

Sandwell Metropolitan Borough Council Statement of Decisions made at a meeting of the Executive on Wednesday, 7 December 2022

Published:

The following decisions were made by the Executive at its meeting on **Wednesday, 7 December 2022**. These decisions will come into force on **Wednesday 14 December 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 13 December 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	<p>Adult Social Care Direct Payments Policy</p> <p>Agreed that the Director of Adult Social Care and the Director of Finance be authorised to implement the proposed Direct Payments Policy and ensure it is embedded in future practice by all relevant staff members.</p>	<p>The Director of Adult Social Care and the Director of Finance had commissioned work to check the compliance of the Council’s Direct Payments practice against the Care Act 2014.</p>	<p>The Council should have a Direct Payments Policy to cover areas of discretion, or to clarify decisions where issues had arisen in the past.</p> <p>It could be possible to carry on without a policy, but this risked the Council being challenged on areas where the Care Act does not set out a clear framework, and it was considered prudent, therefore, to ensure that people understand what Sandwell’s policy was.</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
6	<p>The review of council tenant rents and housing related property charges</p> <p>Agreed:-</p> <p>(1) That approval is given to authorise the Director of Housing to adjust council rents and housing related charges with effect from 3rd April 2023 as follows:</p> <ul style="list-style-type: none"> (a) Increase rental charges by 5%, which is 2% below the government's social rental cap of 7%. (b) Increase housing service charges by the consumer price index (CPI) + 1%, equivalent to a 11.1% increase. (c) That subject to consultation with the residents of the site, to increase rent at the traveller's pitch in Hills View, Tipton by 5% (d) That properties managed by Riverside under the Private Finance Initiative (PFI) agreement receive a 5% rental increase and a 11.1% increase in service charges, which need to match the councils rent and service charge increases. (e) That properties that sit outside the Housing Revenue Account (including service tenants for Parks, Sandwell Valley and Caretaking) 	<p>Each year council tenants, leaseholders and other residents are notified of the rent and other related housing charges to be set from the following April. The Council had to achieve the right balance between supporting tenants in hardship and protecting the Housing Revenue Account (HRA) to ensure that the Council could continue to provide affordable social housing to residents.</p> <p>The recommendations were reported to the Safer Neighbourhoods and Active Communities Scrutiny Board in September. Members of the Board were understanding and supportive of increases to rent and service charges, whilst acknowledging the current difficulties posed by the national financial situation.</p>	<p>It was recommended from April 2023 to increase rents by 5% for tenants within the Riverside managed PFI estate of Wednesbury. The council had the discretion to set PFI rent. It would be seen to be very unfair for other council tenants in neighbouring areas to have had council rent increased and not have the same with the PFI estate in Wednesbury.</p> <p>The Department of Levelling up Housing and Communities (DLUHC) policy allowed social landlords to increase their annual rents by 7% which is in line with the recent government rental cap. It is recommended that rents are increased rents by 5%, 2% lower than the cap to support tenants with the cost of living.</p> <p>Increasing rents below the rate of inflation would create financial pressures for the council to deliver key services. The provision of good quality Housing and Neighbourhoods were key to improving lives and life chances for Sandwell residents. Reducing the level of income to the HRA would seriously impact the 30-year business plans and would mean less funding for new homes provision.</p> <p>An alternative would be to increase</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>receive a 11.1% increase in rental charges and service charges, which is equivalent to CPI plus 1%.</p> <p>(f) That the leaseholder annual fee be increase by 11.1%, CPI + 1% in 2023/24 from £104.10 to £115.66.</p> <p>(g) That the Director of Housing undertake a further review on garage rents and submit a further report to Cabinet in due course.</p> <p>(2) That the Director of Housing be authorised to establish a hardship fund for HRA tenants (to support them in their tenancy) and to allocate £100k of HRA reserves, to be reviewed annually.</p>		<p>rents by 3%. The budgetary pressures from this would impact the Council's ability to deliver key services and may result in reduced services where costs can't be met through operational budgets.</p>	
