season ticket per vehicle, also valid for use at Sandwell

Valley car parks on the nominated days. West Bromwich long stay Season Tickets are valid for all Council long stay car parking on the nominated days.

Outside West Bromwich

No of Days per Wk	2023	2024	2025	2026	2027
1	£40	£45	£50	£55	£60
2	£100	£115	£125	£140	£155
3	£200	£225	£250	£275	£300
4	£300	£330	£350	£380	£410
5	£400	£450	£500	£550	£600

Within West Bromwich (also valid outside West Bromwich for the same nominated days)

No of Days per Wk	2023	2024	2025	2026	2027
1	£80	£90	£100	£110	£120
2	£200	£230	£250	£280	£310
3	£400	£450	£500	£550	£600
4	£600	£660	£700	£760	£820
5	£800	£900	£1000	£1100	£1200

- (11) that to support Climate Change and air quality objectives the following concessionary reduction will apply.
- For all zero emission electric vehicles a 50% reduction in season ticket prices will apply
- (12) that the monthly scales of season ticket charges will be levied at 10% of the annual scales of season ticket charges for car parks either within West Bromwich or outside west Bromwich as appropriate.
- (13) that at the few locations where long stay on-street parking charges are necessary, charges will be set to correspond with the off-street scale of hourly parking charges.

- (14) that the Off-Street Parking Places order is also updated with the following changes for public consultation.
- Remove Bull Street Multi Storey, West Bromwich and Morrisons car park and Market Place car park, Wednesbury.
 - Include wording for paying by other means advertised where there is no functioning ticket machine, no refunds for season tickets and spaces marked for electric vehicle recharging to only be used when actively recharging a vehicle.
 - Include West Bromwich Street and Causeway Green Road car parks in the main Off Street Order and revoke the two individual orders.
 - Change the operating times for New Street Disabled car park, West Bromwich. At present it is Monday to Saturday 8am to 6pm. New time 7 days a week at any time. This is to keep spaces available for blue badge holders in the evening.
 - Include Roway Lane car park, Oldbury.
 - Include wording so that bays marked for recharging electric vehicles, disabled badge holders and motorcycles operate at all times. This is to prevent others parking in these bays after 6pm.
- (15) that, subject to public consultation and the consideration of objections, new traffic regulation orders are implemented around town centres to prevent the displacement of parking to the streets through the introduction of resident parking schemes supplemented by yellow and red line restrictions where appropriate.
- (16) that the Director of Borough Economy be authorised to undertake the necessary public and statutory consultation required to introduce and amend the necessary Traffic Regulation Orders (TRO's);
- (17) that the Director – Law and Governance and Monitoring Officer be authorised to undertake the necessary statutory procedures to bring the approved recommendations into effect.
- (18) that the revised charges be implemented on completion of statutory processes for the changes to the scales of charges.

150/22

Land at Cranford Street, Smethwick - Compulsory Purchase Order

This item was withdrawn from the agenda and a further report would be considered at a future meeting.

151/22

Civica Contract Award and Upgrade to CX System

See Minute No. 2/23 Cabinet Member for Communities 19 April 2023.

Approval was sought for the authorisation to award a contract for 'Civica Cx Case Management System' to be procured via a direct award of contract using Crown Commercial Services (CCS) Data and Applications Solutions framework RM3821 for a five year period with an option to extend for a further two years.

The Chair of the Budget and Corporate Scrutiny Management Board questioned why the Council did not currently have a single case management system. In response, the Cabinet Member for Finance and Resources stated that there was not a single software application which met all the business requirements of the Council. Each service area of the Council had their own core data requirements, business processes, interfaces with other systems and transactions which could not be provided by a single system. However, where there were synergies the Council sought to utilise systems across services/directorates, as demonstrated in this proposal where a single system was being proposed for services across three directorates that work together.

A further question was asked on what the proposed case management system offered in comparison to others. In response, the Cabinet Member for Finance and Resources explained that the system proposed is an upgrade to the new version of the current software system from Civica to Civica Cx. It was the only system on the market which provided all the functionality that the current system had, to meet the business requirements of the different services, but with upgraded functionality around customer interface and remote working. The system would allow these services to be able to share/view agreed information and to analyse data better to manage services, understand demand management and use data intelligently. In addition, as an upgrade the implementation and

data migration would be undertaken more efficiently minimising system downtime and demands on staff capacity.

Reasons for Decision

The Civica software system was currently used as a case management system for Regulated Services and Environmental Protection & Enforcement within the Borough Economy Directorate. The system was also utilised by Housing Improvement Agency and Private Sector Housing within the Housing and Public Health Directorates.

A contract was awarded in March 2020 for the provision of CIVICA software for a period of two years with provision for two single year extensions. This included the option to upgrade the system to Cx, however this was not actioned.

In March 2022, one of the single year extensions was enacted to extend the contract for the provision of Civica software system to the end of March 2023.

The services considered their future case management requirements and had identified that the Civica software system, upgraded to the Cx system.

Alternative Options Considered

An open market procurement process could be considered however Corporate Procurement have identified that the service required was available via a Crown Commercial Services Framework. This provided a compliant and cost effective means of procuring the service. Direct awarding and procurement from the CCS framework was compliant with Public Contract Regulations 2015.

Doing nothing was not an option. The provision of a case management system for these service areas was essential to support modern service delivery.

Agreed:-

- (1) that the Director of Borough Economy, in consultation with the Director of Finance - Section 151 Officer, be authorised to award a contract for 'Civica Cx Case Management System' to be procured via a direct award of contract using Crown Commercial Services (CCS)

Data and Applications Solutions framework RM3821 and be awarded for a five year period with an option to extend for a further two years.

- (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.

152/22

Award of Contract for Local Welfare Provision

Approval was sought to award a contract for the Local Welfare Provision, following the conclusion of an open procurement exercise that commenced on 6 June 2022, for a 4 year period commencing 1 October 2022.

Reasons for Decision

The contract was for the provision of white goods and household items to support the delivery of the Council's Local Welfare Provision scheme following a compliant procurement process.

Sandwell's Local Welfare Provision scheme had been co-designed with the voluntary sector/charitable organisations. It provided crucial support by way of food parcels, fuel, white goods, and essential household items to Sandwell's most vulnerable residents who were faced with a crisis.

The Chair of the Budget and Corporate Scrutiny Management Board highlighted to members that one of the recommendations from the Serco review carried out last year was that the Council, working with Serco, should explore the possibility of creating a re-use centre such as what Birmingham City Council have at the Tyseley household recycling centre. It was questioned whether, in the medium-term, the Council should consider this as a solution for assisting its most vulnerable residents.

