

Agenda

Smethwick Town Deal Board

Tuesday, 23 May 2023 at 3.00 pm
At This meeting is held online.

This agenda gives notice of items to be considered in private as required by Regulations 5 (4) and (5) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

1 Welcome and Opening Remarks

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

2 Apologies

To receive any apologies for absence.

3 Minutes and Action Log

7 - 12

To confirm the minutes of the meeting held on 28 February 2023 as a correct record.

Update of Action Log.

4 Declarations of Interests

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



5 **Governance Arrangements** 13 - 26

- Proposed update to Terms of Reference
- Changes to Board membership following elections

6 **Project Reporting** 27 - 96

To receive an update on project progress and monitoring information for the period of Jan - March 2023 (Private Item)

Project updates from:

Midland Metropolitan Learning Campus – Austin Bell (tbc)

7 **Forward Plans**

To receive update on the forward plans:

- Press Release/Publicity
- Site Visits

8 **Any Other Business**

9 **Closing Remarks**

Shokat Lal
Chief Executive

Sandwell Council House
Freeth Street
Oldbury
West Midlands

Distribution

A Taylor (Chair)

Cllr J Thompson, A Ali, Cllr A Lewis, Cllr B Piper, Cllr F Shaeen, Cllr K Carmichael, Cllr M Uddin, Cllr P Hughes, Cllr Z Ahmed, D Holden, G Brown, J Singh, J Wood, L Bird, M Wildman, R Flatley, J Spellar MP, S Saudagar, S Shingadia, S Partridge and S Howells.

Contact: town_deal@sandwell.gov.uk

Information about meetings in Sandwell



If you are attending the meeting and require assistance to access the venue, please contact Democratic Services (democratic_services@sandwell.gov.uk).



If the fire alarm sounds, please follow the instructions of the officers present and leave the building by the nearest exit.



Only people invited to speak at a meeting may do so. Everyone at the meeting is expected to be respectful and listen to the discussion.



Agendas with reports with exempt information should be treated as private and confidential. It is your responsibility to ensure that any such reports are kept secure. After the meeting confidential papers should be disposed of in a secure way.



This meeting may be recorded and broadcast on the Internet. If this is the case, it will be confirmed at the meeting and further information will be provided.



You are allowed to use devices for the purposes of recording or reporting during the public session of the meeting. When using your devices they must not disrupt the meeting – please ensure they are set to silent.



Members who cannot attend the meeting should submit apologies by contacting Democratic Services (democratic_services@sandwell.gov.uk)



All agenda, reports, minutes for Sandwell Council's meetings, councillor details and more are available from our [website](#)

This page is intentionally left blank

Meeting Notes – Smethwick Town Deal Board

Tuesday 28th February 2023 15:00 – 17:00

Present: A Taylor (Chair), Cllr A Lewis, Cllr B Piper, Cllr F Shaeen, J Wood and Cllr P Hughes.

Also present: M Farid, C Felicio, H Insley, R Rahim, T McGovern, A Jukes, A Bell.

Item No.	Item Description
1.0	<p>Welcome and Opening Remarks</p> <p>The Chair welcomed board members to the meeting before outlining the agenda items for discussion. The meeting was quorate.</p>
2.0	<p>Apologies</p> <p>Apologies were received from the following board members: -</p> <ul style="list-style-type: none"> • Jenna Langford – SMBC • Sandeep Shingadia – TFWM • Gareth Brown – Raglan Road Church • Mark Wildman – Sandwell Leisure Trust • Cllr Jalal Uddin – Elected Member • Cllr Zahoor Ahmed – Elected Member
3.0	<p>Minutes and Action Log</p> <p><u>Minutes</u> Board members agreed minutes of the meeting held on 29 Nov 2022 were a correct record.</p> <p><u>Action Log</u> Updates recorded on the attached Action Log.</p>
4.0	<p>Declarations of Interests</p> <p>To receive any declarations of interest from board members relating to any item on the agenda.</p> <p>The Chair asked board members to raise any declarations during discussions should they need to.</p>
5.0	<p>Governance Arrangements</p> <p>To provide verbal update on young person representation on the Board.</p> <p>A meeting took place with PMO and SHAPE colleagues where suggestions were made to update young people during the SHAPE forums. The PMO will liaise with Shape Forum and also promote the Towns Fund Projects amongst existing young people's forums. Engagement with young people on specific projects of interest such as Britannia Park (Rowley Regis) will encourage participation in other Towns Fund and future projects. SHAPE is holding a conference in June where PMO and other reps have been invited to engage with young people and build relationships. In addition, board meetings times can be revised to suit young people.</p>

