

Sandwell Metropolitan Borough Council Statement of Decisions made at a meeting of the Executive on Wednesday, 16 November 2022

Published:

The following decisions were made by the Executive at its meeting on **Wednesday, 16 November 2022**. These decisions will come into force on **Wednesday 23 November 2022**. A decision by the Executive may be called-in (in accordance with Part 4 – Scrutiny Procedure Rules of the Council's Constitution) by **Tuesday 22 November 2022**. Should you have any queries about any decision that has been made, contact should be made in the first instance to Democratic Services at democratic_services@sandwell.gov.uk. Any declaration of interest made by any member of the Executive is shown below.

	Item	Reason for Decision:	Alternative options:	Lead officer:
5	Brandhall - Response to 'Call-in' in respect of 'Brandhall - Options' Agreed that in considering the recommendations from the Budget and Corporate Scrutiny Management Board on 8 August 2022, Cabinet take no further action and implement the Cabinet decision as determined on 20 July 2022 (see Minute No. 147/22).	In accordance with the Council's Scrutiny Procedure Rules, the Budget and Corporate Management Scrutiny Board at their meeting on 8 August 2022, referenced the decision in relation to the Brandhall - Options back to Cabinet for reconsideration. Cabinet are required to consider amending the original decision or not, before adopting a final decision.	In accordance with Scrutiny Procedure Rules, Cabinet must consider whether to amend its original decision before confirming a final decision.	
6	Draft General Fund Budget 2023/24	The Local Government Finance Act 1972	Cabinet could request that	

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>and Medium-Term Financial Strategy</p> <p>Agreed that Cabinet:-</p> <p>(1) Note the draft budget position for 2023/24 and the savings required to ensure a balanced budget can be achieved;</p> <p>(2) Approve the savings identified in para 4.14 onwards and Appendix B in principle for consultation and an Equality Impact Assessment where required;</p> <p>(3) That a further report be brought back to Cabinet in February 2023 setting out the results of the consultation referred to in 1.2 for Cabinet to consider prior to final budget proposals being approved</p> <p>(4) Refer the draft budget and savings options to the Budget and Corporate Scrutiny Panel on 29th November;</p> <p>(5) Approve the Medium-Term Financial Strategy as approved at Appendix D</p>	<p>requires the Council to set a balanced, risk assessed budget each year and approve a Council Tax precept by 11th March.</p>	<p>alternative savings options be proposed and agreed, although there is limited time to do this and still be able to carry out the appropriate consultation on alternative savings.</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
7	<p>Extension of contract for a non-executive director of Sandwell Children's Trust Board</p> <p>Agreed:-</p> <p>(1) that Cabinet notes the completed sequence of events that are contractually required to extend the contract of a non-executive director of Sandwell Children's Trust board;</p> <p>(2) notes and takes into account in its decision-making, the response from the Secretary of State for Education;</p> <p>(3) agrees the extension of contract of Linda Sanders as a non-executive director of Sandwell Children's Trust for the period of up to two years from 1 November 2022.</p>	<p>The board wishes to secure the continuity of the current non-executive director. The Council has written to the Secretary of State requesting consent to extend this appointment for a period of up to two years from 1 November 2022. The Department for Education officials have confirmed by email that the Parliamentary Under Secretary of State for Children and Families has approved the recommendation.</p>	<p>The alternative option would be for Sandwell Children's Trust to begin a recruitment process for a new non-executive director. This would take some time to complete and following which any new NED would need some time to familiarise themselves with the Trust's operations, it could impact up on the improvement journey.</p>	
8	<p>UK Shared Prosperity Fund</p> <p>Agreed:-</p> <p>(1) that the Directors of Regeneration & Growth; Borough Economy; and Children & Education, in consultation with the Section 151 Officer and the Cabinet Members for Finance & Resources, Children & Education and</p>	<p>The funding period for UKSPF commenced financial year 22/23 and concludes financial year 24/25. Upon confirmation that the WMCA UKSPF Investment Plan has been approved, Local Authorities will need to mobilise quickly to achieve the UKSPF spend profile for 22/23.</p>	<p>There were no alternative options to consider.</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>Regeneration and Growth, be authorised to accept Sandwell's allocation of UKSPF funding, as a result of the Investment Plan submission to the Department of Levelling Up Housing & Communities (DLUHC) and enter into the necessary grant funding agreements;</p> <p>(2) that the Directors of Regeneration & Growth; Borough Economy; and Children & Education in consultation with the Section 151 Officer and Cabinet Members, be authorised to carry out commissioning of UKSPF funding, including any procurement activity as required;</p> <p>(3) that the Directors of Regeneration & Growth; Borough Economy; and Children & Education in consultation with the Section 151 Officer and Cabinet Members for Finance & Resources, Children & Education and Regeneration and Growth, be authorised to implement the final arrangements for the 4% administration allocation.</p>			
9	<p>Contract for Supply, Installation and Maintenance of Traffic Signals and Associated Equipment</p> <p>Agreed:-</p>	<p>The Council has a requirement to appoint a suitably qualified and experienced Contractor for the Supply, Installation & Maintenance of Traffic Signals and Associated Systems and</p>	<p>There are no recommended affordable alternatives to obtain material to maintain our Highway Network.</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>(1) that approval be given to authorise the Director of Borough Economy to award a contract for the provision of the Supply, Installation and Maintenance of Traffic Signals and Associated Equipment for the period 1 January 2023 to 31 December 2026 at an anticipated value of £2,000,000 following the conclusion of the compliant tender process;</p> <p>(2) that in connection with 1 above, the Director, Law and Governance and Monitoring Officer be authorised to enter into appropriate contracts</p>	Equipment within the Borough of Sandwell. The current extended contract expired on 31 October 2022.		
10	<p>Schools' Model Pay Policies 2022/23</p> <p>Agreed:-</p> <p>(1) That the September 2022 Pay Award be agreed as set out below and is applied to local authority Community Schools:</p> <ul style="list-style-type: none"> • A five per cent increase on all pay ranges and allowances and advisory points, with higher increases for early career teachers as part of the process to move starting pay to £30,000 by 2023. The highest increase is 8.9 per cent on 	The Department for Education issues the School Teachers' Pay and Conditions Document (the Document) to local authorities on an annual basis. It places a statutory duty on organisations employing teachers to have a pay policy in place by 1 September each year which sets out the basis on which the employer will determine teachers' pay, the date by which it will determine the teacher's annual pay review and to establish procedures for addressing teachers' grievances in relation to their pay.	There are no alternative courses of action available that would otherwise satisfy these requirements.	

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	<p>the bottom point of the Main Pay Range in England (equating to a starting salary of £28,000).</p> <ul style="list-style-type: none"> • All pay uplifts will be back dated to 1 September 2022. <p>(2) that the Unattached Teachers' Pay Policy 2022/23, now submitted as Appendix 1, be approved and implemented by the Council with effect from 1 September 2022;</p> <p>(3) the Model Schools' Pay Policy 2022/23, now submitted as Appendix 2, be approved and recommended to the Governing Bodies of Schools in Sandwell for adoption and implementation with effect from 1 September 2022.</p>			
11	<p>Adult Social Care Contributions Policy - outcomes of consultation</p> <p>Agreed:-</p> <p>(1) that Cabinet approve that the Sandwell Contributions Policy be amended (as shown in Appendix C) with effect from 1st January 2023 to reflect the following changes which are recommended by the Director of Adult</p>	<p>The Director of Adult Social Care and the Director of Finance were authorised by Cabinet on 18th May 2022 to implement a range of changes in policy and practice, and to enter consultation with users of services on further key policy changes and three proposed contribution models. The key policy changes and three models aim to generate additional income which will assist the Council to ensure that it can continue to provide</p>	<p>The Council must have a Contributions Policy as it has discretion over aspects of both Residential and Non-Residential Contributions.</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>Social Care and the Director of Finance after public consultation (as detailed in Appendix A):</p> <p>(2) that Cabinet approve the Joint financial assessment of couples: end the practice of offering a joint assessment of couples, as the Care Act no longer permits this, by reassessing all existing cases for January 2023 and applying transitional protection to minimise the impact as appropriate;</p> <p>(3) that Cabinet approve Short-term (respite) care charges: move to basing contributions to the cost of respite care on a financially assessed contribution based on residential regulations with effect from 1st January 2023. In order to mitigate the impact of this change for people with disabilities where respite costs can be very high, the contribution will be based on the actual cost of care up to a maximum of the Council's guideline rate for nursing care for older people (currently £687.36 per week);</p> <p>(4) that Cabinet approve the New contributions model and adopt Model 2 as the method for calculating non-residential contributions, (as detailed in Appendix A), which reduces the existing "Sandwell Allowance" which people are</p>	<p>services to the most vulnerable within cash limited resources. The policy changes also reflect recent case law and Local Government Ombudsman findings to be fairer and comply with equalities expectations.</p>		

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>allowed to retain from 53% of their disposable income to 20%, and increases council income by an estimated £830,000 compared with what current income is expected to be, and by an estimated £1,609,000 compared with the expected income budget for 2023/24 which, based on current income trends, is set at a more prudent level. There are, however, some risks associated with these figures, as detailed in section 6 below and it is not recommended that the full potential income figure is incorporated into financial plans, at least initially;</p> <p>(5) that Council approve the Disability Related Expenditure (DRE): amending the method of allowing people's DRE costs to allow the full sum of any such costs against income, up to the total of their disability benefits (currently we only make allowance for DRE costs that exceed the 53% Sandwell Allowance). In addition, to introduce a lump sum banded DRE allowance to be offset against assessed income for any non-residential client who receives a standard or higher rate of DWP disability benefit (although if they have higher expenses, they can still claim for those). The allowance for higher rate of DWP disability benefit has been increased to</p>			

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	<p>£10 (it was £9 in the consultation) to reflect the increases in costs people are already facing;</p> <p>(6) that Cabinet approve Transitional protection: introducing a process that will limit changes in a person's contributions solely attributable to changes in policy (such as those outlined in this paper) to a maximum sum of £30 a week for a period of up to three years, if that person faces a significantly adverse impact. The calculation will take account of inflationary changes to people's income and allowances, but not other changes;</p> <p>(7) that Cabinet note that the Chair of the Health and Adult Social Care Scrutiny Board has agreed to make an exception to scrutiny call in of this matter so that implementation can commence immediately after Cabinet.</p>			
12	<p>Council new build homes on land at Stanhope Road, Smethwick</p> <p>Agreed:-</p> <p>(1) that the Director of Finance be authorised to allocate adequate resources from the Council's Housing Revenue Account to deliver the scheme</p>	<p>On 26th June 2019 the Cabinet report "Funding for remediation works at King Street and Mounts Road, Wednesbury, and Stanhope Road, Smethwick" approved the submission of a funding bid to the LEP and the development of approximately 7317.0 m2 of land at Stanhope Road, Smethwick with new Council housing for affordable rent</p>	<p>Option A – Dispose of the Site on the Open Market</p> <p>The site would be suitable for private sector residential development. As the development would be in excess of 15 units, then it would be subject</p>	

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	<p>as previously approved at 2.1 below, subject to being satisfied that the proposal provides value for money and enable the agreed Homes England delivery programme to be met utilising grant funding offered under the extended Homes England Strategic Partnership 1 Programme 2016 to 2021 and the Black Country Local Enterprise Partnership (LEP) Land Property Investment Fund (LPIF) Sandwell Housing Gap Project.</p> <p>(2) that approval be given to authorise the necessary steps for the delivery of the proposed project, including:</p> <p>a) that subject to receiving the necessary Strategic Investment Unit appraisal approval mark of 65 or above for the site at Stanhope Road, the Director of Regeneration and Growth in consultation with the Director of Finance and the Director of Housing be authorised to accept the Financial closure offer for the construction of Council new build properties, in accordance with any statutory regulations and the Council's the Director – Monitoring Officer be authorised to enter into or execute under seal any documentation in relation to award of the contract for the development of the site at Stanhope</p>	<p>(minute number 69/19 refers). This scheme now has planning permission and it is proposed to develop this site with 33 homes, as part of the new strategic approach to provide more and better housing in the borough.</p>	<p>to planning policy HOU3 where consideration must be given to the provision of up to 25% affordable housing on site. However, if this option is pursued it could result in the disposal of the land for market sale units only. Owing to very difficult ground conditions (the levels and the ground remediation) costs are relatively high and with current market conditions and inflationary costs the site is unlikely to provide commercial developers with the profit margins they require. Planning policy HOU3 where consideration must be given to the provision of up to 25% affordable housing on site is very likely to be challenged on viability grounds but it is likely that developers will overlook this site in favour of more viable options.</p> <p>This option would also offer nil contribution to the Council's new build programme.</p> <p>Option B – Work in partnership with a Registered Provider Partner with the assistance of Homes England to build new affordable homes for rent.</p>	

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	<p>Road and/or development/partnership agreement, any consents or applications required for Planning or Highways appertaining to the delivery of the schemes and any other agreements with the procured contractor(s), as may be deemed necessary to facilitate development of the site with housing a scheme on terms and conditions to be agreed and implemented by the Director of Regeneration and Growth;</p> <p>b) to enter into or execute under seal any financial agreement in relation to the Homes England grant and the Black Country Local Enterprise Partnership (LEP) Land Property Investment Fund (LPIF) Sandwell Housing Gap Project on terms and conditions to be agreed by the Director of Finance;</p> <p>c) the Director of Regeneration and Growth in consultation with the Director of Housing and the Director of Finance be authorised to accept a fixed cost price from Speller Metcalf at RIBA stage 4 of up to 10% above the approved estimated costs as a contingency to mitigate uncertain market conditions and inflationary cost uplifts.</p> <p>d) to appropriate approximately</p>		<p>Indications are that Homes England funding may be available through various Homes England Shared Ownership and Affordable Homes Programmes which could provide grant funding for a Registered Provider Partner to deliver affordable rented homes. This would give the Council nomination rights to the new properties but would not increase the Council owned housing stock or replace properties lost through RTB and would result in the disposal of a council owned asset (land) that could be used for this purpose. As with option A above the high build costs and viability issues may render this site less attractive to Registered Providers.</p> <p>Option C – Leave the site undeveloped. An option to consider would be not to build out the site and to leave it as it is. There are ongoing maintenance costs to the Council around litter picking and grounds maintenance. These are difficult to quantify as they are carried out</p>	

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	<p>7317.0 m2 of land at Stanhope Road Smethwick from the General Fund to the Housing Revenue Account for housing purposes and the Director of Finance be authorised to adjust the accounts accordingly.</p> <p>e) Subject to the practical completion of each property, the Director of Housing be authorised to manage and let the properties built in accordance with the Council's housing allocation policy.</p>		<p>as part of larger services, although we anticipate costs would be significantly reduced if the site were developed for housing. This would also result in an under-utilised Council asset. This option would offer nil contribution to the Council's new build programme.</p>	
13	<p>Highway Infrastructure Funding to mitigate the decline in Highway Infrastructure Condition</p> <p>Agreed:-</p> <p>(1) that the Capital Programme for Borough Economy is increased by £3,146,520 for 2022/23 to fully fund the programme of work needed to stabilise the condition of highway infrastructure and mitigate the effects of the next severe winter taking into account inflation in 2022/23;</p> <p>(2) that a surplus of £1,000,000 of capital funding currently allocated to Friar Park from the Regeneration and</p>	<p>Capital requirement of £3,146,520 in 2022/23 is required to fully fund the programme of work needed to stabilise the condition of highway infrastructure and mitigate the effects of the next severe winter taking into account inflation in 2022/23.</p>	<p>Provide no Council Capital to close the funding gap from 2022/23. An alternative would be to limit the repair of high-risk infrastructure to a value that matches the £4.741m CRSTS maintenance block grant. There would consequently be no Council capital provision available to fund the gap in the cost of replacement of high-risk life expired highway infrastructure. The programme of urgent work for 2022/23 would not be completed and a similar urgent programme for 2023/24 would only 40% completed. This is not recommended because the</p>	

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	<p>Growth Capital Project Support Reserve be transferred to Borough Economy to offset the capital requirement recommended in 1.1;</p> <p>(3) that the residual capital requirement for 2022/23, after the use of Friar Park Capital, of £2,146,520 is funded from Corporate Main Programme resources with any prudential borrowing finance charges addressed within the Medium Term Financial Plan;</p> <p>(4) that the Capital Programme for Borough Economy is increased by £5,435,880 for 2023/24 to stabilise the red risk condition of highway infrastructure, taking into account inflation and to mitigate the effects of the next severe winter in accordance with the Highway Infrastructure Asset Management Policy, Strategy and Plan;</p> <p>(5) that the capital requirement for 2023/24 of £5,435,880 is funded from Corporate Main Programme resources with any prudential borrowing finance charges addressed within the Medium Term Financial Plan;</p> <p>(6) that a further report to update Cabinet is submitted in September 2023 after the Highway Infrastructure condition</p>		<p>red risk backlog is escalating.</p>	

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	is reviewed in summer 2023 to identify future budget requirements from 2024/25 onwards for the risk assessed replacement of red risk Highway Infrastructure when the inflation outlook has stabilised and when the effects of the 2022/23 winter have been determined.			
14	<p>Sandwell Residential Education Centres: Charges for the period 1 August 2023-31 July 2024</p> <p>Agreed that the Director of Children and Education be authorised to implement term-time charges for Sandwell Residential Education Centres for the period 1 August 2023 to 31 July 2024 as shown in Appendix A attached.</p>	The recommendations will enable the centres to continue to generate sufficient income to operate an efficient high-quality service, with heavily subsidised places for Sandwell children, in support of Vision 2030; and continue to make access to the centres more affordable at certain times of the year in anticipation of rising inflation.	The recommendations will enable the centres to continue to generate sufficient income to operate an efficient high-quality service, with heavily subsidised places for Sandwell children, in support of Vision 2030; and continue to make access to the centres more affordable at certain times of the year in anticipation of rising inflation.	
15	<p>Former Car Park, Lower High Street, Cradley Heath</p> <p>Agreed:-</p> <p>(1) that approval be given to authorise the Director – Law and Governance and Monitoring Officer to dispose of the freehold interest in approximately 0.2 hectares (0.5 acres) of land situated on</p>	To enable the freehold transfer of council-owned land at Lower High Street, Cradley Heath, formerly in use as a public car park, to Sandwell College, for the sum of £1 (one pound), in order to facilitate the development of a Satellite Education Hub, financed through a £9m grant from the Government's Towns Fund. The cost to remedy the site for the proposed scheme is in excess of the	The first option the Council could consider is the disposal of the freehold of the land on the open market to generate a capital receipt. However, this option would miss an opportunity to unlock an important regeneration opportunity to deliver a much-needed education, training and skills facility in Cradley Heath and	

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	<p>the south side of Lower High Street, Cradley Heath, shown for identification purposes edged black on Plan No SAM/30500/003 attached, to Sandwell College, for the purpose of constructing a Satellite Education, Training and Skills Hub, for the sum of £1 (one pound), on terms and conditions to be agreed by the Director - Regeneration and Growth;</p> <p>(2) that Cabinet authorise the Director – Law and Governance and Monitoring Officer to enter into or execute under seal, if necessary any other related documentation in connection with the disposal of the site on terms and conditions to be agreed by the Director - Regeneration and Growth.</p>	<p>agreed land use value and therefore to bring forward the development, the recommendation is to dispose of the site for £1.</p>	<p>so contribute to meeting the aims of the Council's Corporate Plan. Planning policy guidance directs the development of educational facilities such as this one into town centre locations. No site that meets the criteria around size, location, Council ownership and immediate availability free from occupation, lease or other legal encumbrance is available in Cradley Heath town centre. This second option is therefore closed. Sandwell College specifically require a site that is within easy reach of Cradley Heath train station, to offer accessibility to potential users across the south-west of the borough who are not currently within easy reach either of Sandwell College campuses in West Bromwich town centre or of other FE providers in Dudley or Halesowen.</p> <p>As a third option, an exercise was undertaken early in 2021, when a former bank premises in Old Hill town centre became available. At the time, the building was privately-owned and the process of acquisition had not begun. It had not been surveyed but was</p>	

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			<p>considered incapable of conversion to meet current requirements for educational use, while neither the building nor the site it occupies were of sufficient size to meet the College's needs; finally, its position in Old Hill town centre was considered too remote from rail connections to be of value to potential users.</p> <p>The fourth and final option considered was the option of doing nothing. This alternative would fail to meet any of the objectives set out in this report. It would fail to deliver the Satellite Education Hub, fail to bring a much-needed £9m investment into the borough and fail to secure a much-needed uplift in education, training and skills amongst the people of Rowley Regis.</p>	
16	<p>Regeneration Project Pipeline Bi-Annual Performance Report April 2022 - October 2022</p> <p>Agreed:-</p> <p>(1) that Cabinet note the progress</p>	<p>On the 23 March 2022, Cabinet approved the Regeneration Strategy, Regeneration Project Pipeline and the Inclusive Recovery Action Plan for Business. When taken together set out the corporate regeneration priorities for the period 2022 to 2027. The pipeline is</p>	<p>This is a bi-annual report on performance as requested by Cabinet on the 23 March 2022. In accordance with the Cabinet Decision, Cabinet are to approve amends or additions to projects on the pipeline.</p>	

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	<p>made on projects within the Regeneration Project Pipeline Performance Report.</p> <p>(2) That Cabinet approve the recommended amendments to the Regeneration Project Pipeline as set out below:-</p> <p>(a) Levelling Up Fund Projects across Tipton, Smethwick, West Bromwich, and Rowley Regis be added to the pipeline, should they be approved by DLUHC.</p> <p>(b) George Betts Academy be added to the pipeline at Concept Stage.</p> <p>(c) Should the Sandwell Investment Zone be accepted, sites which are not already captured on the Regeneration Project Pipeline, be included.</p> <p>(d) The Midland Metropolitan University Hospital (MMUH)</p> <p>(3) that Cabinet note the update with regard to the Inclusive Recovery Plan for Business;</p> <p>(4) that the Director of Regeneration & Growth be authorised to implement the Cabinet approved amendments to the Regeneration Project Pipeline and for this to be published on the council website.</p>	<p>a live document, monitored via a report submitted to Cabinet every 6 months. The report highlights progress on each project with a focus on those projects being led by the Council.</p>		

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17	<p>Equality, Diversity and Inclusion Policy 2022 - Update</p> <p>Agreed:-</p> <p>(1.1) that the Equality, Diversity and Inclusion Policy 2022 as set out in Appendix 1 be approved.</p> <p>(1.2) that the Local Government Association Equality Framework (Appendix 2) be utilised to develop the council's Equality, Diversity and Inclusion strategy.</p>	<p>The council must comply with its legal duties and obligations arising under the Equality Act 2010. Obligations require the council to set out its objectives in discharging its public sector equality duties. Adopting the Equality, Diversity and Inclusion Policy 2022 makes clear the council's commitment to promote equality and challenge discrimination and intolerances in all its forms.</p>	<p>There are no alternative options. The council is obliged to have a policy in line with section 149 of the Equality Act. The council is not legally obliged to adopt the LGA Equality Framework, however it is considered best practice to do so as identified during the benchmarking process. For the council to deliver its EDI ambitions, it would need to implement something similar.</p>	
18	<p>The Local Plan in Sandwell: Update, next steps, and amendment to the Local Development Scheme (LDS)</p> <p>Agreed:-</p> <p>(1) that Cabinet notes recent developments in relation to the Black Country Plan and the background to them.</p> <p>(2) that Cabinet approves the preparation of a single-tier Local Plan covering the whole of Sandwell which will on adoption replace the following;</p> <ul style="list-style-type: none"> Black Country Core Strategy 	<p>At the meeting of the Association of Black Country Authorities on 19th October, the decision was taken to formally halt the Black Country Plan (the BCP) and for the four authorities to proceed with the preparation of individual Local Plans as soon as is practical. It is a statutory requirement of every Local Planning Authority to have an up-to-date Local Plan. Government has previously expressed a desire to see full Local Plan coverage across the England by December 2023 or as soon as is practical after that date.</p>	<p>The preparation of a Local Plan and the regular updating of the Local Development Scheme are statutory requirements under planning legislation. Options relating to the form and content of the Local Plan are set out in the body of the report.</p>	

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	<p>(2011)</p> <ul style="list-style-type: none"> Sandwell Site Allocations & Delivery Development Plan Document <p>(2012)</p> <ul style="list-style-type: none"> Smethwick Area Action Plan <p>(2008)</p> <ul style="list-style-type: none"> Tipton Area Action Plan (2008) West Bromwich Area Action Plan <p>(2012)</p> <p>(3) that approval be given to an update of the Sandwell Local Development Scheme and updated timeline set out in Appendices A & B</p> <p>(4) that Cabinet approve the fixed term appointment of a Sandwell Plan Programme Manager and to appoint to the post outside of standard HR procedures given the urgent need to recruit.</p> <p>(5) that Cabinet authorise the creation of a Senior Planning Officer post as set out in the resources section of this report.</p>			
19	Highway Surface Treatment Contract (SMBC 22131)	Road users and the wider community place a high value on keeping all road	There are no recommended affordable alternatives to enable	

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	<p>Agreed:-</p> <p>(1) that Cabinet approves Sandwell MBC working in collaboration with Dudley MBC, with Dudley MBC acting as the lead Authority for the provision of highway surface treatments contract;</p> <p>(2) That Cabinet authorise the Director of Borough Economy to award contracts for the provision of highway surface treatments in support of Sandwell's annual planned highway maintenance programme, following a compliant competitive tender process in collaboration with Dudley, Wolverhampton and Walsall Councils, with Dudley MBC acting as the lead authority;</p> <p>(3) That Cabinet authorise the Director of Law and Governance – Monitoring Officer to execute any documentation necessary to enable the above;</p> <p>(4) That any necessary exemptions be made to the Procurement and Contract Procedure Rules to enable the course of action referred to in 1.2 above to proceed.</p>	<p>users moving safely around Sandwell on well-maintained roads and footpaths. Failure to do so can result in adverse economic and social impacts, public dissatisfaction and significant reputational damage. The Council has a statutory duty under section 41 of the Highways Act 1980 to maintain highways that are maintainable at the public expense.</p>	<p>effective and efficient highway surfacing and associated works.</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
20	<p>West Midlands Enhanced Partnership Scheme Variation</p> <p>Agreed:-</p> <p>(1) that Cabinet approves Variation 002 of the Enhanced Partnership Scheme in conjunction with Transport for West Midlands, West Midlands Combined Authority and the other six local authorities in the West Midlands metropolitan area, subject to compliance with the relevant statutory objection and consultation processes for varying the Enhanced Partnership Scheme contained at Appendix A.</p> <p>(2) that Cabinet delegates authority to the Director Regeneration & Growth in consultation with the Cabinet Member for Regeneration & Growth, and to the Director Borough Economy in consultation with the Cabinet Member for Environment, to approve any subsequent variation to the West Midlands Enhanced Partnership Scheme.</p>	<p>Variation 002 widens the geographical scope of the existing EP Scheme to cover the entire West Midlands metropolitan area, i.e. the cities of Birmingham, Coventry and Wolverhampton and the boroughs of Dudley, Sandwell, Solihull and Walsall. This will enable it to cover all future bus improvements schemes through subsequent variations as required.</p>	<p>Cabinet could choose to reject the proposed variation. However, failure to approve the EP Scheme variation would jeopardise future investment in the bus network, as the West Midlands Bus Service Improvement Plan (and associated funding) is predicated on there being an EP Plan and Scheme in place between TfWM, operators and local authorities.</p>	
21	<p>Review of Garden Waste Collection</p> <p>Agreed:-</p> <p>(1) that the Director of Borough</p>	<p>The introduction of a subscribed garden waste collection service removes any disproportionality associated with a universal free service that a significant number of residents are currently not</p>	<p>Option 1 - Continue with current free of charge service:</p> <p>This is the do-nothing option for which the tonnage collected</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>Economy be authorised to instruct Serco to establish a subscribed chargeable garden waste collection scheme, targeting implementation for the 2023 season.</p> <p>(2) that a Contract Variation in accordance with Part 4 Schedule 21 (Change Protocol) be initiated to effect the necessary change and adjustment to the Unitary Charge;</p> <p>(3) that the recommended fee for the collection of Garden Waste of £35 for 2023 (or part) is progressed to Full Council;</p> <p>(4) That the Director of Borough Economy be authorised to make operational arrangements for the implementation of garden waste subscription sales.</p>	<p>accessing. Charging for the service will mean garden waste is only collected from households actively subscribing and using the service, reducing the number of unnecessary journeys made by waste collection vehicles. Modelling indicates that – based on the recommended Option 3 – the collection fleet could be reduced from 8 vehicles to 4. This will reduce carbon emissions and save an estimated £800,000 per year.</p>	<p>would be at a similar level to current at circa 12,500 tonnes from 120,000 properties. Costs for providing the service are included in the Waste Services Contract with Serco, which includes collection treatment and processing.</p> <p>Risk and Opportunity:</p> <p>Maintains current tonnages of garden waste and would not impact on recycling performance. Maintains the current inefficiency of large diesel vehicles regularly collecting small amounts of garden waste from households. Disproportionality where residents are subsidising a service they may not need or want. No savings delivered.</p> <p>Option 2 - Continue with current free of charge service but change collection frequency to 4-weekly:</p> <p>This involves continuation of a free service with a reduction in collection frequency from fortnightly to 4-weekly (40 weeks – March to November). Costs for</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
			<p>providing the service are included in the Waste Services Contract with Serco, which includes collection treatment and processing.</p> <p>Risk and Opportunity:</p> <p>Maintains a free of charge collection service.</p> <p>Disproportionality where residents are subsidising a service they may not need or want.</p> <p>Defra consultation suggests minimum fortnightly collection.</p> <p>May introduce undesired behaviour in residents, compressing contents to fit a 4-weekly service.</p> <p>Savings from reduction in fleet / potential to reduce Serco's unitary charge – estimated in the region of £400k.</p> <p>No income from service</p> <p>Option 3 Introduce a subscribed paid service:</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
			<p>Charged garden waste service with an annual subscription fee for each subscriber. Suggested fees are £35 per subscription.</p> <p>Subscribers would be issued with a sticker containing a barcode or bin chip. Each subscriber would also have their green garden waste bin lid changed to a brown lid for ease of differentiation from non-paying customers.</p> <p>Additional bins will be provided at the same subscription rate of £35 as an additional subscription.</p> <p>Scheme administration to be with Contractor with joint promotion between Council and Contractor.</p> <p>Proposed months of delivery of service April to December (currently March to end of Nov).</p> <p>Standard bin size 240L with options for smaller bin sizes and biodegradable reusable sacks (180L) to address mobility and access issues.</p> <p>Risk and Opportunity:</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
			<p>Removes disproportionality providing service only to those who want it and are prepared to pay for it.</p> <p>Likely to attract negative publicity.</p> <p>Gross income generated from subscription fees of circa £1.5m. Residents also do not need to be supplied or purchase a bin.</p> <p>Potential for reduced recycling performance due to opting out of service. May result in increased residual tonnages from garden waste added to residual bin.</p> <p>Likely increase in the number of missed bin collections reported and as such additional collections/ journeys required to be made.</p> <p>Opportunity for residents to access future potential reward scheme</p> <p>Likely to increase use of and tonnage collected at Shidas Lane HRC</p> <p>Encourages waste minimisation</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
			<p>through home composting.</p> <p>Introduces process of retrieving unwanted bins.</p> <p>Growth of new customers.</p> <p>Sacks address accessibility issues for crews e.g. steps</p> <p>Option 4 - Place all garden waste properties on monthly frequency and offer premium fortnightly subscribed service.</p> <p>This option involves moving all properties onto a 4-weekly free of charge collection frequency (as option 2) and offering a 2-weekly 'premium' collection service which would include an annual subscription fee for each subscriber (as option 3). Suggested fees are £35 per premium subscription.</p> <p>Subscribers would be issued with issued with a sticker containing a barcode (or bin chip). Each subscriber would also have their green garden waste bin lid changed to a brown lid for ease of differentiation from non-paying</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
			<p>customers.</p> <p>Additional bins will be provided to premium service subscribers only and at the same subscription rate of £35.</p> <p>Scheme administration to be through Serco with joint promotion between Council and Contractor.</p> <p>Proposed months of delivery of premium service April to January (currently March to end of Nov) to consider Christmas tree collections. Future option to introduce for subscribers a choice of bin size in addition to standard 240L containers. To smaller bin (180L) at same subscription fee.</p> <p>A variation would be to include a fee for reusable or biodegradable sacks at a minimum charge.</p> <p>Risk and Opportunity:</p> <p>Continues free of charge collection service but on 4-weekly collection frequency. Premium service offering fortnightly collection and access to reward</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
			<p>scheme.</p> <p>Confusing “mixed” scheme. Research has indicated no other councils operating such a service.</p> <p>Gross income generated from subscription fees will be substantially less. Most residents will likely try to manage with 4-weekly free option.</p> <p>Fleet savings will also be substantially reduced.</p> <p>Container costs reduced by changing bin lid only for paid subscribers. Option to fit chip on bins to track tonnages.</p> <p>Ameliorates potential for reduced recycling performance and garden waste added to residual bin due to all properties receiving a garden waste collection.</p> <p>Eliminates having to collect unwanted garden waste bins re option 3.</p> <p>Encourages waste minimisation through home composting.</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
			<p>Opportunity to encourage customers to switch to premium service.</p> <p>Likely to attract less negative publicity as garden waste service is provided to all properties.</p> <p>May introduce undesired behaviour in residents compressing contents to fit 4 weekly service</p> <p>Sacks address accessibility issues for crews e.g., steps</p>	
22	<p>Investment Programme - Street Lighting</p> <p>Agreed:-</p> <p>(1) that the Capital Programme for Borough Economy is increased by £1,695,425 for 2022/23 to undertake the spend to save to fund Street Lighting Investment Programme and cyclical replacement of streetlighting columns;</p> <p>(2) that the Capital Programme for 2023/24 for Borough Economy is increased by £1,695,425 for 2023/24 to</p>	<p>As a responsible local Highway Authority, Sandwell MBC provides and maintains more than 30,900 streetlights on the adopted highway. Of the 30,900 Council streetlight assets some 23,020 have been modernised through a previous SOX lantern replacement programme, delivering the associated efficiencies and carbon reduction benefits. Significant reductions in energy consumption, carbon, associated energy costs can be delivered by converting Sandwell's remaining SON lanterns to LED with a central management system (CMS). The reduced energy costs are</p>	<p>The alternative option would be to use capital funding provided through the Council's capital programme. This option would fully fund the cyclical replacement of red risk lighting columns from 2024/25 onwards including an allowance to mitigate inflation. However, there are no available capital resources to fund this project. The project is suitable for Prudential Borrowing as it releases savings to fund the borrowing costs as well as ongoing energy savings to</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>undertake the spend to save to fund Street Lighting Investment Programme and cyclical replacement of streetlighting columns;</p> <p>(3) that subject to the approval of 1.1 and 1.2 above the schemes are funded by Prudential Borrowing;</p> <p>(4) that the ongoing capital pressure of £275,750 per year from 2024/25 onwards is added to the Council's capital programme;</p> <p>(5) that investment of the net budget saving from energy reduction, after prudential borrowing charges is reinvested to partially fund ongoing Highway Maintenance inflation pressures;</p> <p>(6) that the Director of Borough Economy is authorised to award the necessary street lighting contract, following a compliant competitive tender process;</p> <p>(7) that any necessary exemptions be made to the Procurement and Contract Procedure Rules to enable the course of action referred to in 1.6 to proceed;</p> <p>(8) that the Director of Law and</p>	<p>estimated at £332,619 per year as well as mitigating the exposure to future energy price increases</p>	<p>reinvest in the service.</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>Governance – Monitoring Officer is authorised to execute any documentation necessary to enable these recommendations;</p> <p>(9) that the recommendations are approved, subject to a satisfactory financial appraisal being completed by Strategic Finance.</p>			
23	<p>Family Hubs and Start for Life programme Funding</p> <p>Agreed:-</p> <p>(1) that approval be given to accept the Family Hubs and Start for Life funding from central government for the period 2022-25.</p> <p>(2) that the Director of Children and Education and the Director of Public Health be authorised to formulate plans for the expenditure of the Family Hubs and Start for Life programme funding working in conjunction with the Director of Finance and in line with the associated Family Hubs and Start for Life programme guide from central government;</p> <p>(3) that the necessary virements are</p>	<p>Sandwell is one of 75 local authorities that are eligible to receive the Family Hubs and Start for Life funding which has been made available from central government for the three financial years from 2022-25.</p>	<p>The local authority could decide not to be part of this programme but that would mean turning down a substantial sum of money for the borough. This option has been duly discounted.</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
	approved to enable the 2022/23 allocation of £1,041,000 to be spent in accordance with grant conditions			
24	<p>Sandwell Drug and Alcohol Strategy</p> <p>Agreed that Cabinet approve the Sandwell Drug & Alcohol Strategy and its wider distribution and promotion.</p>	In December 2021 Government released a new National Drug Strategy 'From Harm to Hope: A ten-year drugs plan to cut crime and save lives'. The Strategy comes with a set of requirements for local areas to help towards achieving the national strategy ambitions. To support delivery of the national Drug Strategy ambitions, the Government requires all local areas to have in place a local drugs strategy delivery plan informed by a local joint needs assessment reviewing local drug data and evidence.	The alternative would be for Sandwell Drug & Alcohol Partnership, including work as a member of the new regional Combating Drugs Partnership, to continue without a supporting Strategy. This option would compromise local compliance with, and fulfilment of national OHID requirements (Office for Health Improvement & Disparities).	
25	<p>Adult Social Care Deferred Payment Agreements Policy</p> <p>Agreed:-</p> <p>(1) that Cabinet approves the proposed Deferred Payments Agreements Policy, as set out in Appendix A, for implementation following Cabinet agreement;</p> <p>(2) that Cabinet agree to charging of interest at the rate specified in government regulation, which from 1st</p>	The Director of Adult Social Care and the Director of Finance have commissioned work to check the compliance of the council's current Deferred Payment Agreements (DPA) practice against the Care Act (2014). Although much of the existing Deferred Payment practice is governed by legislation, there are areas of local discretion and clarification. A policy had been produced which sets out the council's decisions on such areas, as well as taking account of any recent case law and Local Government Ombudsman findings.	The Care Act 2014 established a universal deferred payments scheme and therefore the Council is legally required to offer a scheme. The policy underpins that scheme.	

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>July 2022 is 1.55% with rates reviewed every six months by the government.</p> <p>(3) that Cabinet agree to the charging of administration fees based on actual costs on the deferred payments amounts, and authorise the Director of Finance to update the fees each year to reflect the actual cost to the council of providing the service. For the financial year 2022/23, the existing charges are £590 legal costs and valuation fees; from 1st December(subject to Cabinet approval), and a new administration fee of £125 is proposed which takes the total charge to £715.</p> <p>(4) that Cabinet Delegate authority to the Director of Finance to amend the scheme in line with changes made by statutory provisions (such as, for example, the change in the upper capital threshold limit proposed in the government's Care Cap proposals).</p>			
26	<p>Highway Winter Service Operational Plan 2022-23</p> <p>Agreed that Cabinet approve the Highway Winter Service Operational Plan 2022-23</p>	<p>Road users and the wider community place a high value on keeping traffic moving safely in snow and freezing winter weather. Failure to do so can result in adverse economic and social impacts, public dissatisfaction and significant reputational damage. The</p>	<p>There is no recommended affordable alternative to mitigate the safety risks addressed by the Winter Service Operational Plan 2022-23.</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
		Council has a statutory duty 'to ensure, so far as reasonably practicable, that safe passage along a highway is not endangered by snow or ice'. The duty is not absolute, but decisions must be taken on reasonable grounds with due care and regard to relevant considerations set out in best practice guidance.		
27	<p>Land at Grove Lane, Smethwick - Compulsory Purchase Order</p> <p>Agreed:-</p> <p>(1.1) that Cabinet authorised The Director – Monitoring Officer:</p> <p>(a) to make a Compulsory Purchase Order under Section 226 (1) of the Town and Country Planning Act 1990 as amended by Section 99 of the Planning and Compulsory Purchase Act 2004, Acquisition of Land Act 1981, and Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 to be known as The Borough Council of Sandwell (Cranford Street, Smethwick) Compulsory Purchase Order, in respect of approximately 1.67 hectares of land bounded by land to the south of Cranford Street as shown edged red on the attached Drawing SAM/12980/005 or</p>	<p>The site, which is currently derelict former industrial land, lies between Cranford Street and the canal arm adjacent to the new Midland Metropolitan University Hospital. The site of 1.67 ha has been identified for potential residential use since 2008 when it was included in the Smethwick Area Action Plan, now incorporated into the Site Allocations and Delivery DPD. The Smethwick to Birmingham Corridor Framework and Grove Lane Masterplan were prepared during 2021 and concentrated on identifying sites and opportunities for development within the regeneration corridor between Smethwick and Birmingham City Hospital. Following public consultation, both documents, were approved at Cabinet in February 2022. Their approval further emphasised the vision for comprehensive redevelopment in this area for housing purposes.</p>	<p>Option 1: Not progress with the CPO and not deliver the Towns Fund project leading to clawback of £4.35m to DLUHC. Reputation of the council at risk.</p> <p>Option 2: Identify another site that could achieve the Town Fund project and submit another change request. There are no other sites in the area that could be considered at this stage given the timescales for the funding to be spent.</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>such lesser land as may be deemed necessary and also including the air space above an area lying to the north and south of the development during the construction as shown on Drawing SAM/12980/005.</p> <p>(b) to use the Council's Compulsory Purchase powers to acquire land and property required for the Grove Lane Towns Fund project at Cranford Street, Smethwick.</p> <p>(c) to take all necessary action to secure the making, confirmation and implementation of the Compulsory Purchase Order; and, if objections are received to the Compulsory Purchase Order, to make arrangements for public inquiries, including instructing external Counsel and Consultants to assist in the preparing of evidence and the presentation of the Council's case at any public Inquiry.</p> <p>(d) in the event of the Compulsory Purchase Order being unopposed, and the Council thereby being granted powers to do so by the Secretary of State for Levelling Up, Housing & Communities, to confirm the above order and serve all necessary notices to implement the Compulsory Purchase Order, including the issuing of sheriff</p>			

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>warrants.</p> <p>(e) to prepare and seal the necessary documents in connection with the CPO and submit the CPO to the Secretary of State for Levelling Up, Housing & Communities to confirm.</p> <p>(f) to enter into any licences, undertakings or other agreements to facilitate the Compulsory Purchase Order, on terms to be agreed by the Director of Regeneration & Growth.</p> <p>(g) in the event of the Compulsory Purchase Order being confirmed by the Secretary of State for Levelling Up, Housing & Communities, to serve all necessary notices to implement the powers of compulsory acquisition, including the making of General Vesting Declarations; notices to treat; notices of entry; and to take all other requisite steps to obtain possession of the properties; and, where possession has not been given, to obtain a Sheriff's Warrant for possession of any lands.</p> <p>(h) to acquire the necessary interests in the land and property included in the confirmed Compulsory Purchase Order, on terms to be agreed by the Director of Regeneration & Growth, or as ordered</p>			

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>by the Lands Tribunal.</p> <p>(i) to enter into, or execute under seal, any documentation in relation to award of the contract and/or development/partnership agreement, licence, undertaking, framework joining agreement and any other agreements with the procured contractor/s as may be deemed necessary to facilitate development of the site, on terms and conditions to be agreed by the Director of Regeneration and Growth.</p> <p>(j) in the event of the council being successful with the submission to the Levelling Up Fund, or securing other appropriate funding source(s), to prepare a Compulsory Purchase Order for the area around Grove Street, Halberton Street and land north of Cranford Street, as set out on plans SAM/12980/004 & SAM/21160/001 attached to this report, and the Director of Regeneration & Growth present a more detailed report to Cabinet at a later date.</p> <p>(1.2) The Director of Regeneration & Growth to make minor amendments to the (Cranford Street, Smethwick) Compulsory Purchase Order and, more particularly, marked "Map referred to in</p>			

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>Borough Council of Sandwell (Cranford Street, Smethwick) Compulsory Purchase Order" prior to it being made and submitted for confirmation.</p> <p>(1.3) The Service Manager – Strategic Assets & Land to enter into negotiations and to acquire land and property within the proposed Order lands, on terms to be agreed by the Director of Regeneration & Growth, in advance of confirmation of the Compulsory Purchase Order by the Secretary of State, and subject to the availability of finances.</p> <p>(1.4) 1.4 The Director – Finance:</p> <p>(a) to allocate adequate investment from the Smethwick Towns Fund to fund acquisition of site, demolition of buildings and remediation of land, in order to facilitate a clear site for redevelopment, which is approximately 1.67 hectares of land off Cranford Street, and to cover the CPO administration and execution costs.</p> <p>(b) (subject to 1.4(a) above) to grant funding (when secured) from the Town Fund Grove Lane Programme (administered by Sandwell Council), and to allocate adequate resources to fund the first phase of the development.</p>			

	Item	Reason for Decision:	Alternative options:	Lead officer:
28	<p>Council new build homes on land at Garratts Lane, Cradley Heath</p> <p>Agreed:-</p> <p>(1) that approval be given to appropriate approximately 4770.3 m2 (0.48 hectares) of land at Garratts Lane, Cradley Heath from the General Fund to the Housing Revenue Account for housing purposes with the accounts being adjusted accordingly and to develop the site with new council housing for affordable rent, subject to planning permission, as shown for identification purposes only at Appendix 1</p> <p>(2) that approval be given to acquire the access land, as shown for identification purposes only at Appendix 3 from Green Square Accord on terms and conditions to be agreed by the Director of Regeneration and Growth.</p> <p>(3) That approval be given to make a direct award to Green Square Accord (or their subsidiary within the group structure) and an exemption be made to the Council's Contract Procedure Rules.</p> <p>(4) That the Director of Finance be authorised to allocate adequate</p>	<p>The Council is able to develop this site with circa 20 homes, subject to planning permission, as part of the new strategic approach to provide more and better housing in the borough.</p>	<p>Option A – Dispose of the Site on the Open Market</p> <p>The site would not be suitable for private sector residential development in isolation as the Council's access to the site is not deemed suitable to serve a housing development and would not obtain planning permission.</p> <p>This option would also offer nil contribution to the Council's new build programme.</p> <p>Option B – Work in partnership with a Registered Provider Partner with the assistance of Homes England to build new affordable homes for rent. The site would not be suitable for residential development in isolation as the Council's access to the site is not deemed suitable to serve a housing development and would not obtain planning permission.</p> <p>This option would also offer nil contribution to the Council's new build programme.</p> <p>Option C – Leave the site undeveloped.</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>resources from the Council's Housing Revenue Account, subject to being satisfied that the proposal provides value for money, to deliver the scheme and to utilise grant funding offered by Homes England, under the extended Homes England Strategic Partnership 1 Programme 2016 to 2021 to assist with the delivery of the project.</p> <p>(5) In connection with 1, 3 and 4 above, approval be given to authorise the necessary steps for the delivery of the proposed project, including:</p> <p>a) that subject to receiving the necessary Strategic Investment Unit appraisal approval mark of 65 or above for this site, the Director of Regeneration and Growth in consultation with the Director of Finance and the Director of Housing be authorised to accept the Financial closure offer for the construction of Council new build properties, in accordance with any statutory regulations and the Council's the Director – Monitoring Officer be authorised to enter into or execute under seal any documentation in relation to award of the contract for the development of this site and/or development/partnership agreement, any consents or applications required for</p>		<p>An option to consider would be not to build out the site and to leave it as it is. There are ongoing maintenance costs to the Council around litter picking and grounds maintenance. These are difficult to quantify as they are carried out as part of larger services, although we anticipate costs would be significantly reduced if the site were developed for housing. This option would offer nil contribution to the Council's new build programme and result in an under-utilised Council asset.</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>Planning or Highways appertaining to the delivery of the schemes and any other agreements with the procured contractor(s),as may be deemed necessary to facilitate development of the site with housing a scheme on terms and conditions to be agreed and implemented by the Director of Regeneration and Growth;</p> <p>b) the Director of Regeneration and Growth in consultation with the Director of Finance and the Director of Housing be authorised to make a direct award to Green Square Accord (or their subsidiary within the group structure) and enter into a Design and Build agreement to develop and deliver a new housing scheme on behalf of the council.</p> <p>c) to enter into or execute under seal any financial agreement in relation to the Homes England grant on terms and conditions to be agreed by the Director of Finance;</p> <p>d) that any necessary exemptions are made to the Council's Procurement and Contract Procedure Rules to enable the course of action referred to b above to proceed;</p> <p>e) Subject to the practical completion of each property, the Director of Housing be authorised to manage and let the properties built in accordance with the Council's housing allocation policy.</p>			

	Item	Reason for Decision:	Alternative options:	Lead officer:
29	<p>New Archives Centre</p> <p>Agreed:-</p> <p>(1.1) that approval be given to identify land to the rear of Smethwick Council House as the preferred site for a new Archives Centre.</p> <p>(1.2) that the Director – Borough Economy be authorised to proceed with feasibility, design, specification and the development a funding strategy for a new Archives Centre at the preferred site.</p> <p>(1.3) That the Director of Borough Economy, in consultation with the Section 151 Officer, be authorised to:</p> <ul style="list-style-type: none"> • Prepare any necessary tendering documentation; • Procure, in accordance with the public procurement rules, the Council's procurement and financial regulations a contractor(s) to carry out further feasibility, draft design and specification and support a funding strategy; to award a contract and to enter into or execute under seal any financial agreement(s) as 	<p>Currently archives storage is at capacity, and the material is housed in three separate sites, which makes managing the collection and providing access difficult. Much of the storage does not meet the required standards (BS 4971) set out by The National Archives (TNA). The archives are stored in the basements of Smethwick library and West Bromwich town hall (neither of which meets the standard) and in the relatively new Dudley archives – (which does, but costs the service £13k per annum). The Archives Service had its application for mandatory accreditation by the TNA rejected in July 2018, because storage did not meet minimum standards. The service should have reapplied by 2021 but TNA recognise that the standard cannot be met and agreed to a delay in applying for accredited status. We cannot however, delay indefinitely.</p>	<p>Option 1 – Do nothing:</p> <p>Sandwell could lose its place of deposit status and be required to pay another local authority to house its public records.</p> <p>Option 2 - Conversion of existing storage at Smethwick Library:</p> <p>Too small and costly.</p> <p>Option 3 - Rental of additional space at Dudley Archives:</p> <p>Not sustainable – Dudley will want the space back as their archives grow and has revenue implications as well as costs and travel for Sandwell residents with a disconnect from local services.</p> <p>Option 4 - Utilise SMBC owned industrial units:</p> <p>All those available are either too small or not accessible enough.</p> <p>Option 5 - Lease or purchase private sector industrial units.</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
	may be deemed necessary in relation to the project		<p>All those available are not accessible enough and not cost effective.</p> <p>Option 6 - Use unoccupied space at Operations and Development centre (Roway Lane):</p> <p>Too small and not accessible enough.</p> <p>Option 7 - Smethwick Swimming Centre (Thimblemill Baths):</p> <p>Restrictions due to layout and listed status.</p>	
30	<p>Gas Safety Inspections 2022 - 2025</p> <p>Agreed:-</p> <p>(1.1) that approval be given to award contracts for the delivery of Gas Safety Inspections within West Bromwich, Oldbury and Smethwick to Phoenix Gas Services Limited, for the sum of approximately £1,700,000 and for a period of 2 years and 9 months, from 1st November 2022 to 31st July 2025.</p>	<p>The Council is obliged by statute to undertake annual gas safety inspections and servicing to its properties as a landlord. Subsequent to the withdrawal of two incumbent contractors, approval was sought to award the contract for the provision of annual gas safety inspections within West Bromwich, Oldbury and Smethwick.</p>	<p>There are no other options available, this contract is required in order for Sandwell MBC to be able to maintain its current housing stock and fulfil its landlord obligations.</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>(1.2) that the Director – Law and Governance and Monitoring Officer be authorised to enter into appropriate contracts for Gas Safety Inspections with Phoenix Gas Services Limited.</p> <p>(1.3) That approval be given to vary an existing contract currently in place for the delivery of Gas Safety Inspections within Tipton and Wednesbury to also include Rowley Regis to a value of approximately £690,000.</p>			
31	<p>Action Taken on Matters of Urgency - New Burdens: Market Sustainability and Cost of Care</p> <p>Agreed:-</p> <p>(1.1) that the following details of the urgent action taken by the Leader of the Council be noted:-</p> <p>(1) to approve the submission to the Department of Health and Social Care documents relating to the outcome of the Cost of Care exercise for 18+ Domiciliary Care and 65+ Residential and Nursing sectors consisting of:</p> <ul style="list-style-type: none"> • Cost of Care Table, 	<p>Each local authority has been asked to complete a Cost of Care exercise for 65+ residential and nursing homes and for Domiciliary Care (otherwise known as Home Care) for people 18+ by 14 October 2022 to better understand the sustainability of fee rates. In addition, the Government requires Councils to complete a provisional Market Sustainability Plan (MSP) to establish how they will close the gap, if one exists, between current fee rates and the findings of the Cost of Care exercise.</p>	<p>The Council does not have to submit the outcome of the provisional Market Sustainability Plan or Cost of Care exercise to the DHSC, however to not do so would mean that it will have to pay back the grant of £1.25 million that it has received, of which £456,315 has already been spent.</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<ul style="list-style-type: none"> • Spend Report, • Cost of Care Report and • Market Sustainability Plan (provisional and final) <p>(2) To authorise the Director of Adult Social Care authority to make necessary changes to the Cost of Care documents before final submission, in consultation with the Cabinet Member for Adult Social Care and Health, given the strict deadlines set by the Government.</p> <p>(3) To approve publication on the Council's website of the process undertaken by the Council in relation to the Cost of Care exercise and the resultant Market Sustainability Plan in line with the requirements laid down by the Department of Health and Social Care (DHSC).</p> <p>(4) To note the potential impact and pressure on the Council's budget should the Government not make sufficient additional funding available to the Council to meet the financial burdens associated with sustainable rates as a result of the Cost of Care exercise for the 18+ Domiciliary Care and 65+ Residential and Nursing care homes sectors.</p> <p>(5) To endorse the position that the</p>			

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>Council takes into account the outcome of the Cost of Care exercise and available Government funding together with sound judgement, evidence and a negotiation process when setting a Fair Cost of Care and assessing market sustainability and the delivery of legislative duties under Section 5 of the Care Act.</p> <p>(6) To endorse the position that further progress towards reaching the median cost over three years will not begin until government funding is confirmed and will be phased in line with the additional government funding received.</p> <p>(7) To approve the remaining 2022/23 allocation of the Cost of Care Grant be used to further uplift the Domiciliary Care, Extra Care, Promoting Independence and Rapid Response/ Wrap Around services hourly rate from £16.00 per hour to £16.92 per hour in recognition of significant market pressures being faced, and for this to be backdated to 1 September 2022 and to be in place until 31 March 2023.</p> <p>(8) That the Director of Adult Social Care be delegated to determine how any surplus Cost of Care grant mentioned in 1.7 is spent in consultation with the</p>			

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>Cabinet Member for Adult Social Care and Health.</p> <p>(9) Note the general inequity in treatment and likely risk of destabilisation within markets deemed out of scope by the Cost of Care exercise.</p> <p>(10) To approve the completion of further market analysis for out of scope markets (Supported Living, Complex Residential and Nursing Care and Day Care, and) to mitigate risk noted in recommendation 1.9.</p> <p>(11) To note the inequity in the hourly rate for Direct Payments falling a year behind the Council's Domiciliary Care rate and to agree to a further paper being brought to Cabinet to address this.</p>			
33	<p>Corporate Asset Management Strategy (CAMS)</p> <p>Agreed:-</p> <p>That Cabinet:-</p> <p>(1.1) Approves the Corporate Asset Management Strategy (CAMS) attached at Appendix A.</p>	To support the efficient management and use of Council assets.	Non-delivery of the CAMS would be contrary to the Council's Improvement Plan. If the CAMS did not contain proposals for rationalisation of the office and community estates then it will become impossible for the Council to maintain its estate safely and efficiently with the available budget.	

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>(1.2) Approves the Local Hub indicative locations as set out below and authorises Directors to undertake due diligence and prepare detailed proposals for the development of community hubs including timescales, digital offer, buildings that will become surplus and other financial implications, and also to prepare a report on the implications for library services and for heritage assets;</p> <ul style="list-style-type: none"> • Carnegie Library Tipton • Oldbury Council House / One-stop shop • West Bromwich Central Library / Town Hall • Wednesbury Town Hall & Art Gallery • Blackheath Library Rowley Regis • Town Hall Smethwick <p>(1.3) Approves that all community buildings that become surplus should be offered as opportunities for Community Asset Transfers.</p> <p>(1.4) Acknowledges that the assets contained in the Surplus Assets list at Appendix B are surplus to the Council's operational requirements.</p> <p>(1.5) Approves the procurement of a firm of property consultants (using CCS Framework RM6168) to undertake a</p>			

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>review of the Council's surplus property assets with a view to identifying assets for disposal or development.</p> <p>(1.6) Delegates responsibility to the Director of Regeneration & Growth, in consultation with the Section 151 Officer and the Monitoring Officer, to oversee the procurement and to appoint the selected consultant.</p> <p>(1.7) that subject to approval by Cabinet on any disposal of surplus assets, the Director of Regeneration & Growth, in consultation with the Section 151 Officer and the Monitoring Officer, be authorised to oversee the review and to progress the disposal of surplus assets in a manner and on terms recommended by the review.</p> <p>(1.8) That a budget of £100k is allocated from the Invest to Save reserve for this work.</p> <p>(1.9) Acknowledges the need to reduce the Council's office portfolio further, reflecting working patterns post Covid and authorise officers to undertake a detailed options analysis with a target of reducing the operational office portfolio by at least 50%.</p>			

	Item	Reason for Decision:	Alternative options:	Lead officer:
34	<p>Delivery Issues Relating to the Strategic Regeneration Masterplans for West Bromwich and for Grove Lane Smethwick</p> <p>Agreed:-</p> <p>That Cabinet</p> <p>(1.1) Agrees in principle, subject to more detailed due diligence, that the procurement of a joint venture development partner is the preferred route to delivering the West Bromwich Town Centre and Grove Lane Masterplans.</p> <p>(1.2) Authorises the Director of Regeneration and Growth to procurement a professional team (lawyers and property consultants) to carry out the workstreams set out below:</p> <ul style="list-style-type: none"> • Provide detailed legal advice setting out the advantages, risks and proposed mitigations of the preferred option. • Provide advice on setting up a joint venture company 	<p>To ensure the effective delivery of the West Bromwich Town Centre Masterplan in a way that enables high design standards and a holistic approach to regeneration to be achieved</p>	<p>Adopt the masterplans and rely on the private sector to deliver.</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<ul style="list-style-type: none"> • Provide a business case including a financial model showing the likely returns. Phasing. Likely gap-funding requirement and options to address this. • Provide an analysis showing how the Council might act as bank, lending to JV Co. Set out pros and cons of this. • Advise on the attractiveness of the opportunity in the market, and how to present the opportunity to maximize interest. • Prepare a development partner procurement strategy, including: <ul style="list-style-type: none"> • Advice re the best Framework to use. • How the opportunity would be promoted. Advertising, press, social media, launch events. • Advice on the form of contract, highlighting key issues. • A timetable for procurement. • A stakeholder engagement strategy, and a framework for consultation and decision-making. • Presentations on the above, as necessary, to Members and / or senior officers. 			

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<ul style="list-style-type: none"> • Preparation of a Brief, scoring matrix and other necessary documentation. • Collation of documentation as necessary to furnish a data room. • Managing all aspects of the developer selection process. • Assessment of bids, including: <ul style="list-style-type: none"> • Advice on developer appraisals, cost plans, proposed phasing. Credibility of each bid. • Advice on design standards and fit with the masterplan. <p>(1.3) Authorises the Director of Regeneration & Growth to oversee the procurement of the professional team, approve the selection and enter into appointment contracts as necessary.</p> <p>(1.4) Requests a further report before March 2023 covering the following:</p> <p>1.4.1 Detailed legal advice setting out the advantages, risks and proposed mitigations of the preferred option.</p> <p>1.4.2 A business case including a financial model showing the likely returns.</p> <p>1.4.3 A development partner</p>			

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>procurement strategy, including:</p> <p>1.4.3.1 A timetable for procurement</p> <p>1.4.3.2 A draft developer briefing document for approval</p> <p>1.4.3.3 A stakeholder engagement strategy, and a framework for consultation and decision-making.</p> <p>1.4.3.4 A request for approval to commence a development partner procurement process.</p>			