In response, the Cabinet Member for Finance and Resources stated that the Council continued to work with Serco to develop an on-site HRC re-use shop based on the numerous examples of good practice in the West Midlands and beyond. WRAP also

provided case studies and guidance and these would be considered along with the LGA routes to reuse guidance from the LGA reuse commission.

The service being commissioned was different particularly in relation to the off-site nature of it, the immediacy of provision and emergency of need, and also the requirement for delivery of goods.

Alternative Options Considered

If a contract was not in place to provide white goods and household items to Sandwell's most vulnerable customers there was a risk that families would suffer poverty and their basic needs would not be met.

Agreed:-

- (1) that approval be given to authorise the Director of Finance - Section 151 Officer in consultation with Cabinet Member for Finance and Resources to award a contract for Local Welfare Provision, following the conclusion of an open procurement exercise that commenced on 6 June 2022, for a 4 year period commencing 1 October 2022;
- (2) authorise the Director Law and Governance – Monitoring Officer to execute any documentation necessary to enable the action referred to in (1) above.

153/22

Harmful Gambling Workplace Charter, Policy and Guidance

Approval was sought to implement a Harmful Gambling Workplace Charter and its accompanying policy and guidance.

The Chair of the Safer Neighbourhoods and Active Communities Scrutiny Board questioned how the training would be delivered sensitively to line managers, whether the training would be provided by a partner organisation, and whether the tools now available in the industry would be promoted to those suffering harm from gambling.

In response, the Cabinet Member for Finance and Resources would undertake to provide a response to the questions.

The Chair of Safer Neighbourhoods and Active Communities Scrutiny Board highlighted the seriousness of gambling and welcomed the report and the Council's proactiveness in helping employees.

Reasons for Recommendations

Adopting a Harmful Gambling Workplace Charter and introducing a supporting policy and guidance makes clear the Council's commitment to tackling gambling related harm in the workplace.

The policy and guidance were to assist managers who were supporting and managing employees who were suffering from gambling related harm to such an extent that it affected their health, work performance, conduct and relationships at work.

Alternative Options

The Council was not obligated to implement a Harmful Gambling Workplace Charter and its accompanying policy and guidance. However, as part of its corporate and social responsibility, the Council had a commitment to carry out its practices in an ethical way which supported the development of employee relations.

Agreed that approval be given to implement a Harmful Gambling Workplace Charter and its accompanying policy and guidance, in accordance with the details contained within the report.

154/22

Health Checks Service

Approval was sought to tender the Health Checks contract for a prime provider to deliver Health Checks for an initial period of two years.

The Vice-Chair of Economy Skills Transport and Environment Scrutiny Board asked if any funds were paid out to GPs prior to the pandemic, and if so how had the Council sought to get the money back. In response, the Cabinet Member for Adults, Social Care and Health confirmed that no funds were paid to GPs. The previous contract had just ended before the pandemic began and Public Health predicted that the national programme would be suspended due to COVID-19.

A further question was asked by the Vice-Chair regarding the voluntary sector and their position with the multi-disciplinary

approach and the support that would be provided. The Cabinet Member for Adults, Social Care and Health explained that given this was a programme run by Sandwell Public Health, it was expected for the voluntary sector to play a central role. Public Health had given over 150 grants to voluntary sector groups recently as part of the Vision 2030 programme and they always make them a key partner in everything they do. With health checks, the Council would be providing the resources to voluntary and faith sector organisations to enable them to signpost and even host health check services so that we know we're reaching everyone in our community.

The Vice-Chair questioned the equality of access with the contract. It was explained by the Cabinet Member for Adults, Social Care and Health that given that Public Health would be working with the voluntary and faith sector to bring health checks to communities that normally face cultural or language barriers, it was expected that access would be comprehensive across our whole community. These would include those groups who work with our deaf or blind residents. The Public Health team had a national reputation for achieving this, including pioneering the delivery of local COVID-19 contact tracing services in several different languages and formats.

Reasons for Decision

On 9 October 2019, plans were put forward to cease the current prime provider contract and commission directly with GPs to provide Health checks. However, shortly after this was agreed and the contract ended, the COVID-19 pandemic occurred, and we were unable to work with GPs at that time

The Health Economy landscape had changed since 2019 and the Health and Care Partnership is maturing.

It was proposed that the Council return to a procurement of a Prime Provider for a period of 2 years. Whilst the health economy transitions to the new care structure from a Clinical Commissioning Group to the Integrated Care Partnership and recovered from the COVID pandemic. Nationally, the government was reviewing the current delivery models and indicators of the NHS Health Checks services. The Council were only looking to work with a prime provider for 2 years as during that time the government review would be finalised and as such there maybe changes needed and new requirements to the service.

The Council did not currently have a service in place due to rightly pausing the process during the COVID Pandemic

Alternative Options Considered

The Council could continue to not provide a health checks service – as a nationally mandated service this would come with national scrutiny.

The Council move forward with an Any Qualified Provider procurement approach, which meant the Council could contract with GPs, private companies and other Qualified Providers from local to national whom were compliant against the tender criteria, who are able to provide health checks across the Borough in a mosaic of provision

Agreed:-

- (1) that the Director of Public Health be authorised to tender the Health Checks contract for a prime provider to deliver Health Checks for an initial period of two years up to a total cumulative maximum value of £320,000 for the vatable price ($£266,667 + 20\% = £320,000$) which would total capped budget of £640,000 over two years.
- (2) that the Director of Public Health be authorised to award and enter into a contract with the successful bidder, on terms to be agreed by the Director of Public Health, for the provision of NHS Health Checks Services.
- (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 recommendations above.
- (4) that the Director of Public Health be Authorised to use an exemption to rule 9 of the Council's Procurement and Contract Procedure Rules 2018- 2019 to waive the requirement for the advertisement of a health checks IT system on the Council's portal, and instead allow the direct award of a two year contract to Health Diagnostics for the maintenance of the existing health checks IT system, to be aligned to the period that the

new delivery model of health checks commences at a maximum value of £80,000 per annum.

- (5) that the Director of Law and Governance and Monitoring Officer to award a contract to Health Diagnostics for a health checks IT management system for a period of two years for a maximum value of £80,000 per annum on terms to be agreed by the Director – Public Health.
- (6) that the Director of Public Health be authorised to use an exemption to rule 8.7 of the Council's Procurement and Contract Procedure Rules 2018-2019 to waive the requirement for a minimum of 3 written tenders and instead allow the direct award of a two year contract to Health Diagnostics for the maintenance of the existing health checks IT system.