	<p>A board member commented if a young member was to come onboard then it needs to be a supportive experience for them.</p> <p>With regards to the WMCA vacancy, the PMO informed Board members WMCA receive updates pertaining to Towns Fund programme on other platforms and consideration was required whether this vacancy should remain or be removed. In addition, it was also proposed to remove the Black Country LEP vacancy as from March onwards the organisation will cease to exist.</p> <p>Board members discussed and agreed that as the Black Country LEP was closing, then a rep from WMCA with the specific skills and knowledge would be beneficial.</p> <p>Action: PMO to approach colleagues at WMCA for a suitable rep.</p>
<p>6.0</p>	<p>Social Value and Local Spend</p> <p>To discuss updates to the Social Value and Local Spend guidance (highlighted in green)</p> <p>Board members received Item 6a - Draft proposal Social Value and Local Spend V3 prior to the board meeting. The document details guidance for projects on what Local Spend is, how it fits with the Social Value act, how the project leads are expected to support this and the proposal for the Towns Fund Programme.</p> <p>At the previous board meeting, a discussion took place around Social Value and Local Spend and how the Towns Fund Programme is incorporating this. The draft guidance has been updated following comments from all Towns Funds Boards to provide further clarification on prioritising local spend and social value as part of procurement.</p> <p>Updates include:</p> <ul style="list-style-type: none"> • Projects to provide details on supplier location, approach and rationale for choosing that supplier if not Sandwell/Black Country/Birmingham based. • Monitoring of Social Value targets agreed with contractors. • Compliance with SMBC Contract procurement guidelines. <p>The Programme Management Office reassured board members the projects are required to implement social value within any procurement process required. Where existing frameworks are used, projects will be required to engage with contractors to capture this information.</p> <p>A board member expressed their concerns regarding penalties if contractors don't meet the targets for local spend. PMO confirmed there aren't any penalties built into the guidance document at present and advice from SMBC procurement representative was that this was not currently incorporated into procurement contracts. There's no framework which legally requires social value and if there's no binding contractually, there's no penalty liable. Historically, there has been resource issue in monitoring targets set, however, moving forward, work is currently being undertaken to ensure that Towns Fund projects incorporate targets into the tender specification and monitor this throughout the contract.</p> <p>Action: Local Spend and Social Value to remain as an agenda item.</p>
<p>7.0</p>	<p>Project Reporting</p> <p>To receive an update on project progress and monitoring information for the period of October-December 2022.</p>

Board members received Item 7a - Smethwick Town Deal Board Reporting October - December 2022 prior to the board meeting. This appendix was shared on screen to provide an update on project progress.

The following discussions were held as a result of the information presented: -

There is some slippage but is within 40% threshold set by DLUHC.

Midland Metropolitan Learning Campus

Project lead provided an update on project progress. There is slippage into the next financial year. The planning application will be submitted end of March and full consideration is expected end of Q3 2023. The RIBA 3 design has also commenced with the architect. It was added that they are looking to procure main construction contracts which will commence in March and should have it procured by mid-year.

The design has been rationalised which has resulted in losing the top floor, re-organisation of the communication space but the original educational space has been unaffected. The benefit of doing so is to remain closer to the original budget and quicker to build. The biggest challenge will be cost inflation and match funding.

There are concerns with parking as this is a car-free development. There are conversations being held with WMCA, TFWM, Sandwell Council and Birmingham City Council looking at bus provisions and how to connect cycle lanes which already exist as part of the hospital development. The WMCA have developed a business plan for a mobility hub near the site. Fortnightly meetings are held with WMCA regarding gap funding. This project is on their pipeline. The timing of the planning application is key currently. Discussion around offering and agreeing other outputs in addition to Towns Fund outputs was taking place. A board member queried the timeframe of gap funding decision. Project lead commented the WMCA have regular investment board meetings and it was crucial to have the submission at the correct time as there is limited opportunity for resubmitting funding bids.