7	<p>Asset transfer of Greets Green Resource Centre and adjoining land to the Confederation of Bangladeshi Organisations (CBO) Ltd</p> <p>Agreed:-</p> <p>(1) That approval be given to the asset transfer of the Greets Green Resource Centre, including the surrounding land, to the Confederation of Bangladeshi Organisations (CBO) Ltd on the basis of a full repairing lease for 99 years with a rental of £1 pa for the purpose of running a community centre;</p>	<p>CBO currently lease the premises on a full repairing, rent free basis and the lease expires in 2041. They also hold a coterminous lease of the adjacent land which also expires in 2041. CBO have submitted an application for a single asset transfer of both sites, on the basis of a 99 year full repairing rent free lease. CBO deliver excellent value for money. For example, in 2021/22 CBO supported 872 residents with generalist advice, securing £1,256,056 confirmed benefit gains and £7,130 one off charitable payments/ household goods. For every £1 of advice funding CBO have delivered £19 into the pockets of residents.</p>	<p>Do nothing – CBO have a 25 year, rent free, full repairing voluntary body lease, expiring in 2041. This would not signal to the wider voluntary and community sector that we value their contribution as partners and want to use asset transfer as a positive tool for enabling the development of enterprising and sustainable organisations with a long term stake in the area.</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>(2) that authorisation be given to the Director Law and Governance and Monitoring Officer to enter into or execute under seal if necessary, a formal lease for the Greets Green Resource Centre, West Bromwich and adjacent land relating thereto.</p> <p>(3) that approval be given to 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>			
8	<p>Chance Heritage Trust - Memorandum of Understanding</p> <p>Agreed:-</p> <p>(1) that Cabinet endorse the signing of a Memorandum of Understanding between the Council and the Chance Heritage Trust relating to the heritage – led regeneration of the Chance Glassworks site;</p> <p>(2) that details of the allocation of approved Black Country Local Enterprise Partnership Capacity Funding to support the regeneration of the Chance Glassworks Site be received.</p>	<p>The objectives of the Chance Heritage Trust (CHT) are closely aligned with the Council's aspirations and policy objectives for the site and its locality. Regeneration of the site would create a boost for the local economy, create jobs and homes, conserve a locally and nationally important cultural asset and enhance the image of the borough through restoration of this high-profile industrial heritage site.</p>	<p>Do nothing – the heritage assets would continue to deteriorate, resulting in loss of heritage significance and poor image, and creating potential for reputational damage to the Council.</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
9	<p>Empty Property Strategy 2023-2028</p> <p>Agreed that approval be given to the Empty Property Strategy 2023 - 2028, including the introduction of empty property loans and the use of Planning Act enforcement powers by the Empty Property Officer.</p>	<p>The private sector housing market is a key resource in providing the housing needs of the borough. Family homes are always in high demand, yet there are a large number of them remaining empty and unmanaged, blighting communities and removing good homes from the market. The Council has identified privately owned empty properties as one of its key priority areas in relation to private rented and owner-occupied housing.</p>	<p>Choose not to have an empty homes strategy and / or continue to provide a reactive service to complaints about empty properties dealing with nuisance and open to access only in addition to applying increased council tax charges</p>	