155/22

School Condition Report 2022

Subject to a satisfactory financial appraisal being completed by Strategic Finance, approval was sought for the allocation of £1.5m of School Condition grant funding to be used to support cyclical maintenance of local authority maintained schools.

Reasons for decision

Building Services and Strategic Assets and Land's Engineering team had identified six schools for 2022/23 which required replacement of oil fired boilers, boilers, water services systems and fire alarms. Works were planned for completion during the school summers holidays and the autumn holidays.

Alternative options considered

There were either no alternative options for schemes identified, or options had already been discounted through project development.

The terms of the School Condition Allocation meant funds had to be spent on maintained school's cyclical maintenance.

Within the maintained schools sector, it was the primary school building stock that would also require a programme of replacement to commence shortly. The deteriorating condition of school

buildings would otherwise continue to be a drain on the School Repair Account.

Agreed:-

- (1) that subject to a satisfactory financial appraisal being completed by Strategic Finance, approval be given to the allocation of £1.5m of School Condition grant funding to be used to support cyclical maintenance of local authority maintained schools.
- (2) that in connection with (1), the following actions are implemented to reduce any risk to the council in connection with School Condition; ensure that repair / maintenance work for schools is undertaken following an analysis of pre-determined criteria and that records are maintained to demonstrate the priority need of each school:
 - Ensure that corporate Risk Registers are maintained and reviewed for all projects, and ensure all risks are appropriately identified and assessed, with adequate mitigation;
 - That cost estimates are reviewed to ensure that any future costs can be managed within the allocated funding.

156/22

Outcome of the Review of Generic Advocacy Service

Approval was sought to decommission the Generic Advocacy Services as of 1 October 2022.

Reasons for recommendations

Cabinet approved the re-procurement and award for the Advocacy Services Contract on 9 September 2020, the commencement of the review of the Generic Advocacy Service, and that the findings of the review would be reported back to Cabinet.

The Advocacy Services contract started on 1 April 2021 and was due to expire on 31 March 2023, except for the Generic Advocacy Service part of the contract, which was due to expire on 31 March 2022. The contract included the option to extend by up to two

further periods of 12 months each, which was previously agreed by Cabinet on 9th September 2020.

The Generic Advocacy Service part of the contract was extended for 6 months in April 2022 to allow the consultation and decision to be taken on the future of the service.

Alternative options considered

Option 1: Extend this element of the contract with the existing provider for a further 6 months to deliver a Generic Advocacy Service, then decide on the future Contract.

Option 2: To continue with the Generic Advocacy Service

Option 3: Decommission the service.

Option 3 is the recommended option for the following reasons:

The evidence supported that the needs can be met by other services in the voluntary sector many of which were already funded or provided by the council to provide the identified support or where there was a statutory responsibility placed on those services to support people with reasonable adjustments.

People contacting POhWER for support, previously provided by Generic Advocacy, would in future be referred to organisations whose role it was to support people with such issues or back to organisations who had a statutory responsibility to provide support under the Equality Duty.

Agreed that approval be given to decommission the Generic Advocacy Service as from 1 October 2022.

157/22

Sandwell Suicide Prevention Strategy and Action Plan

Approval was sought to publish and promote the Sandwell Suicide Prevention Strategy and Action Plan, subject to any required revisions.

Reasons for Recommendations

Sandwell had a preliminary Suicide Prevention Strategy and Action Plan which were drafted at the start of 2020. A local Suicide Prevention Needs Assessment was carried out to re-assess the local situation and current programmes of work in light of the impacts of the COVID-19 pandemic. The findings and

recommendations were endorsed by Health & Wellbeing Board in September 2021.

The principal priority was that by 2030, no-one would die of suicide in Sandwell. This ambition was also a key priority for the Sandwell Good Mental Health Strategy, reflecting the importance of good mental health in delivering an effective suicide prevention plan. This formed part of a suite of interlinked strategies that also included Autism, Dementia and Child Mental Health.

The draft Strategy and Action Plan had been through a statutory 60-day public consultation and had been revised to reflect feedback from Sandwell residents and partner/stakeholder organisations.

Alternative options considered

The alternative would be for the Sandwell Suicide Prevention Partnership to continue our work without a supporting Strategy & Action Plan.

This would compromise the effectiveness and efficiency of our work by making it more difficult to: plan and monitor progress; ensure alignment with other relevant strategies, programmes and partnerships (e.g. Black Country Suicide Prevention Partnership, Sandwell Better Mental health Programme and Strategy Group); assess impact; and identify gaps in provision and support.

Agreed that approval be given to publish and promote the Sandwell Suicide Prevention Strategy and Action Plan, as now submitted, subject to any required revisions.

158/22

Draft Statement of Community Involvement 2022

Approval was sought to adopt the Statement of Community Involvement and for the Director of Regeneration and Growth to be authorised to make any minor amendments to the Statement of Community Involvement prior to circulation.

Reasons for Recommendations

The revised Statement of Community Involvement set out how the Council would involve communities in the planning decision making process. The previous document was adopted in 2016.

Given the age of the document and with the changes made to national and local planning policy, it was perceived that the document was no longer relevant for its intended purpose.

For the document to remain relevant and to ensure it was consistent with policies in the Black Country Core Strategy 2011, the emerging Black Country Plan and changes within the National Planning Policy Framework (NPPF). It was recommended that the Statement of Community Involvement should be revised to reflect changes in planning policy and technological advances.

The revised Statement of Community of Involvement was circulated for consultation between 9 May and 19 June 2022. A total of 5 representations were received.

As a result, minor amendments had been made and incorporated in to the document. As these were only minor amendments, and as the core purpose of the document remains, the revised SCI was recommended for adoption.

Alternative options considered

The alternative option would be to continue to use the SCI adopted in 2016. However, this document will not be up to date and would not tackle issues surrounding the Coronavirus (Covid-19) pandemic and other pandemics which may affect the ability to consult

Agreed:

- (1) that approval be given to adopt the Statement of Community Involvement;
- (2) that the Director, Regeneration and Growth be authorised to make any minor amendments to the Statement of Community Involvement prior to circulation.

159/22

Smethwick Enterprise Centre - declaration surplus to requirements

Approval was to declare the Smethwick Enterprise Centre, Smethwick surplus to requirements in order to facilitate the

redevelopment of the site for residential development as part of the Towns Fund programme.

Approval was also sought to authorise the Director of Finance to make the appropriate adjustments to the Revenue Budget to reflect the loss of income, at such time the premises is decanted.