A board member expressed their concern on governance of the project and the additional costs incurred. Discussions took place around the reasons for changing the architects and whether this was value for money. The project lead explained that this was the correct decision at the time enabling progressing the project rather than incurring additional costs not adding value. Board members felt the approval process requires reviewing to ensure members are aware of significant changes before costs are incurred.

Action: MMLC to provide further information pertaining to costs to board members.

Action: PMO to look at assurance and come forward with a proposal regarding lowering threshold for board approval.

Ron Davis Centre

This project is on target and will complete by end of March with classrooms being operational after Easter. A board member queried if there will be a public opening. There will be an open day and the centre will be potentially be used to host a future board meeting. Further details will be shared with members regarding open day.

	<p><u>Rolfe Street Canalside Regeneration</u> Tenants have now left the site and is now in vacant possession. There are some outstanding surveys which have to be completed in March due to seasonal factors and site works are due to commence in Aug 2023. The unknown ground conditions could potentially increase remediation costs.</p> <p><u>Grove Lane Regeneration</u> There is slippage of the whole amount into future years. CPO proceedings have been approved by Cabinet. Subsequently this will affect the time frame and will be costly also adding 12-18 months onto the process. DLUHC have been kept updated from the outset so they are aware of the challenges and will continue to be kept updated.</p> <p><u>Smethwick Connected</u> This project is progressing ahead of schedule. All connected projects require footfall figures being submitted to DLUHC, so working with project leads to have installation of counters so footfall data is being monitored. Baseline data was requested to better understand the current usage as board member expressed concerns regarding lack of use of cycling route.</p> <p>Action: PMO to circulate baseline footfall data.</p>
8.0	<p>Forward Plans To receive update on the forward plans:</p> <ul style="list-style-type: none"> • Consultation plan • Press release/publicity • Site visits <p>The PMO presented the updated forward plans detailing upcoming consultations, press releases and site visits. These will be updated periodically and circulated to board members to promote where applicable.</p> <p>There is regular correspondence between PMO and project leads where details of consultations are shared and will be circulated to board members for promoting amongst networks. A visit to Ron Davis Centre can potentially double up as a location for the next board meeting.</p>
9.0	<p>Any other Business</p> <p>None.</p>
10.0	<p>Closing Remarks</p> <p>The Chair thanked board members for their attendance and contributions to the meeting, before closing the meeting at 16:59.</p>

Smethwick Town Deal Board Action Log

Open Actions

Date	Description	Responsible Officer(s)	Update
29.11.22	PMO to request detailed activities against spend for the Midland Met Learning Campus project and report back to Town Deal Board members.	Rina Rahim/ Maaria Farid	Response emailed separately. Project update to be provided at Board meeting, however, further details requested from project on costs incurred to date
28.2.23	PMO to approach WMCA for Board representative	Rina Rahim/ Maaria Farid	WMCA will attend Board as when required
28.2.23	MMLC to provide further information pertaining to costs to board members.	Project Lead – Austin Bell via PMO	To circulate to Board members
28.2.23	PMO to look at assurance and come forward with a proposal regarding lowering threshold for board approval.	Rina Rahim/ Maaria Farid	On Agenda
28.2.23	PMO to circulate baseline footfall data for Smethwick Connected	Rina Rahim/ Maaria Farid	Footfall data will be collected throughout the programme and reported to DLUHC once all schemes are complete. Baseline data can be provided as per FBC

Closed Actions

Date Raised	Date Closed	Description	Responsible Officer(s)	Update
29.11.22	28.2.23	PMO to feedback concerns regarding the absence of director/ executive officers and ensure at least one executive officer is in attendance at future meetings.	Rina Rahim/ Emma Parkes	Raised concern to director/executive officers
29.11.22	28.2.23	Cllr Peter Hughes to feedback comments raised by Board Members to SMBC Procurement Services and to seek input regarding what can/ cannot be done in regard to penalising contractors should social value not be met.	Cllr P Hughes	Updated provided at Board meeting 28.2.23
29.11.22	28.2.23	PMO to request detailed activities against spend for the Midland Met Learning Campus project and report back to Town Deal Board members.	Rina Rahim/ Emma Parkes	Response emailed separately. Project update to be provided at Board meeting.
29.11.22	28.2.23	PMO to invite Midland Met Learning Campus project lead to attend the next Town Deal Board meeting.	Emma Parkes	Completed