10	<p>On Street Residential Charging Scheme - Authorisation to enter into a contract with a Chargepoint Operator</p> <p>Agreed:-</p> <p>(1) that approval be given for the s.151 officer to sign and enter into contract with Gamma Energy Ltd., the successful bidder for the installation of Electric Vehicle (EV) chargepoints across the Black Country with the initial call-off covering the Office for Zero Emission Vehicles (OZEV) On-street Residential Chargepoint Scheme (ORCS) funded project at a value of £400,574, but call-offs up to a total of £2.5million are possible.</p> <p>(2) that in connection with 1.1 above, the conditions relating to the grant-funded element and the revenue share implications be received.</p>	<p>This contract will be used to deliver 37 public dual socket chargepoints (74 sockets) in residential areas where residents do not have access to off-street parking and are therefore not able to charge their vehicles on driveways with a private charge point, as is the norm. The funding will therefore deliver approximately 40% of the 7kW chargepoints required by 2025 in order to support Sandwell's transition to electric vehicles in the light of the Government's intended ban on the sale of new petrol and diesel vehicles in 2030, as outlined in the Black Country ULEV (Ultra Low Emission Vehicles) Strategy.</p>	<p>The decision to progress with this approach was the culmination of months of discussions and independent advice. The concession model was chosen as the best compromise between pursuing a fully operator funded model which would significantly limit our ability to influence locations of chargepoints, and minimise and possible revenue return, and a more hands-on own-and-operate model that would carry significant revenue risk.</p> <p>The model gives the local authorities the ability to leverage capital grant funding available to de-risk the delivery and secure an operator who will commit to covering all revenue costs for the contract term.</p> <p>Having chosen to seek a concession contract, discussions were carried</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
			<p>out to select the best route to market. An open tender process was considered, but the increased resource required, and the greater risk when compared to using an existing framework were unattractive. A large number of available frameworks and Dynamic Purchasing Systems (DPS) were considered, eventually settling on the Oxford City Council framework owing to the broad range of suppliers with access offering the best chance of a competitive process leading to stronger bids. The DPS also benefits from being new, which means that it incorporates all the latest technical specifications and experience from the last few years of public sector EV chargepoint delivery.</p> <p>The successful bidder, Gamma Energy Ltd., scored the highest during our further competition on the DPS, meeting all mandatory requirements and achieving the best overall score across the criteria with a 50:50 price/quality split.</p>	
11	<p>Grant funding for advice services 2023/24 - 2025/26</p> <p>Agreed:-</p>	<p>Stable funding will enable providers to retain skilled advisers and to continue to work well together to deliver high quality services that respond flexibly to changes in need. This is particularly important as residents are facing</p>	<p>1) Reduce levels of funding to vcs providers – this is not a viable option when demand for services are increasing because of the cost of living</p>	

Item	Reason for Decision:	Alternative options:	Lead officer:																
<p>(1) that approval is given to allocating the following grants to voluntary organisations with effect from April 2023 until March 2026:</p> <table border="1" data-bbox="197 416 721 1401"> <thead> <tr> <th data-bbox="197 416 353 579">Organisa tion/serv ice</th> <th data-bbox="353 416 472 579">2023/2 4 £</th> <th data-bbox="472 416 604 579">2024/2 5 £</th> <th data-bbox="604 416 721 579">2025/ 26 £</th> </tr> </thead> <tbody> <tr> <td data-bbox="197 579 353 1002">Citizens Advice Sandwell (generalist open door, debt service and phone service)</td> <td data-bbox="353 579 472 1002">585,728</td> <td data-bbox="472 579 604 1002">585,728</td> <td data-bbox="604 579 721 1002">585,728</td> </tr> <tr> <td data-bbox="197 1002 353 1281">Citizens Advice Sandwell (homeless prevention project)</td> <td data-bbox="353 1002 472 1281">70,000</td> <td data-bbox="472 1002 604 1281">70,000</td> <td data-bbox="604 1002 721 1281">70,000</td> </tr> <tr> <td data-bbox="197 1281 353 1401">Citizens Advice Sandwell</td> <td data-bbox="353 1281 472 1401">25,260</td> <td data-bbox="472 1281 604 1401">25,260</td> <td data-bbox="604 1281 721 1401">25,260</td> </tr> </tbody> </table>	Organisa tion/serv ice	2023/2 4 £	2024/2 5 £	2025/ 26 £	Citizens Advice Sandwell (generalist open door, debt service and phone service)	585,728	585,728	585,728	Citizens Advice Sandwell (homeless prevention project)	70,000	70,000	70,000	Citizens Advice Sandwell	25,260	25,260	25,260	<p>increased hardship as a result of the cost of living crisis and the need for free, high quality, community-based benefits, debt and budgeting advice is more important than ever.</p>	<p>crisis.</p> <p>2) Move to contracts - this is highly likely to cause disruption and uncertainty amongst providers just at a time when we need a stable advice offer for our residents to support them through the cost of living crisis. We need providers to continue to focus their energy and creativity on delivery - meeting residents' needs, rather than competing with each other to secure continued funding.</p>	
Organisa tion/serv ice	2023/2 4 £	2024/2 5 £	2025/ 26 £																
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Item	Reason for Decision:			Alternative options:	Lead officer:
(Resilient Resident s/ budgeting support)					
Sandwell Consortium (generalist open door & advice in children's centres)	240,305	240,305	240,305		
Sandwell Consortium (advice in children's centres)	100,265	100,265	100,265		
Smethwick Pakistani Muslim Association (generalist open door)	31,458	31,458	31,458		

	Item	Reason for Decision:	Alternative options:	Lead officer:								
	<table border="1"> <tr> <td data-bbox="197 201 356 408">Brushstro kes (immigrat ion advice)</td> <td data-bbox="356 201 472 408">32,719</td> <td data-bbox="472 201 607 408">32,719</td> <td data-bbox="607 201 723 408">32,71 9</td> </tr> <tr> <td data-bbox="197 408 356 544">Total</td> <td data-bbox="356 408 472 544">1,085,7 35</td> <td data-bbox="472 408 607 544">1,085,7 3 5</td> <td data-bbox="607 408 723 544">1,085, 735</td> </tr> </table>	Brushstro kes (immigrat ion advice)	32,719	32,719	32,71 9	Total	1,085,7 35	1,085,7 3 5	1,085, 735			
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Total	1,085,7 35	1,085,7 3 5	1,085, 735									
12	<p>Improvement Plan Progress</p> <p>Agreed:-</p> <p>(1) that progress against the Improvement Plan up to 3 November 2022 be received;</p> <p>(2) that the Improvement Plan Risk Register be received;</p> <p>(3) that Cabinet receive changes to the Improvement Plan;</p> <p>(4) to receive any recommendations or comments made by Audit and Risk Assurance Committee, and Budget and Corporate Scrutiny Management Board in relation to the Improvement Plan progress;</p> <p>(5) to recommend to Council that this</p>	<p>Under the Statutory Directions, the council is required to report progress against the Improvement Plan to the Department of Levelling Up, Housing and Communities every six months. The first report is due for submission by 22 December 2022. It is proposed that this report, along with the quarterly update received by Cabinet in September will form the basis of the report to the Secretary of State along with a covering letter. Council are responsible for approving the report made to the Secretary of State and Cabinet will make a recommendation to Council.</p>	<p>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 has a legal obligation to respond appropriately.</p> <p>The Directions issued by the Secretary of State are a statutory requirement and the council has a legal obligation to respond appropriately. Failure to do so would likely result in further intervention measures.</p> <p>Reviewing progress against the Improvement Plan enables senior officers and members have oversight of delivery, and take</p>									

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>report along with the September progress report and an accompanying letter be submitted to the Secretary of State for Levelling up, Housing and Communities to form the Council's 6 monthly update on progress against the Improvement Plan.</p>		<p>corrective action, as necessary.</p> <p>Alternative formats for reporting to the Secretary of State could be adopted, however the proposal to submit a covering letter along with the quarterly reports made to Cabinet makes use of existing reports. The Department for Levelling Up, Housing and Communities confirmed that this would be an acceptable format to them.</p>	
13	<p>Sandwell Local Plan - Approval to carry out consultation on Issues & Options and open a Call for Sites exercise</p> <p>Agreed:-</p> <p>(1) that Cabinet approves the Sandwell Development Plan Issues & Options document for public consultation for six weeks commencing in February 2023;</p> <p>(2) that the Director - Regeneration & Growth, in consultation with the Cabinet Member for Regeneration & Growth, be authorised to make minor amendments, if required, to the Issues & Options document prior to the start of public consultation;</p> <p>(3) that Cabinet authorises the opening</p>	<p>One of the first stages in the preparation of this new Local Plan is to undertake a public consultation on an Issues & Options document; and also the opening of a Call for Sites Exercise. To meet the timetable published in Sandwell's Local Development Scheme (November 2022), these stages need to commence in early 2023.</p>	<p>The preparation of a Local Plan is a statutory requirement under planning legislation. The process for preparing a Local Plan is set out in legislation and guidance. As a result, there are no alternative solutions to the preparation of a new local plan for Sandwell, which is a matter of increasing urgency. Options relating to the form and content of the Local Plan were set out in the report to Cabinet on 16th November 2022.</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>of a Call for Sites exercise for six weeks commencing in February 2023.charges addressed within the Medium Term Financial Plan.</p>			
14	<p>Re-Commissioning of the Pre-& Post Dementia Diagnostic Support Service</p> <p>Agreed:-</p> <p>(1) that the Director Adult Social Care be authorised to allocate a sum of £376k exclusive of VAT per annum of Better Care Fund (BCF) investment in a two plus one-year contract for a Pre-& Post Dementia Diagnostic Support Service for Sandwell and to award the contract to the successful tenderer;</p> <p>(2) that the Director Adult Social Care be authorised to award the Service Funding and contract following a competitive tender process to the successful organisation;</p> <p>(3) that the Director Adult Social Care be authorised to work jointly with partners to implement the agreed model which will be overseen by the Sandwell Joint Partnership Board;</p> <p>(4) that the Director of Law and Governance be authorised to execute any documents necessary to give</p>	<p>To ensure continued access to this valued service for local people living with the effects of dementia and provide stability for the service it is recommended that contract length should be for two years with the option to extend for a further year</p>	<p>There were no alternative options considered.</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>effect to the proposals in recommendation 1.2 for the provision of a Pre-& Post Dementia Diagnostic Support Service and enter into a contract with the successful organisation;</p> <p>(5) that Cabinet approve variations to the Contract up to a maximum of 10% of the contract value, should they be necessitated, and that authority to approve such variations be delegated to the appropriate Chief Officer in consultation with the relevant Cabinet Member;</p> <p>(6) that Cabinet approve an exemption to rule 8.8 (and any other applicable parts) of the Contract Procedure Rules July 2022 to allow the contract to be awarded to the successful tenderer in the event that the required minimum number of tenders are not received.</p>			
15	<p>Uplands Manor Primary School Making significant changes (prescribed alternations) consultation outcomes</p> <p>Agreed that approval be given for the significant alternation to provide 20 Focus Provision places at Upland Manor Primary School, Addenbrooke Road, Smethwick B67 6HT, following the four-week statutory consultation.</p>	<p>The Focus Provision Unit will increase the pupil numbers by providing 20 places for children with severe learning disabilities and associated needs. The DfE 'Making Significant Changes (Prescribed Alternations) to Maintained Schools' requires that when the Local Authority is proposing a significant alteration, i.e. altering a school's existing SEN provision it must consult upon the proposal and make a formal decision to</p>	<p>The pupil admission number remains the same and the former children's centre remains empty. This would leave a shortage of special educational need places in the borough. 5.2 There is no alternative accommodation in the borough that could provide the places required for 2022/2023.</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:				
		make the alteration permanent.						
16	<p>Q2 Budget Monitoring 2022/23</p> <p>Agreed:-</p> <p>(1) that Cabinet note the financial monitoring position as at 30 September 2022 and refer the report to the Budget and Corporate Scrutiny Management Board for consideration and comment;</p> <p>(2) that Cabinet approve the following budget virements above £1m in line with the revised delegated limits for Cabinet Members and Directors: -</p> <table border="1" data-bbox="241 839 775 1018"> <tr> <td>Virements above £1m for Cabinet App</td> </tr> <tr> <td>Law & Governance - Removal of Legal f</td> </tr> <tr> <td>Corporate - Removal of legal fee income</td> </tr> <tr> <td>TOTAL</td> </tr> </table> <p>(3) that Cabinet approve an allocation of £356,634 Covid funding to Sandwell Children's Trust to cover pressures relating to the pandemic experienced by them during 2021/22.</p>	Virements above £1m for Cabinet App	Law & Governance - Removal of Legal f	Corporate - Removal of legal fee income	TOTAL	<p>Section 151 of the 1972 Local Government Act requires the Chief Financial Officer to ensure the proper administration of the council's financial affairs. Budgetary control, which includes the regular monitoring and reporting of budgets is an essential element in discharging this statutory responsibility. The recommended treatment of the year end variances supports the financial sustainability of the council.</p>	<p>There are limited alternatives to the recommendations included in this report. Cabinet could decide not to allow the proposed use of reserves by directorates, but this would increase the projected overspend and result in a further reduction in the council's general fund balance.</p>	
Virements above £1m for Cabinet App								
Law & Governance - Removal of Legal f								
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TOTAL								
17	Performance Management Framework - Q2 Monitoring	Council approved a corporate Performance Management Framework (PMF) on 12 April	Council approved a corporate Performance Management					

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>Agreed that Cabinet consider progress on the further development of the Corporate Performance Management Framework and approve the Q2 monitoring reports.</p>	<p>2022, to address the recommendations of the Governance Value for Money Review by Grant Thornton and as a key element of the Council's Improvement Plan.</p> <p>Since April, the corporate PMF has been further refined and built into business processes. Reporting on Q1 was presented to Cabinet on 28 September 2022. The report on Q2 seeks to build on the intelligence gathered for Q1 and offers the opportunity to assess in year progress.</p>	<p>Framework (PMF) on 12 April 2022, to address the recommendations of the Governance Value for Money Review by Grant Thornton and as a key element of the Council's Improvement Plan.</p> <p>Since April, the corporate PMF has been further refined and built into business processes. Reporting on Q1 was presented to Cabinet on 28 September 2022. The report on Q2 seeks to build on the intelligence gathered for Q1 and offers the opportunity to assess in year progress.</p>	
19	<p>Update on Streamlining Black Country Ways Of Working - Black Country Consortium Ltd</p> <p>Agreed:-</p> <p>(1) that approval be given to the closure of the Black Country Consortium Limited</p> <p>(2) that Cabinet note the following Association of Black Country Authorities Leaders' approvals made at their meeting held on 19th October 2022.</p> <p>a) Acknowledge the track record and positive contribution enabled by BC Consortium Ltd.</p>	<p>The 2022 Levelling White Paper signalled the current shift in policy direction and a significant change in economic development architecture, namely emphasising and empowering local leadership and improving pride of place. This shift provides the latest context for a root and branch review of how streamlining ways of working at a Black Country geography needs to be reflected.</p>	<p>There are no alternative options as the Association of Black Country Authorities Leaders meeting held on 19th October 2022 has agreed to the closure of the company. The recommendations in the report are for each of the ABCA Cabinets to confirm the action taken.</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>b) A calling of a directors meeting of Black Country Consortium Ltd in January 2023 with a recommendation to voluntary wind up the company at a date to be advised and agreed during 2023.</p> <p>c) A commitment to working towards a goal of a clear regional arrangement for data and intelligence clarifying roles and responsibilities and in the interim hosting of Black Country Consortium Economic Intelligence team via Walsall MBC who will still continue to provide via a service level agreement data and intelligence to Black Country Councils as required.</p> <p>d) A fit for purpose and timely arrangement for a TUPE transfer arrangement for Active Black Country, currently hosted via Black Country Consortium Ltd to an independent entity arrangement, noting local authority hosting offers in principle from the City of Wolverhampton Council and Sandwell MBC.</p> <p>e) A potential hosting/ integration of current cultural/ visitor economy expertise by one of the BC local authorities.</p> <p>f) Historical BCC Ltd company deferred pensioners and pensioners liabilities split as a liability equally across the 4</p>			

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>BC councils, noting pension liabilities for BCC Ltd are already reflected on Black Country Councils balance sheets.</p> <p>g) A report to individual local authority cabinets (November / December 2022) to endorse the closure of BCC Ltd.</p>			