Reasons for Recommendations

Currently, the Smethwick Enterprise Centre was only 37% occupied, with the remaining units requiring substantial investment to bring them up to a lettable standard. The rental income from the occupied units did not cover the ongoing maintenance costs.

Department for Levelling Up, Housing & Communities had announced the approval of £23.5m for the projects contained in the Smethwick Investment Plan. The site of the Smethwick Enterprise Centre was submitted as one of the five projects, requiring funding of £2m to facilitate the demolition of buildings and remediation of the land ready for residential development.

In order to progress the Towns Fund project, it would be necessary to declare the Centre surplus to requirements. It would also be necessary to make a change to the Revenue Budget to reflect that the rental commitment in the ledger would not be achievable once the site was brought forward for demolition and redevelopment

Alternative options considered

Option 1:

The Enterprise Centre continues to operate, as it is currently, with more than half of the units remaining empty and a reduced revenue being received. The Towns Fund project would not progress, resulting in:

- Claw back of £2m of funding by the DLUHC
- approximately 115 new flats and houses (to meet the borough needs) not being delivered and the reputational damage to the Council.

Option 2:

The Enterprise Centre continues to operate, and a budget is identified to fund the refurbishment of the remaining units. As Option 1, the £2m from Towns Fund is clawed back; no housing is delivered; and a significant impact on the Commercial Estate budget.

Option 3:

The Enterprise Centre is declared surplus, resulting in:

- a saving to the council of the continued maintenance costs of running the facility.
- The Towns Fund project being progressed, leading to the first phase of the wider Rolfe Street regeneration
- a loss in revenue in the Commercial Estate.

Agreed:

- (1) that Cabinet agree to declare the Smethwick Enterprise Centre, Smethwick surplus to requirements in order to facilitate the redevelopment of the site for residential development as part of the Towns Fund programme.
- (2) that the Director – Finance be authorised to make the appropriate adjustments to the Revenue Budget to reflect the loss of income, at such time the premises is decanted.

160/22

Appointment of contractor - Sandwell Urban Bike Park Project

Approval was sought to make an exemption to the Council's Procurement and Contract Procedure Rules in relation to the appointment of 'Back On Track Mountain Bike Solutions Ltd' to deliver the Design and Build Cycle trails within Sandwell Valley and Birmingham (The former Hill Top Golf Course).

Furthermore, approval was sought to authorise the Director of Borough Economy to award a contract to Back On Track Mountain Bike Solutions Ltd up to £530,000 to deliver the new Cycle trails.

The Chair of the Budget and Corporate Scrutiny Management Board asked when works on site were expected to start, how long will they last and when the bike park was expected to open. In response, the Cabinet Member for Leisure and Tourism explained that officers were currently in discussions with the Contractor regarding a start date for works to commence on site.

It had originally been hoped that works would start in January 2023 with a completion (and opening) by the end of March 2023.

Due to other work commitments with the Contractor, it may be that works are pushed back with a start in March 2023 and a

completion (and opening) in May 2023. This however would require approval from Sport England as the funder.

More information was expected to be known within the next week and Members would be updated accordingly

Reasons for Recommendations

Tenders for the Design and Build Contract for the Sandwell Urban bike Park project were invited on 2 separate occasions via the Council's 'InTend' Portal. On the first occasion only one contractor submitted a Tender. This contractor failed to pass the standard questions and were therefore discounted from the process. On the second occasion two contractors submitted tenders, these were the contractor previously excluded and 'Back On Track Mountain Bike Solutions Ltd'.

Despite best attempts it had not been possible to obtain 3 tenders for the works. The most likely reasons were:

- The short timescales involved in delivering this project.
- Contractors already had full order books and did not have capacity to take on additional work at this time.

The project timeline for this development would not allow a third round of tendering. Sport England was the main funder and has stipulated that the project must be completed within the current financial year (by end of March 2023).

The Procurement Services Manager had been consulted and their advice was that in order for this tender to be accepted an exemption in accordance with Procurement and Contract Procedure Rules 8.11 and 15 was required.

Alternative options considered

The option to tender the works again (for a third time) was considered however this was discounted due to the timescales previously discussed.

Agreed:

- (1) that an exemption be made to the Council's Procurement and Contract Procedure Rules in relation to the appointment of 'Back On Track Mountain Bike Solutions Ltd' to deliver the Design and Build Cycle trails within Sandwell Valley and Birmingham (The former Hill Top Golf Course).

- (2) that subject to (1) above, the Director of Borough Economy be authorised to award a contract to Back On Track Mountain Bike Solutions Ltd up to £530,000 to deliver the new Cycle trails.

161/22

Designation of Nature Conservation Sites

Approval was sought to the designation of Alexandra Road, John's, and at Yew Tree as 'Site of Local Importance for Nature Conservation (SLINC).

Approval was also sought to authorise the Director, Regeneration and Growth to make any minor amendments prior to circulation.

The Chair of the Safer Neighbourhoods and Active Communities Scrutiny Board asked how much the extension to SLINC's would add to the nature reserves as part of the green strategy.

The Cabinet Member for Regeneration and Growth stated he would undertake to provide a response to this question.

Reasons for Recommendations

The report informed Cabinet of the result and recommendation of the ecological surveys carried out for Alexandra Road, John's Lane, and Land at Yew Tree.

All of the sites surveyed were classified as a SLINC before the ecological surveys were carried out. The purpose of the surveys was to provide a more up to date assessment of the sites to determine what the status of the site should now be and whether a boundary alteration was required.

It is recommended that the Director / Cabinet Member:

- Approves the extension and part deletion in the SLINC designation of Alexandra Road
- Approves the partial extension of the SLINC at the North and West of John's Lane
- Approves the continued designation of Land at Yew Tree, as SLINC

The recommendation was required to ensure that the Council's Local Plan was based on up-to-date evidence and could continue

to be used as the basis for robust and defensible planning decisions.

Alternative options considered

The alternative option would be to base planning decisions on the existing evidence base using the current out of date survey data and such decisions may be subsequently open to challenge due to allocations being based on out-of-date or incomplete information.

Agreed:

- (1) that approval be given to the designation of Alexandra Road, John's Lane, and Land at Yew Tree, as shown on the plans set out in Appendix C and D, as 'Site of Local Importance for Nature Conservation (SLINC).
- (2) that the Director, Regeneration and Growth, be authorised to make any minor amendments prior to circulation.

[Councillor Hughes left the meeting at 5:11pm]

162/22

Governance Improvement Plan Progress

Consideration was given to details of progress made against the Governance Improvement Plan up to 7 June 2022.