29.11.22	28.2.23	PMO to update future meeting appointments to a duration of two hours.	Emma Parkes	Completed
28.06.22	29.11.22	PMO to contact board members to confirm their interest to continue as a board member.	R Rahim/ E Parkes	Complete
28.06.22	29.11.22	Terms of Reference to be updated to include 50% attendance annually is mandatory and would trigger individual board member review.	R Rahim/ E Parkes	Complete
28.06.22	29.11.22	PMO to circulate short survey to capture board member preference on board meeting day/ time.	R Rahim/ E Parkes	Complete

Smethwick Town Deal Board 23 May 2023

Subject:	Governance Arrangements
Contact Officer:	Rina Rahim, Towns Fund Programme Manager

1. Purpose of the Report

- 1.1. To review and update the Towns Fund Programme Terms of Reference following DLUHC guidance.
- 1.2. To provide update on changes Board Membership following May 2023 elections .
- 1.3. To approve update to scheme of delegation for abortive/changes to budget.

2. Background and Main Considerations

- 2.1. To co-ordinate the three Towns Deals in Sandwell, an overarching Towns Fund Superboard (Town Deal Board) was established in July 2020 with three Town-level Local Boards established as working groups of the Superboard.
- 2.2. The model of the Superboard being supported by three Local Boards was effective throughout Phase 1 – Development of Town Investment Plans (submitted to DLUHC October 2020) and Phase 2 – Development of Full Business Case (Summary Documents submitted to DLUHC by March 2022), through robust due diligence and assurance processes.
- 2.3. On 18 May 2022, SMBC Cabinet approved the Governance Arrangements for the Towns Fund Programme Phase 3 – Delivery (109/22). As a result, the Sandwell Superboard structure has been replaced by the three Local Boards, who inherit Superboard responsibilities.

3. Smethwick Town Deal Board Membership

- 3.1. At the Smethwick Town Deal Board meeting held on 12 July 2022, Board Members were asked to confirm their interest to remain as a Board Member by completing an online survey and returning their signed Code of Conduct and Register of Interest Forms. Board Members were asked to respond by Friday 26 August 2022.



- 3.2. Queries were received from MPs regarding the requirement to complete these forms, considering these are already submitted when elected and held at Central Government as well as being submitted as part of the Superboard. Further guidance was sought via SMBC democratic services and DLUHC who both require completion of Register of interest documentation on an annual basis.
- 3.3. The Terms of Reference have been updated to reflect this recommendation.

Item 5 Code of Conduct

5.1 All Members of the Town Deal Boards will sign Code of Conduct upon their appointment, which is based on the Seven Principles of Public Life (Nolan Principles) and contained within Article 13 of the Council’s constitution.

5.2 Members of the Town Deal Boards as a whole will be required to declare and register any gifts and/ or hospitality upon their appointment and on an annual basis, which will be maintained by the Council. Board members will be required to declare new interests by contacting the Programme Management Office or by declaring at the next Board meeting.

3.4 Following the May 2023 elections, the Annual appointment to Boards by Full Council will take place on 23 May. The Board membership will be updated where applicable to reflect these changes.

3.5 Terms of Reference Annex 1 Scheme of Delegation

Following discussions with the Chairs and Vice Chair of the Boards, it was recommended to updated the scheme of delegation to set out process for project leads to inform the Boards of potential sunken costs/financial implications to project costs prior to changes being made by project leads. The Scheme of delegation has been updated as follows:

Type of Variation	Scale of Variation	Action Required	Required Board endorsement?
Financial	Potential sunk/abortive costs to project budget of £5k or above or 10%, whichever is greater	Report to PMO/Update Board	Yes

Appendices

Towns Fund Programme Terms of Reference V5
Smethwick Town Deal Board Membership



Towns Fund Programme Terms of Reference

V5 May 2023

1. Purpose of Document

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

2. Context

- 2.1. Governance was provided to this programme through the Towns Fund Superboard and three Local Boards, and the Council as the Accountable Body for Phases 1 and 2.
- 2.2. For Phase 3 - Delivery, the work of the Town Deal Boards (historic Local Boards) will involve reviewing progress of the Towns Fund Programme and projects, assessing change requests and ensuring compliance with Heads of Terms. In accordance with the Towns Fund Guidance published June 2020 and updated guidance in, the Local Boards will each act as the Town Deal Board for their respective Towns.
- 2.3. DLUHC guidance outlines the following responsibilities for the Town Deal Board: -
 - 2.3.1. Phase 3 of the Programme (project delivery) - that the Town Deal Board should ensure an element of independent 'on-the-ground' monitoring of the deal delivery and act as a 'critical friend' throughout the programme lifecycle.