It was also proposed that the Governance Improvement Plan be formally closed and the Improvement Plan Risk Register be received.

The Chair of Budget and Corporate Scrutiny Management Board asked what assurances could be provided that the Council was addressing the issues surrounding the waste contract with Serco, particularly with regards to contract management and street cleansing.

The Leader explained that SMBC had now appointed consultants to support consideration of the contract and partners have just responded to progress the system solution to support contract management. The risk remained with some level of concern as although there was progress in all elements and areas, progress was not as timely as anticipated with some delay in responses

from partners. All of the planned action was being delivered, and the new management team at Serco was committed to improvement. The revised street cleansing was in draft.

Reasons for Recommendations

This report provided a quarterly update on progress against the Governance Improvement Plan agreed by Council on 18 January 2022 in response to the Grant Thornton Value for Money Governance Review. On 7 June 2022, Council approved the single Improvement Plan which incorporates all recommendations from the Grant Thornton Governance Review, the LGA Corporate Peer Challenge and the CIPFA Financial Management Review, as well as the Statutory Directions from the Secretary of State for Levelling Up, Housing and Communities. The new Improvement Plan approved in June replaced the Governance Improvement Plan, and future reporting would be on the progress of the new Improvement Plan.

Risk management was embedded within the council's programme management of the Improvement Plan. A risk register had been developed which underpinned the council's strategic risk relating to the Improvement Plan (59a 02/22). Cabinet was asked to receive the Improvement Plan Risk Register to provide assurance that risks were being managed effectively and to provide contextual information for future decision making.

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 includes statutory recommendations the council had a legal obligation to respond appropriately.

The Directions issued by the Secretary of State were a statutory requirement and the council had a legal obligation to respond appropriately. Failure to do so would likely result in further intervention measures.

Reviewing progress against the Improvement Plan enabled senior officers and members to have oversight of delivery, and take corrective action, as necessary.

There were no alternative options to consider.

Agreed:

- (1) that details of progress made against the Governance Improvement Plan, up to 7 June 2022 as now submitted, be received;
- (2) that the Governance Improvement Plan be formally closed;
- (3) that the Improvement Plan Risk Register, as now submitted, be received.

163/22

Authority to procure accommodation-based support services for victims of domestic abuse

Approval was sought to authorise the Director of Adult Social Care to enter into a procurement exercise to procure new accommodation-based support services for victims of domestic violence and abuse, for a contract and services commencing 1 February 2023 and for a maximum period of 5 years with a budget of £470k per annum and £2.35m across the contract term.

The Vice-Chair of Economy Skills Transport and Environment Scrutiny Board questioned how awareness could be raised with housing officers who were crucial to the initial assessments of victim domestic abuse and whether the availability of safe accommodation would be promoted. It was also asked whether male victims of domestic violence were also being supported.

The Cabinet Member for Adults, Social Care and Health explained that officers were currently raising awareness of domestic abuse with multi-agency professionals across Sandwell with the provision of free training through the multi-agency domestic abuse training programme which included training around domestic abuse, sexual assault and abuse, honour-based abuse and forced marriage. In addition to this, Housing had commissioned their own training specifically around identifying domestic abuse and supporting victims which was being provided to all of their housing staff. All multi-agency training and single agency training would soon be monitored through an outcome framework which would monitor the take up of the training and how the training was implemented

within day to day practice. Over the last year 2021-22, 943 professionals had accessed training.

In addition to this, there was a comprehensive Domestic Abuse and Sexual Assault and Abuse Communications Plan to ensure that the Council raised awareness through social media and press releases that reached a varied and diverse audience, so that victims of abuse understand that domestic abuse support in Sandwell was open to anyone and everyone. Some of our recent comms activities had included messages for male victims of abuse, victims who are LGBTQ and elderly victims.

Safe Accommodation in Sandwell was open to all adult victims of domestic abuse, whether the victim was with or without children, and regardless of age, gender, disability, ethnicity or sexuality. In Sandwell we are lucky enough not to have a lack of safe accommodation available, however if this was the case a victim of domestic abuse would be signposted to a refuge or dispersed property out of the Sandwell area which was also sometimes the safest option for them.

A further question was asked whether existing or new services would be procured to address working survivors who were unable to access safe accommodation.

In response, the Cabinet Member for Adults, Social Care and Health stated that the Council had a legal duty to support individuals under the Homelessness Reduction Act 2017 where a person was threatened with homelessness as a result of domestic abuse or was homeless after fleeing domestic abuse. Sandwell MBC Housing Solutions offered direct support to victims who present as homeless or threatened with homelessness due to domestic abuse. Victims could refer themselves directly by calling or by sending an email.

A Homelessness Prevention Officer would carry out a full housing needs assessment and support them with their homelessness needs. Not all victims wished to leave their home so if the victim chose to stay in their own home and it's safe to do so, they may be eligible for sanctuary support. The Sanctuary Scheme provided enhanced physical security measures as well as specialist domestic abuse support.

Where it was determined it was not safe for a victim of domestic abuse and their family to remain in their own home they would be supported with safe temporary accommodation, this could either

be with accommodation provided by Black Country Women's Aid (refuge accommodation or a placement in a dispersed property) or within the Council's provision of temporary accommodation Domestic Abuse victims who were working are able to access safe accommodation although admittedly there would be a cost to this which meant it did make it less accessible for some victims. However, BCWA had a number of different property types, so there were options available depending on family size and personal financial circumstances. If a victim had no recourse to public funds or were in employment and did not qualify for welfare assistance, BCWA would always work with them to find the most affordable options.

If following an assessment, refuge was not an affordable option, victims were advised this should not be a barrier to leaving the abusive situation and assistance would be provided to ensure that they were signposted and referred to agencies that could help them. BCWA would still be able to offer safeguarding support around domestic abuse.

Reasons for Recommendations

The current contract for Accommodation based support for victims of domestic abuse expires 31 January 2023 which provides 34 units of safe accommodation and support to victims of domestic abuse and their families.

An independent assessment of provision in Sandwell was recently undertaken as part of the Council's responsibilities under the Domestic Abuse Act 2021. This found that provision in Sandwell was not only sufficient to meet local demand but also provided a good customer journey and very positive outcomes for people experiencing Domestic Violence and Abuse. This report also pointed to the service supporting effective and timely move on to safe and appropriate alternative accommodation.

The report did suggest a few areas where support could be further enhanced which we were building into the new contract and we were looking to bring together a smaller contract for additional refuge provision into the new main contract from February 2023.

Given the very specialist nature of the service historically there had been very few providers in the market and the Council had no evidence to suggest that this would be any different for this

procurement exercise. Therefore, in the likely event that fewer than the required number of tenders were received an exemption to rule 8.7 of Procurement and Contract Procedure Rules 2018-2019 was sought to allow a contract to be awarded to the successful tenderer.

Alternative options considered

The current contract expired 31 January 2023 with no option to extend and as the service was required to allow the Council to meet its statutory duty under the Domestic Abuse Act 2021 there was no option other than to procure the service.

Agreed:-

- (1) that approval be given to the Director of Adult Social Care to enter into a procurement exercise to procure new accommodation-based support services for victims of domestic violence and abuse, for a contract and services commencing 1 February 2023 and for a maximum period of 5 years with a budget of £470k per annum and £2.35m across the contract term;
- (2) that approval be given to the Director of Borough Economy to award the contract given that the budget funding for this contract will sit with Borough Economy.
- (3) that approval be given to make an exemption to rule 8.7 of the Procurement and Contract Procedure Rules 2018/19 to allow a contract to be awarded to a successful tenderer in the event that the required minimum number of tenders are not received.

164/22 Provision of accommodation-based housing related support for adults at risk of homelessness

Approval was sought for an exemption to be made to the Council's Procurement and Contract Procedure Rules and to authorise the Director of Adult Social Care to directly award four separate short-term contracts for accommodation-based housing related support for adults at risk of becoming homeless for a period of 9 months (2 November 2022 to 1 August 2023) for a combined value of £632.8k.

The Chair of the Safer Neighbourhoods and Active Communities Scrutiny Board questioned whether the framework for the combined services had been compiled and when would it need to be compiled to go out for tender. Furthermore, the Chair asked whether there would be any objection for the Safer Neighbourhoods and Active Communities Scrutiny Board inputting into the provision as a pre-decision.

The Councillor for Adults, Social Care and Health stated she would undertake to respond to the questions.

Reasons for Recommendations

This report sought the approval for an exemption to Council Procurement and Contract Procedure Rules to directly award four separate short-term contracts, under the Light Touch Regime (LTR) for Accommodation based housing related support for single homeless for a 9-month period from 2 November 2022 to 1 August 2023.

This would facilitate the alignment of all current Supported Housing services to a common expiry date being 31 July 2023 to allow retendering of a Supported Housing framework.

Aligning the end dates for these six contracts would allow them to be reviewed collectively for the first time to allow any potential cost/efficiency savings to be identified and built into a new single remodelled and formally procured service from August 2023.

Alternative options considered

Option 1 – To extend the current contracts rather than directly award new ones.

This was not an option as the current contracts were for a set period with an end date of 1 November 2022 with no option to extend further, therefore, new contracts were for a continuation of service.

Option 2 – To conduct a procurement exercise for the 4 short term contracts.

The services come with significant set up costs regarding the provision of the accommodation, therefore, it would not be financially viable for a new provider to deliver the service for 9 months only to go through another procurement exercise to commission a holistic framework for supported housing a few months later. This would have a significant impact on council procurement and contracting resource as well as demonstrate very poor value for money for the Council.

Agreed:-

- (1) that approval be given for an exemption to be made to the Council's Procurement and Contract Procedure Rules and to authorise the Director of Adult Social Care to directly award four separate short-term contracts for accommodation-based housing related support for adults at risk of becoming homeless for a period of 9 months (2 November 2022 to 1 August 2023) for a combined value of £632.8k.

Contract	Provider	Service area	9 Month Contract Value	Contract End Date
1	Midland Heart	Generic Adults	£172.1k	1 Nov 2022
2	Trident	Generic Adults	£157.5k	1 Nov 2022
3	Green Square Accord	Generic Adults	£109.4k	1 Nov 2022
4	P3	Safe place to stay and assess	£193.8k	1 Nov 2022
Total			£632.8k*	

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Adaptation / Handyperson Service 2023-2026

Approval was sought to authorise the Director of Adult Social Care, in consultation with the Cabinet Member for Adults, Social Care and Health, to award the contract for the supply of Minor Adaptations and Handypersons Service 2023-2026 following the conclusion of the current procurement exercise.

The Vice-Chair for the Economy Skills Transport and Environment Scrutiny Board questioned whether there would be a requirement for the handy person to enter people's property wearing over shoes. In response, the Cabinet Member for Adults, Social Care and Health stated that there would not be a requirement for the contracted provider to wear covers over shoes, as this posed a health and safety risk for the employee whilst at work. Any customers of the handyperson service could request the wearing of over-shoes, but the decision to do so or not lay with the individual completing the work.

A further question on whether the handy person would be a local person. The Cabinet Member for Adults, Social Care and Health stated whilst this could not be answered, the contract would be

sourced via a tender process and therefore the potential bidders were currently unknown. As with most tender exercises, the bidders would be required to answer a quality question based on social value.

Reasons for Recommendations

The current contract framework was due to end on 31 December 2022.

It was necessary to request delegated Director authority to award this contract upon completion of tender evaluation at the end of September 2022. This would ensure that mandatory standstill requirements were observed, and sufficient time was available to comply with any potential TUPE requirements. Furthermore, it would allow for an appropriate mobilisation period to be implemented.

Alternative options considered

No alternate options had been considered as this contract was required under the SMBC Policy for the Provision of Assistance (Regulatory Reform Order (Housing Assistance) (England & Wales) Order 2012.

Additionally, under the Care Act 2014, a local authority must provide or arrange for the provision of services, facilities or resources, or take other steps, which it considers would;

- (a) contribute towards preventing or delaying the development by adults in its area of needs for care and support;
- (b) contribute towards preventing or delaying the development by carers in its area of needs for support.

Due to the forthcoming expiration of the Minor Adaptation and Handyperson service contract in December a procurement exercise was required to continue the provision of such service and works.

The most economically advantageous solution was to conduct a tender process in compliance with the Public Contracts Regulations 2015. The cost of employing SMBC staff, alongside costs for supplies and services, would exceed the budget for this service.

Agreed:-

- (1) that the Director of Adult Social Care in consultation with the Cabinet Member for Adults, Social Care & Health, be authorised to award the contract for the supply of Minor Adaptations and Handypersons

Service 2023-2026 following the conclusion of the current procurement exercise.

- (2) to authorise the Director – Law and Governance and Monitoring Officer to enter into any legal agreements to enable the course of action referred to in (1) above to proceed.
- (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 (1) above to proceed.

166/22

Procurement of an Adult Weight Management Service

Resolved:-

To procure a weight management service for adults.