- 2.3.2. Through project delivery, ensure regular catch ups with the Town Deal Board to enable the board to see through the town vision, take ownership of their proposed projects and provide a level of accountability.
- 2.3.3. The Town Deal Board should have an ongoing role and sight of decisions, the nature and degree of which should be agreed locally.

3. Roles and Responsibilities

3.1. Town Deal Board

3.1.1. The Town Deal Board will be responsible for: -

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

3.1.2. The Chair of the Town Deal Board will be responsible for: -

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

3.2. Sandwell Council

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

3.2.2. Sandwell Council is responsible for: -

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

4. Board Vacancies

- 4.1. **Town Deal Board** - Vacancies occurring within the Town Deal Board are for the identified organisations to make an appointment to in line with their own governance procedures. Where no such representation is provided, the Board will review the membership to decide whether alternative organisations or community representation are to be invited.
- 4.2. **Elected Members** – SMBC Full Council nominates Councillors and Cabinet Members to represent Town Deal Boards on an annual basis (Appointments to other Bodies). Where the appointed nominees for the Town Deal Boards do not represent the appropriate wards for the funding programme, an additional elected member can express their interest, to ensure all Wards are covered. The Chair and Town Lead will make the decision should there be more than one elected member expressing interest for the same Ward. Town Deal Board members will cast votes where a decision cannot be agreed.
- 4.3. The Town Lead Member is responsible for reporting progress back to Ward Members via Town Member Board Meetings.
- 4.4. **Young People's Representatives** - Vacancies occurring in young people's representation at Town Deal Boards will be identified and appointed to via the Sandwell Council Youth Service in consultation with the Chair of the Town Deal Boards, as appropriate.

5. Code of Conduct

- 5.1. All Members of the Town Deal Boards will sign the Councillor Code of Conduct **upon their appointment**, which is based on the Seven Principles of Public Life (Nolan Principles) and contained within Article 13 of the Council's constitution.
- 5.2. Members of the Town Deal Boards as a whole will be required to declare and register any gifts and/ or hospitality **upon their appointment and on an annual basis**, which will be maintained by the Council. **Board members will be required to declare new interests by contacting the Programme Management Office or by declaring at the next Board meeting.**

6. Decision Making – Town Deal Boards

- 6.1. The Council's Principles of Decision Making will apply to the Town Deal Boards, as laid out in article 13 of the Council's Constitution. 'Elected Member' is taken to refer to Town Deal Board member: -
 - 6.1.1. Article 13.02 Principles: -
 - Proportionality (i.e. the action taken is proportionate to the desired outcome);
 - Decisions are taken on the basis of due consultation and professional advice from officers (Decisions taken by elected members will be based on information provided in a written report prepared by the responsible officer/s);
 - Respect for human rights and giving due regard to the Public Sector Equality Duty;
 - A presumption in favour of openness (Reports will only be considered in private where they contain exempt information as defined in Schedule 12A to the Local Government Act 1972 (as amended) (see Part 4 Access to Information Rules – Rule 10);
 - Clarity of aims and desired outcomes (The written reports submitted to elected members will contain a clear recommendation of the professional officer for every decision they are asked to take)
- 6.2. **Quorum** – the Town Deal Boards will be considered quorate with one quarter of voting members present.
- 6.3. **Voting** – any matter will be decided upon by a simple majority of those members present in the room and eligible to vote. Where a decision cannot be concluded by a vote, the Chair will have the final decision making authority.
- 6.4. **Confirmation of minutes** - The Chair presiding shall put the question that the minutes submitted to the meeting be approved as a correct record.