167/22

Sandwell Museums Accreditation - Submission to Arts Council England

Approval was sought to authorise the Director of Borough Economy to progress a submission from Sandwell Museums service towards potentially achieving full accreditation status – as part of Arts Council England's (ACE) national Museum Accreditation Scheme.

Reasons for Recommendations

Achieving full Museum Accreditation status supports those involved with a museum/service to deliver high quality services that were open and accessible and help people interact with the collections and protect/conservate them for the future. The Museum Accreditation scheme does this by making sure museums manage their collections properly, engage with visitors/key stakeholders and were governed appropriately. It also opened up opportunities for museums such as external funding opportunities and new partnerships – giving reputational confidence to potential donors (collections/funding) and other key supporters.

Alternative options considered

The current service was not accredited and there was an option to remain unaccredited. This was not recommended as there were clear benefits to achieving accreditation including the increased ability to raise external funding to support the service and the potential ability to support recruitment of staff and volunteers and to increase learning from other accredited museum services.

Agreed that approval be given to the Director of Borough Economy to progress a submission from Sandwell Museums service towards potential achieving full accreditation status – as part of Arts Council England’s (ACE) national Museum Accreditation Scheme.

168/22

Award of Contracts for Post-16 High Needs Education Provision

Approval was sought for an exemption to the Council’s Procurement and Contract Procedure Rules, to enable the Council to enter into individual contracts with Education and Skills Funding Agency (ESFA) approved institutions and independent specialist institutions named in the approved list under Section 41 of the act.

The Chair of Children’s Services and Education Scrutiny Board asked whether the Council was satisfied with the provision available for young people with the H.C.P and whether the outcomes were assessed. The Cabinet Member for Children and Education stated that individual students progress against outcomes were measured during Annual Review. Placement within different types of provision was dependent on student and parent/carers preference and cost to the local authority. Outcomes varied depending on the individual ability of pupil: university placement, training /supported internship / life skills courses.

A further question was asked whether we have the provision to meet their needs, given we see a rising increase in young people with H.C.P. The Cabinet Member stated that currently, specialist provision for Post 16 in Sandwell was provided by Special schools (Westminster and Meadows) as well as Wodensborough Academy (resource base) and Albright Centre. A small number of students with EHCPs stay at their mainstream secondary 6th forms. Mainstream colleges such as Sandwell College support children with SEN needs, however some students chose OOB colleges due

to their locality and courses on offer i.e. Halesowen College, Dudley College. There would be a need to develop highly specialist Post 16 places going forward and this was within the Specialist Place Planning Strategy. Currently Westminster school were piloting an SPI – which was an expansion of their current Post 16 arrangements.

In support of Sandwell's statutory duty to secure provision in our area, the ESFA would consider our requests to fill a gap in provision. Where evidenced gaps could not be filled through negotiation with good existing providers, the ESFA would put out to tender through open competition and advertised through ESFA's Update and on 'Contracts Finder', the government's site for advertising its contract opportunities.

The Chair questioned what provision was available in Sandwell and how many young people would need to go out of the borough to have their needs met. The Cabinet Member for Children and Education in response stated that Post 16 Provision at Meadows, Westminster and Wodensborough currently catered for 161 students. Sandwell College had approx. 123 students with EHCPs who attend. Westminster's pilot SPI has 12 students 125 attend OOB colleges but some of this would be based on student / family preference and course availability.

Reasons for Recommendations

The current arrangement ends on 8 October 2022, so an exemption is now required from 9 October 2022. This would enable a smooth transition between academic years and consistency of service.

This would allow the Council to make special educational provision to meet the special educational needs (SEN) of the young person; to secure the best possible outcomes for them across education, health and social care, and to prepare them for adulthood, as they grow older.

Alternative options considered

There were specific provisions laid down for the purposes of satisfying Section 38 (Preparation of an Education, Health and Care plan by local authorities) and there were therefore no other options as the proposal in this report follows council procedure for exemption to contract procedure rules.

Agreed:-

- (1) that approval be given for an exemption to the Council's Procurement and Contract Procedure Rules, to enable the Council to enter into individual contracts with Education and Skills Funding Agency (ESFA) approved institutions and independent specialist institutions named in the approved list under Section 41 of the Act;
- (2) authorise this exemption under Contract Procedure Rule 15.8 to enable the course of action referred to in (1) above to proceed where 'genuine sole suppliers' for certain goods, service or works where it can be evidenced that there is no benefit in undertaking a procurement exercise', an automatic exemption is given to the following types of contract or activity - Patient or Pupil choice and Sole Suppliers/Providers;
- (3) that the Director of Children's Services and Education be authorised to procure and award contracts to approved Education and Skills Funding Agency institutions.

169/22

Special Educational Needs and Disabilities Information, Advice and Support Service Contract

Following the appropriate procurement processes and in line with the Council's Procurement and Contract Procedure Rules, approval was sought to authorise the Director Law and Governance to agree and enter into a new contract with the successful tenderer for the provision of a Special Educational Needs and Disabilities Information, Advice and Support Service (SENDIASS) for a three year period from 1 April 2023 to 31 March 2026 (with the option to extend for a further year) on terms to be agreed by the Director of Children's Services and Education.

Reasons for Recommendations

The Children and Families Act 2014 required local authorities to provide children with Special Educational Needs or Disabilities (SEND) for whom they were responsible with impartial information and advice about matters relating to their SEND.

On 8 October 2014, Cabinet duly approved the establishment of a new SENDIASS service in Sandwell (Minute No 58/14 refers).

The current contract with Action for Children for the delivery of the SENDIASS service expired on 31 March 2023.

The report sought approval to go out to tender again to identify a suitable agency to operate the service.

Alternative options considered

In some local authorities the service had been provided internally. This had led to problems about how the service was viewed by parents. In addition, this approach had led to problems internally in addressing issues and determining roles. This option had been discounted as it failed to give the necessary impartiality for families.

Agreed:-

- (1) following the appropriate procurement processes and in line with the Council's Procurement and Contract Procedure rules, that the Director Law and Governance be authorised to agree and enter into a new contract with the successful tenderer for the provision of a Special Educational Needs and Disabilities Information, Advice and Support Service (SENDIASS) for a three year period from 1 April 2023 to 31 March 2026 (with the option to extend for a further year) on terms to be agreed by the Director of Children's Services and Education;
- (2) that the Director Law and Governance be authorised to make any necessary exemptions to the Council's Procurement and Contract procedure rules to allow action in (1) above to be undertaken.

170/22

2021/2022 Financial Outturn

Consideration was given to the financial outturn reports of the Capital Programme, Key Performance Indicators, each service area, Housing Revenue Account, Schools, and Treasury Management and approval sought to refer them to the Budget and Corporate Scrutiny Management Board for consideration and comment.

Approval was sought for the allocation of £0.141m to Sandwell Children's Trust to fund Covid-19 pressures, which is in addition to the transfers made during the year and represents total funding of £1.124m from the Covid Emergency Grant in 2020/21, as reflected within the Children's Services Outturn report.

Approval was also sought for the Revenue Contributions to Capital Outlay (RCCO) and reserve transfers of £5.542m.

Details of new grants that have been received during the final quarter of 2021/22 were noted.

The Chair of the Budget and Corporate Scrutiny Management Board asked what steps were being taken by the Council to ensure more robust financial management of Sandwell Children's Trust and its budget. The Cabinet Member for Finance and Resources stated that the Council had representatives on both the Operational and Strategic Partnership Boards at which the budget position was discussed. The Head of Finance Business Partnering for People also worked closely with the Finance team to understand the latest budget projections and provide support. The latest MTFP position that was discussed as part of the budget setting process for 2022/23 showed that the Trust would have a surplus budget by the end of 2023/24.

A further question was asked on what measures would be taken by the Council to account for the impact inflationary pressures would have on the current financial year. The Cabinet Member stated that Finance teams were working on estimating the additional cost of high inflation currently and these would be factored into the budget planning process for 2023/24 and the review of the MTFP.

The Chair of the Budget and Corporate Scrutiny Management Board also asked whether the Council's current financial plans account for inflation remaining high beyond 22/23. The Cabinet Member for Finance and Resources stated that the current MTFP for the council did not account for inflation remaining as high as it currently was as this was unknown at the time that MTFP was updated. Officers were now reviewing the MTFP and would factor in the impact of high inflation, albeit with a lot of uncertainty about how long the high inflation would continue for and at what level.

Reasons for Recommendations

Section 151 of the 1972 Local Government Act required the Chief Financial Officer to ensure the proper administration of the council's financial affairs. Budgetary control, which included the regular monitoring and reporting of budgets was an essential element in discharging this statutory responsibility. The recommended treatment of the year end variances supports the financial sustainability of the council.

Alternative options considered

Cabinet could vary the proposed transfer to the Sandwell Children's Trust, the use of revenue to fund capital costs (RCCO) and the proposed treatment of the year end variances from budget.

Agreed:-

- (1) that the financial outturn reports of the Capital Programme, Key Performance Indicators, each service area, Housing Revenue Account, Schools, and Treasury Management be received and referred to the Budget and Corporate Scrutiny Management Board for consideration and comment;
- (2) approve the allocation of £0.141m to Sandwell Children's Trust to fund Covid-19 pressures, which is in addition to the transfers made during the year and represents total funding of £1.124m from the Covid Emergency Grant in 2020/21, as reflected within the Children's Services Outturn report;
- (3) approve the Revenue Contributions to Capital Outlay (RCCO) and reserve transfers of £5.542m as now submitted;
- (4) note the new grants that have been received during the final quarter of 2021/22 as now submitted.

171/22

Exclusion of the Public and Press

Resolved that the public and press be excluded from the rest of the meeting to avoid the possible disclosure of exempt information under Schedule 12A to the Local Government Act, 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006,

relating to the financial and business affairs of any person, including the authority holding that information.

172/22 Fair Cost of Care and other Adult Social Care Market Pressures

Approval was sought for the financial intervention proposed for the Supported Living, Complex Residential, Day Care, Home Care and Extra Care (Non-Framework) and Older Peoples Residential and Nursing sectors paid below market rate, totalling £3.11m for 2022/23.

Reasons for recommendations

Approval was sought for a package of financial measures to support part of the Adult Social Care and Support provider market namely Supported Living, Complex Residential, Day Care, Home Care and Extra Care (Non-Framework) and Older Peoples Residential and Nursing sectors paid below standard rate. These providers had not benefited from annual uplifts unlike the 'in scope' services for the Fair Cost of Care exercise defined by the Government.

Alternative options considered

Several alternative options were considered however, the recommendation was considered the most appropriate decision.

Agreed:-

- (1) that the work being undertaken as part of the Government's Fair Cost of Care, and the extremely tight timescales for the completion of this task, be noted;
- (2) that the Cabinet recognises, supports and approves the financial intervention proposed in the report for the Supported Living, Complex Residential, Day Care, Home Care and Extra Care (Non-Framework) and Older Peoples Residential and Nursing sectors paid below market rate, as set out in the report, totalling £3.11m for 2022/23;
- (3) that it be noted that further investment in the 18+ Home Care and 65+ Residential and Nursing sectors may be required as a result of the outcome of the Fair Cost of

Care programme and that similar exercises to be undertaken for the sectors detailed in (2) above;

- (4) that the Section 151 Officer be authorised to release the funding required and the Director of Adult Social Care to make payments to care providers;
- (5) that the Section 151 Officer be authorised to make the budget virements required for the additional payments, funded from the Market Sustainability and Social Care Grants.

173/22

Queens Square Shopping Centre - Lease Assignment

Approval was sought for the refusal of landlord's consent to the assignment of the headlease of Queens Square Shopping Centre, West Bromwich, to Future High Street Living Limited.

The Chair of the Budget and Corporate Scrutiny Management Board asked if further detail on the pre-planning application discussions that had taken place between the Council and the party concerned could be provided and was the proposed demolition for the entire site.

In response, the Cabinet Member for Finance and Resources explained that the Council received a pre-application submission in January 2022, the Council had facilitated 2 rounds of pre app meetings with the applicant and a further focus meeting was held with the applicant and Regeneration Manager, Regeneration & Growth Director and the Leader of the Council on 7 June 2022.

The application currently concentrated on the Queen Square leased area, and a parcel of land (former M&S building), adjoining existing retail/residential block fronting Princes Parade leading towards Bull St and the Council's former Multi-Storey Car Park site (now demolished). The current proposal comprised 312 units, a mix of apartments and housing, plus re configured commercial space.

Reasons for recommendations

The poor financial standing of the proposed assignee and unavailability of suitable guarantors.

Alternative options considered

Several alternative options were considered, but the recommendation was considered the most appropriate decision.

Agreed that the Cabinet approve the refusal of landlord's consent to the assignment of the headlease of Queens Square Shopping Centre, West Bromwich, to Future High Street Living Limited.

Meeting ended at 6.01pm

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