6.5. Declarations of Interest

- 6.5.1. Members shall be required to declare interests in accordance with any relevant statutory provisions and the Members' Code of Conduct as set out in Part 5 of the Constitution.
- 6.5.2. Where a Town Deal Board member has a disclosable pecuniary interest or pecuniary interest in the business of the authority he/ she must withdraw from the room or chamber where the meeting considering the business is being held unless the member has obtained a dispensation from the Council's Monitoring Officer.
- 6.5.3. Where a Town Deal Board Member is nominated as the Lead Officer for a project and/ or is involved in project delivery, they may attend the Town Deal Board discussion relating to the project in the capacity of providing and presenting information but they may not participate in any deliberations or decision by the Town Deal Board concerning that project.
- 6.6. In the event that Town Deal Board wishes to move to a vote, any matter will be decided upon by a simple majority of those members present in the room and eligible to vote.
- 6.7. The Chair shall have a casting vote.

7. Scrutiny

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

8. Transparency and Accountability

8.1. Town Deal Board Agendas and Minutes

- 8.1.1. The Council will publish Town Deal Board meeting agendas on Modern.gov 5 clear days before the meeting.
- 8.1.2. Draft minutes of the Town Deal Boards will be published within 10 clear working days; and
- 8.1.3. Approved minutes of the Town Deal Boards will be published within 10 clear working days

8.2. Member profiles

- 8.2.1. Profiles of Town Deal Board Members will be published on Modern.gov.uk

8.3. Conflicts of Interest

- 8.3.1. Members of the Town Deal Boards will be required to declare any conflicts of interest (commercial, actual and potential). This will be maintained by the council in a declaration of interest register which will be managed by Sandwell Council.
- 8.3.2. Town Deal Board Members should take personal responsibility for declaring their interests before any decision is considered by the Town Deal Boards. These will be formally noted within the published minutes of meetings of the Town Deal Boards including action taken in response to any declared interest.
- 8.3.3. Town Deal Board Members should take personal responsibility for declaring their interests prior to an item being discussed. These will be noted within the minutes including action taking in response to any declared interest. If any Member has any queries about their interests and the disclosure thereof, they should seek advice from the Monitoring Officer.

9. The Boards relationship with Sandwell Council

- 9.1. In accordance to the government guidance, the Town Deal Board will have sight and endorse Accountable Body decisions in the delivery of the Towns Fund Programme. Sandwell Council will remain the Accountable body for any Town Deal funding that is received, and any other funding received in future in relation to Town Deal projects.
- 9.2. These Terms of Reference do not change, replace, substitute for or amend in any way the statutory powers or duties or other responsibilities of any of the people or organisations represented on the Sandwell Town Deal Boards.
- 9.3. The procurement policies of Sandwell Council will apply. Where external professional advice is required, consultants will be identified using the procurement policies of Sandwell Council and contracts will be entered into between Sandwell Council and the relevant organisation in accordance with Sandwell Councils policies and procedures including its contract procedure rules.
- 9.4. Where applicable, Sandwell Councils Cabinet will receive regular reports on progress of activities through regular performance monitoring.
- 9.5. Board Members shall make themselves available from time to time to meet Cabinet and / or Portfolio Holder and to attend meetings of the Council's Scrutiny Committee if invited.

9.6. The council's Data Protection Officer and the PMO will support the Board in dealing with any data protection questions. The councils framework can be found at Information Governance and Data Protection.

10. Membership

10.1. The Lead Council has responsibility for establishing the Town Deal Boards for the development and implementation of the Town Investment Plans

10.2. The Town Deal Boards will now assume responsibility for future governance under these Terms of References in consultation with the Accountable Body.

10.3. Membership will be reviewed annually and seek to continue to be representative of a diverse range of sectors, skills and interests in Sandwell in order for the Sandwell Towns Boards to be a valuable resource to drawn on at all stages of the Town Investment Plan implementation.

10.4. The updated membership will be reported to Cabinet at least on an annual basis to align with Annual appointments.

10.5. All Board members are expected to attend at least a minimum of 50% of the annual meetings held, unless exceptional circumstances which have been agreed by the Chair.

10.6. Advisors – Advisors are invited by Board Members and participate in the meetings but will have no voting rights or ability to make decisions on behalf of the Board.

10.7. S151 Officer – Sandwell Council is the Accountable Body for the Town Board. The Council's S151 Officer or substitute will have a standing invite on the Town Deal Boards to ensure compliance with all necessary financial regulations.

10.8. These terms of reference may be reviewed and modified at any time in consultation with the Monitoring Officer, Director of Law and Governance.

11. Scheme of Delegation

11.1. The Scheme of delegation in relating decision making are included as an annex to these Terms of Reference.

11.2. A decision which is made in contravention of the process will be invalid based on non-compliance unless the Town Deal Board has given prior approval for variation in the decision-making process.

11.3. Any financial decision must be signed off by Sandwell's S151 Officer as the Accountable Body. The Council's S151 Officer will ensure compliance with all

necessary financial regulations, in order to protect the Accountable Body and ensure proper administration of all financial affairs.

- 11.4. The Chair of the Town Deal Board can decide to convene a meeting where decisions need to be considered by the Town Deal Boards which does not fit within the timeframe of the scheduled meetings. Where possible, the standard notice period will apply for any such meeting.
- 11.5. Where a meeting cannot be convened, urgent decisions can be endorsed by the Town Deal Board through a written procedure.
- 11.6. Only in the most exceptional circumstances might it be considered necessary and appropriate for a matter of strategic importance usually reserved to the Main Board to be decided through this procedure. This will apply where a project cannot continue without a decision being approved, therefore posing a significant risk to project deliverability. This includes, but is not limited to:
 - (a) Time limited reallocation of funding
 - (b) Changes to Heads of Terms
 - (c) Changes to Mandatory Indicators and financial profiles
- 11.7. Written/Urgent Procedure: -
 - 11.7.1. Following consideration by Director of Regeneration and Growth/S151, a report in the usual meeting format and including reasons for urgency, will be circulated to the Chair/Vice chair to consider whether, due to the urgent nature of the decision to be made, it is necessary and appropriate for the decision to be made before the next meeting.
 - 11.7.2. The Chair/Vice Chair may consult with Director of Regeneration and Growth /S151 or other officers to provide further information where required.
 - 11.7.3. Within 5 working days of the report being presented, the Chair/Vice Chair will inform whether the decision is endorsed on behalf of the Board.
 - 11.7.4. For transparency the report, reasons for urgency, and decision will be presented to the next Town Deal Board meeting.

12. Objections following Consultations

- 12.1. Project Leads will present any objections that have been received following consultation on Towns Fund projects to the Town Deal Boards. The Town Deal Board will consider the objections and alternative options prior to making a decision in consultation with the appropriate Cabinet member.
- 12.2. In the event that a decision cannot be agreed between Town Deal Board and Cabinet member, a separate meeting will be held with the Leader, Cabinet Member, Chair of Town Deal Board and Director of Regeneration and Growth to discuss/resolve difference of view.

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

Annex 1

Type of Variation	Scale of Variation	Action Required	Requires Town Deal Board endorsement?	Delegated Authority to approve	Approval required from DLUHC	Action following DLUHC approval
Heads of Terms	Any Changes to the Heads of Terms	Submit Project Adjustment Request	Yes	Director of Regeneration & Growth in consultation with Cabinet Member and S151 Officer *(subject to May 22 Cabinet approval)	Yes S151 sign off required	Issue Deed of Variation
Financial	A decrease/increase of grant funds to be drawn down by the project which is less than £250,000					
	A decrease/increase of grant funds to be drawn down by the project which is greater than £250,000					
	Any decrease of match funding					
	An increase in the match funding cost of the project without impact to the agreed funding for the project, the outputs/ outcomes or project completion	Update PMO	n/a	Towns Fund Programme Manager	No	Issue Re-profile letter Report to Town Deal Board
	Potential sunk/abortive costs to project budget of £5k or 10%, whichever is greater	Report to PMO	Yes	Towns Fund Programme Manager	No	Not applicable
Time/ Schedule	Slippage of milestones with no effect on total grant, completion date, outputs/outcomes	Update PMO	No	Towns Fund Programme Manager	Tbc	Issue Re-profile letter Report to Town Deal Board
	Slippage of outcomes and/ or grant claim profile, requiring re-profiling across future financial years with no overall change to project	Submit Project Adjustment Request	Yes	Director of Regeneration & Growth in consultation with S151 Officer*	Yes S151 sign off required	Issue Re-profile letter Report to Town Deal Board
Outcomes/Outputs	An increase in the outputs and outcomes of the project.	Quarterly reporting by project lead	No	Towns Fund Programme Manager	No	Report to Town Deal Board
	Any decrease to Mandator indicators outputs and outcomes of the project.	Submit Project Adjustment Request	Yes	Director of Regeneration & Growth, in consultation with S151 Officer and Cabinet Member	Yes S151 sign off required	Issue Deed of Variation
	Any decrease to Local Measures	Submit Project Adjustment Request	Yes	Director of Regeneration & Growth	Tbc	Issue Re-profile letter
Other	Changes to project contact information, administrative errors and others which have no impact to approved outcomes, outputs or grant.	Inform Project Lead/PMO	No	Towns Fund Programme manager	Tbc	Update documentation and Local Board where applicable

This page is intentionally left blank

Smethwick Town Deal Board

23 May 2023

Subject:	Project Reporting
Contact Officer:	Rina Rahim, Towns Fund Programme Manager

1. Purpose of the Report

- 1.1. To receive an update on project progress and monitoring information for the period of January – March 2023.
- 1.2. For Board members to approve the DLUHC return to be submitted by 9th June

2. Background and Main Considerations

- 2.1. As West Bromwich, Smethwick and Rowley Regis enter Phase 3 – Delivery, monitoring will be a key aspect to ensure the Accountable Body and DLUHC track progress of the fund and the projects it is delivering.
- 2.2. To ensure the Accountable Body and Town Deal Boards receive reporting on a regular basis to monitor project progress, expenditure and risks, it is a requirement set by the Programme Management Office that West Bromwich, Smethwick and Rowley Regis project leads must submit Monitoring, Evaluation and Claim Returns on a quarterly basis, as a minimum.
- 2.3. The projects submitted the first set of claims up until September 2022 which were collated and submitted to DLUHC in December 2022. These have been reviewed and a further project progress update was undertaken with DLUHC in April 2023 to determine the timing of releasing payment for 23/24 which is as follows:

Project	Proposed payment date	Rationale
Grove Lane	TBC	Review in September for update on CPO proceedings
Rolfe Street	October 2023	Await site works to commence
Midland Met Learning Campus	October 2023	Awaiting decision from Planning application
Smethwick Connected		Payment received

- 2.4. The monitoring returns relating to January – March 2023 are being processed and detailed project progress is reported as Agenda item number 6. Board members are invited to consider the detailed project updated as per Item 7 on the Agenda. Brief summary to date is as follows:

- The overall Towns Fund spend for 2022/23 forecasted from December 2022 claims was expected to be £4,756,582.51 resulting in a carry forward of £2,660,867.49 (34% slippage)
- Actual spend to March 2023 was £2,609,127.27 resulting in £4,808,322.73, a 65% underspend carried forward to 23/24
- Several projects have been required to carry forward spend into 23/24:
 Rolfe Street forecast slipped to October 2023 due to compulsory ecology surveys required during Spring 2023.
 Midland Met Learning Campus underspent against forecast; however, this should be back on track in the current financial year.
 Smethwick Connected aimed to bring forward spend from future year, however, this was not possible and works started in April 23.
- No change requests required this quarter.
- **Ron Davis Expansion** – Site works completed, project sourcing equipment and furniture
- **Grove Lane** – Preparatory works initiated to start legal proceedings which can take 3+ months
- **Rolfe Street** – Ecology surveys commenced with site works planned in October 2023
- **Midland Met Learning Campus** – Planning application submitted at the end of April 2023.
- **Smethwick Connected** – Phase 2 to complete soon with Phase 5 brought forward to 23/24

2.5. The next reporting period to DLUHC for spend and progress for the year ending March 2023 is due on 9th June. DLUHC are aware of the reasons for slippage and have not raised any concerns and will release funding following regular updates. Further progress reports may be requested as part of assurance activities as the underspend carried forward is above 40%. DLUHC may require the achievement of key milestones prior to releasing funding for 23/24 such as Cabinet approvals, planning permissions etc.

Appendices

Smethwick Town Deal Reporting January – March 2023 (to be emailed as private pack)

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank