

Agenda

Smethwick Town Deal Board

Thursday, 7 September 2023 at 3.00 pm
At This meeting will be 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 23 May 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

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Updated Scheme of delegation/Terms of Reference and Board membership

6 **Project Adjustment Request** 27 - 62

Change Request – Midland Met Learning Campus Summary
Midland Met Learning Campus Project Adjustment Report (Private item)
Smethwick MMLC Project Adjustment Form (Private item)
DLUHC project adjustment guidance

7 **Project Reporting** 63 - 132

To receive an update on project progress and monitoring information for the period of April 23 – June 23 (Private item)

8 **Forward Plans**

To receive update on the forward plans:
• Press Release/Publicity/Site visits

9 **Any Other Business**

i. Project reports for next Board meeting

10 **Closing Remarks**

Shokat Lal
Chief Executive
Sandwell Council House
Freeth Street
Oldbury
West Midlands

Distribution

Councillor A Taylor (Chair)
Councillors J Thompson, Ali, Lewis, Piper, Padda, Shaeen, Carmichael,
Uddin, Hughes, Holden, Brown, Singh, Wood, L Bird, M Wildman, Flatley,
Spellar, Saudagar, S Shingadia and S Howells

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Meeting Notes – Smethwick Town Deal Board

Tuesday 23rd May 2023 15:00 – 17:00

Present: A Taylor (Chair), J Thompson, Cllr A Lewis, Cllr F Shaeen, J Wood, Cllr P Hughes, G Brown, A Ali, Cllr J Uddin, K Harris, L Bird, R Flatley and S Hines.

Also present: M Farid, C Felicio, H Insley, R Rahim, E Parkes and T McGovern.

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 • Austin Bell – Project Lead • Paul Mallon – West Midlands Police
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> <p>Action: PMO to add forward planning of the next meeting to end of the Agenda so it can be decided who is to be invited for the next meeting.</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> <ul style="list-style-type: none"> • Proposed update to Terms of Reference • Changes to Board membership following elections <p>There are two suggestions for updating the Terms of Reference:</p> <ul style="list-style-type: none"> - Terms of Reference to be updated so it is clear that its required to update Register of Interest on an annual basis and any interest on an ongoing basis is reported to PMO or at the next meeting which was agreed by Board Members - In the Scheme of Delegation project leads to inform PMO of any sunken or abortive costs of £5000 or above 10% - whichever is greater. This is referring to individual budget line and not the overall budget.

The following comments were made by Board Members:

- A percentage cannot be put on a large project and isn't viable
- Suggestions were made to have a maximum figure for larger projects i.e. £25,000 or £50,000 and a 10%/£5000 percentage for smaller projects
- A further suggestion was made to have a separate column for non-construction costs as sunken/aborted costs take place before construction, or make it clear this is applicable to all costs.

The draft will be amended to include the above suggestions and circulated to the other two Boards for further comments

as there needs to be consistency across the programme. Members asked what would happen if other boards reject our suggestions. Chair confirmed they would still be able to apply the suggestions as is relevant to this board.

6.0 Project Reporting

To receive an update on project progress and monitoring information for the period of Jan – Mar 2023

Board members received Item 6a - Smethwick Town Deal Board Reporting Jan – March 2023 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: -

PMO reminded members there's a return submission due to DLUHC on 9th June 2023 for all activities up until 31st March 2023.

There is some slippage to future financial years. All outputs forecasted for 2022/23 have been achieved. The forecast spend for 2023/24 is ambitious so we need to be ensure that projects will be able to spend as this is monitored against. A DLUHC update in April following a Dec 22 submission resulted in funding being released depending on milestone rather than releasing funding up front.

Ron Davis Centre

This project has 90% completed with the build completed and just awaiting fittings which required additional funding. A site visit will be arranged for June/July and it could be a potential site for a future meeting. Classes are expected to begin from August 2023.

A board member expressed concerns regarding the local community not fully benefiting from the centre. It was added the centre focuses on specialist courses.

Action: PMO to introduce A Ali to Ron Davis Project Lead.

Rolfe Street Canalside Regeneration

There is slippage to future years which is more than 30% so RAG rated as red. There are scheduled surveys which are staggered throughout the summer. Pre-site works are due to complete and site works are to commence in Oct 2023.

Grove Lane Regeneration

Majority of the 22/23 funds has slipped into future years. There is cabinet approval for CPO proceedings and legal work has progressed. Milestones have been pushed back.

Midland Metropolitan Learning Campus

There is slippage into the next financial year. The planning application was submitted for approval in April 2023 and determination is expected in July. The project is still anticipated to start delivering training in Feb 2024.

Match funding is being sought from WMCA for the next financial year to enable building to deliver a net zero carbon facility They are also looking into alternative funding opportunities to support this.

Due to the change in circumstances the University of Wolverhampton are no longer able to commit to leasing the building, however, are still interested in using the facility. Details of this arrangement are currently being considered.

Board members were sent further information pertaining to costs as per action from last meeting.

Smethwick Connected

This project is spending on target with their spend and delivery. The Phase 2 works are ongoing currently. The project was anticipating to complete Phase 2 by April, but it's pushed back to June/July.

It was expected to have one upgrade to one cycle path this financial year and three in the next financial year. It was commented that there is significant disruption when these works were in place which incur further costs and disruption to locals. Others echoed the same concerns and comments regarding the lengthy time to complete these works. It was clarified that some of the works were related to the Accelerated scheme which had to be paused due to COVID restrictions.

The project had claimed delivery of cycle path completed by 31 March, however the milestone stated completion was June 23 due to finishing works being completed over the coming week.

Action: PMO to confirm with Project Lead whether there's formal completion of works or whether it is to be moved to align with the milestones.

A Board Member suggested it would be beneficial to have a site visit with PMO and some Board Members to meet with Contractors.

Action: PMO to organise a site visit for Smethwick Connected.

Action: Chair requested comments about Smethwick Connected to be addressed to Project Manager.

PMO informed Board Members that slippage will be reported to DLUHC at the beginning of June and invited Board Members to get in touch if they wanted any further clarification prior to submission.

Board members felt it would be useful to have details of the number of Sandwell jobs supported throughout the project delivery. PMO stated that this is not a requirement for DLUHC or the outputs monitored as part of the project delivery and may be difficult where existing contractors/frameworks are being used. The projects are required to monitor the number of temporary jobs supported overall, and the Sandwell jobs where

	<p>agreed as an additional Social Value/Local Measure which are reported in the project tables.</p> <p>Project leads will be informed of the request from Board members.</p>
7.0	<p>Forward Plans</p> <p>To receive update on the forward plans:</p> <ul style="list-style-type: none"> • Press release/publicity • Site visits <p>DLUHC are looking to do site visits. Ron Davis will be included in the visit once they have their furniture and fittings. Other projects such as Grove Lane and Rolfe St aren't due to be included this time round. Dates will be shared with Board Members once they're aligned with DLUHC and Project Leads. Previous visits with DLUHC have been successful and beneficial for all.</p> <p>There will be a press release for Ron Davis Centre once the furniture and fittings are complete. There will also be press releases to promote the Midland Metropolitan Learning Campus planning application and Smethwick Connected once the current phase is completed.</p>
8.0	<p>Any other Business</p> <p>PMO informed Board Members the next meeting in August will be rescheduled due to clashes. The new date will be sent out in due course. Additionally, there are plans to do hybrid meeting at Ron Davis Centre.</p> <p>Comms have produced a signature graphic for key facts of the Regenerating Sandwell schemes and Towns Fund projects. PMO requested members to use this graphic in their signature if possible, and also use to share any press releases through their networks.</p>
9.0	<p>Closing Remarks</p> <p>The Chair thanked board members for their attendance and contributions to the meeting, before closing the meeting at 16:50.</p>

Smethwick Town Deal Board Action Log

Open Actions

Date	Description	Responsible Officer(s)	Update
23.5.23	PMO to add forward planning of the next meeting to the end of the Agenda so it can be decided who is to be invited for the next meeting.	PMO	Completed – on Agenda
23.5.23	Introduce A Ali to Ron Davis Centre Project Lead.	PMO	Completed – emailed on
23.5.23	PMO to confirm whether Smethwick Connected Phase 2 formal completion of works or whether it is to be moved to align with the milestones.	PMO/Rina Rahim	Completed – milestone changed to formal completed
23.5.23	PMO to organise a site visit for Smethwick Connected.	PMO	Completed – undertaken on 11 th August
23.5.23	PMO to share concerns/comments with Project Manager for Smethwick Connected.	PMO/Rina Rahim	Completed – updated Project Lead and concerns
28.2.23	PMO to circulate baseline footfall data for Smethwick Connected	Rina Rahim/ Maaria Farid	Baseline data emailed to members

Closed Actions

Date Raised	Date Closed	Description	Responsible Officer(s)	Update
28.2.23	23.5.23	MMLC to provide further information pertaining to costs to board members.	Project Lead – Austin Bell via PMO	Circulated to Board Members.
28.2.23	23.5.23	PMO to look at assurance and come forward with a proposal regarding lowering threshold for board approval.	Rina Rahim	Update provided at Board Meeting 23.5.23
28.2.23	23.5.23	PMO to approach WMCA for Board representative.	Rina Rahim/ Maaria Farid	WMCA will attend Board as when required. Forward planning to be picked up at the end of each meeting to decide who is to be invited at the next meeting.

29.11.22	23.5.23	PMO to request detailed activities against spend for the Midland Met Learning Campus project and report back to Town Deal Board members.	Rina Rahim/ Maaria Farid	Update provided at Board meeting 23.5.23.
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

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. SMBC projects will follow the Council's process for decision making following objections to consultations and where possible, prior to seeking endorsement from the Towns Fund Board. The Town Deal Board will consider the objections and alternative options in consultation with the appropriate Cabinet member to make an informed decision.

- 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 and virement to project budget headings, including non-construction costs as follows: £5k for projects below £1m £25,000 for projects above £1m	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

Smethwick Town Deal Board Membership

V3 June 2023

Name	Representing/ Organisation
Alan Taylor	Chair of Smethwick Town Deal Board/ MI Glass
Cllr Bob Piper	SMBC Cabinet Member
Cllr Farut Shaeen	SMBC Smethwick Town Lead
David Holden	Sandwell College
Gareth Brown	Raglan Road Church
Jatinder Singh	Guru Nanak Gurdwara
John Wood	Liberty Engineering
Leona Bird	SCVO
Cllr Kerrie Carmichael	SMBC Leader
Cllr Peter Hughes	SMBC Cabinet Member for Regeneration and Growth
Jude Thompson	Vice Chair of Smethwick Town Deal Board
Sandeep Shingadia	Transport for West Midlands
Steve Howells	Sandwell and West Birmingham CCG
Samantha Partridge	West Midlands Police (<i>A no. of reps in line with rest days</i>)
Abdul Ali	Ileys Community Association
Mark Wildman	Sandwell Leisure Trust
<i>Samina Saudagar</i>	<i>Barnado's – to be removed</i>
Richard Flatley	Sandwell Visually Impaired
Cllr Jalal Uddin	Soho & Victoria Ward
Cllr Ashley Lewis	Smethwick Ward
<i>Vic Sylvester</i>	<i>On behalf of John Spellar MP Warley Constituency</i>
<i>Vacancy</i>	<i>Young Persons Representative- to be promoted via Shape/Youth Forums</i>
SMBC Officer Representatives (Advisory)	
Shokat Lal	Chief Executive
Surjit Tour	Monitoring Officer
Tony McGovern	Director, Regeneration and Growth
Simone Hines	S151 Officer/ Director of Finance
Kelly Thomas	Employment and Skills
Jenna Langford	Regeneration Manager
Rina Rahim	Towns Fund Programme Manager
Emma Parkes	Towns Fund Programme Officer
Hayley Insley	Smethwick Town Lead
Clinton Felicio	Smethwick Town Lead Support



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Smethwick Town Deal Board 7 September 2023 at 3pm

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

1. Purpose of the Report

- 1.1. For Board members to consider the change request from the Midland Met Learning Campus:
- a) to reduce the building size from 3792m² to 2887m², a 24% reduction
 - b) to increase the matchfunding from £2.24m to £4.97m from West Midlands Combined Authority subject to approval.

2. Background

- 2.1. The Midland Met Learning Campus is one of the 5 projects approved by DLUHC as part of the Smethwick Towns Fund allocation. The Towns fund allocation approved for the MMLC is £12.9m with a further £2.24m of matchfunding from the West Midlands Combined Authority and £650k from the NHS.
- 2.2. The original Heads of Terms funding allocation was offered to deliver 6000m² of new education and community space as identified from the Town Investment Plan.
- 2.3. During the development of the Full Business Case, a change request was submitted to reduce the output of new education space from to 6000m² to 3792m² following review of the concept design and identifying the site plan. The Full Business case was approved in June 2022.
- 2.4. Following approval of all Sandwell business cases, projects proceeded with the delivery phase, however the procurement phase for some projects highlighted cost pressures due to the changes and cost increases in the construction industry. Projects have been required to value engineer to ensure they can be delivered within the funding envelope.
- 2.5. DLUHC are aware of the cost pressures to projects across all Towns Fund Programmes and are updated on projects facing any difficulties. Although, no further funding is offered from DLUHC to meet any cost pressures, there have been changes made to the project adjustment request thresholds, enabling some flexibility to reduce outputs to support projects facing these challenges.
- 2.6. The DLUHC change request process delegates authority to the Towns Fund Boards and Accountable Body to approve project changes, including reduction of outputs and

outcomes, subject to the reduction being no more than 30%, and the revised BCR calculation being above the threshold of 1.0

- 2.7. Following approval of the Midland Met Learning Campus Full Business Case, the project has been working with architects undertaking full costs analysis which has identified that a further change is required to reduce the building size from 3792m² to 2887m², a 24% reduction. The matchfunding ask from WMCA is increased from £2.24m to £4.97m to enable the delivery of a net zero project.
- 2.8. Although the reduction in the floorspace has been possible following design review and reducing ancillary/plant space, the overall footprint remains the same. The project has obtained a revised BCR scoring which has increased from 4.03 to 4.23 mainly due to the additional job outcomes offered subject to the approval of c£4.9m matchfunding from WMCA.
- 2.9. There is no change to the remaining learner outputs to be delivered by the project.
- 2.10. A detailed change request report has been submitted by the project applicant for the Boards consideration.

Appendices

6a Midland Met Change request report – private item

6b DLUHC Project Adjustment Request form- private item

6c Towns Fund Project Adjustment Request Procedure

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Department for Levelling Up,
Housing & Communities

**Towns Fund: Project Adjustment Requests
Frequently Asked Questions
Updated July 2023**

The Department for Levelling Up, Housing and Communities (DLUHC) has recently introduced a delegated Project Adjustment Request (PAR) process for some of its Levelling Up programmes. Following this announcement, we have updated the Towns Fund PAR guidance and republished some general principles and criteria for places making changes to their projects.

In our experience, early engagement between the Department and Accountable Bodies makes for a more streamlined process and reduces the likelihood of further information being requested once a PAR is submitted. If you are thinking of making a change to a project, you should engage in the first instance with your CLGU Area Lead and/or Towns Fund central team lead. This will help determine whether a PAR is required and, if so, whether it is a delegated decision or requires Departmental approval.

This guidance covers both Town Deals and Future High Streets Fund (FHSF). However, as FHSF is in its final year of delivery we do not expect places to make significant changes to projects and would encourage local authorities to focus on delivering agreed plans by programme-end.

This guidance includes:

- 1. What constitutes a Project Adjustment Request (PAR)?**
- 2. What is out of scope for a PAR?**
- 3. What criteria PARs need to meet?**
- 4. How are PARs assessed?**
- 5. How to Submit PARs**

1. What constitutes a Project Adjustment Request (PAR)?

Project adjustments include but are not limited to:

- An overall change of scope.
- Re-scoping of outputs/outcomes.
- Change to a project's Towns Fund funding amount.
- Change to a project's match funding amount (if this impacts on outputs and outcomes).
- Movement of funds between projects within the programme.
- Merging projects or splitting projects into multiple interventions.
- Cancellation of projects.
- A change in location.

2. What is out of scope for a PAR?

- **Solely moving project funding across years with no change to planned outputs and outcomes, for example as a result of delivery slippage.** There is no need to submit as part of a PAR as this is reconciled via our performance reporting process and reflected in subsequent payments. However, if you are submitting a PAR because your project outputs and/or scope have changed then you **should** include a revised financial profile. This will provide assurance that your changes remain deliverable before programme end as we cannot agree to project changes that go beyond the stated spend deadlines.
- **New projects** – new projects are no longer allowed to be brought into the programme during the delivery stage. If a project does need to be cancelled, a reallocation of funding to ensure the successful delivery of other projects is permitted subject to meeting the PAR criteria. If you are unsure whether your proposal constitutes an entirely new project, please contact the Department.
Changing a project's name - This can be amended by informing your area and central team contacts or via the performance reporting process.

3. What criteria do PARs need to meet?

A PAR form should be submitted which includes your most recently approved project baseline and the changes you want to make to that.

The PAR should also meet the following criteria:

Town Deals:

- The changes have been approved by the Town Deal Board, which includes the local MP
- The project can be delivered and spend achieved by 31 March 2026
- The project BCR is above 1. For BCRs close to 1 you may be required to submit additional information.
- The change has Section 151 Officer approval
- The changes do not exceed the town's funding envelope

- Outputs and outcomes are consistent with the themes set out in Town Investment Plans
- Changes align with the strategic priorities set out in Town Investment Plans

FHSF:

- Investment is within the parameters of the Fund
- FHSF funding will be spent by 31 March 2024
- Overall proposal has co-funding
- A review of the overall proposal will be undertaken to ensure it meets minimum BCR of 2:1 or 1.5:1 provided there is a strong strategic case
- No more than 5% on 'beautification'
- The change has approval from LA SRO and Section 151 officer
- Addresses Market Failure: market failure arises where the market fails to deliver regeneration and infrastructure and the public sector is required to intervene as a result

4. How are PARs assessed?

The section below covers the recently announced delegations, as well as how changes to financial profiles will be dealt with. There are now two routes for assessment and approval of PARs, both routes require a PAR form to be submitted to the Towns Fund team at DLUHC

Route 1: Delegated:

The following changes can be agreed by Town Deal Boards and Accountable Bodies, provided they meet the Acceptable PAR criteria set out at Section 3:

- Up to 30% change to agreed project outputs and outcomes
- 30% flexibility to move spend across years (although please see Question 2 on what to do if your PAR solely relates to slippage across financial years)
- Reallocating up to 30% of project funding to another project within the specific Towns Fund programme, provided:
 - i) the change does not exceed 30% of the source project value.
 - ii) the projects remain good value for money as per the requirements of each fund and,
 - iii) outputs, outcomes and spend timetable (approved Annex A-1) do not move or reduce by more than 30%.

We are unable to accommodate movement of funding between Future High Streets Fund and Town Deals.

The delegations only apply to outputs and outcome indicators that have already been agreed with the Department. Therefore, if your PAR is removing an agreed output and adding a new activity this would need to be submitted to DLUHC for approval as it could be fundamentally different to what was originally agreed.

Some worked examples are included at **Appendix A** as a guide to what would or wouldn't be considered a delegated change. However, we also recommend early engagement with the Department which will help identify the decision-making route.

In exceptional circumstances, the Department may "call in" projects for review. This could be where there is considerable local disagreement, or the changes are novel and contentious. It could also apply if the PAR is considered to be a material change on the original project agreement. However, we would notify places if this is the case.

For delegated PARs, you should still complete the PAR form and submit it to the Towns Fund central inbox. Whilst DLUHC is not formally approving these PARs, it is important for monitoring purposes that we are aware of the changes you are making (see Question 5).

Route 2: Standard:

PARs above the delegations set out above should be submitted to DLUHC for approval in the usual way. We will aim to ensure that all approvals take place within 20 working days.

This will be measured by calculating the time from which a review commences to receiving approval notification: therefore, it will not be from the point of submission but from the point the Department has triaged the form and confirmed no further information is required from the local authority before the PAR is assessed. As noted previously in this guidance, early engagement with DLUHC will minimise the risk that approvals are delayed due to missing information. We will notify you if your PAR approval is likely to take longer than 20 working days.

5. How to Submit PARs

For Delegated and Standard PARs:

- Please use the following forms: [Town Deals PAR](#) or [FHSF PAR](#), and,
- Submit to towns.fund@levellingup.gov.uk, copying your local Area and/or Central Lead.
- Indicate in the body of the email if you consider your PAR to be a delegated change.

APPENDIX A – Examples of Delegated / Standard PARs.

Delegated PAR

Due to cost increases **Town A** is reducing the length of Cycle & Walking routes by 30%. This is part of a wider regeneration project which will also create a 1000m² public square, plant trees and develop shop units. This change forms one element of multiple developments. Therefore, the change can be seen as minor and the route to approval is via the local authority as the accountable body.

Outputs – Town A	Current	Revised
Length of new cycle ways	2km	1.4km
Length of new pedestrian paths	2km	1.4km
Created new Public Realm	1000m ²	1000m ²
Trees planted	15	15
Commercial Units	5	5

Town C is progressing with a project and would now like to incorporate an area of land adjacent to the building they are renovating. As there is no change to the original outputs and the change will provide additionality for no extra costs, the change can be seen as minor and the route to approval is via the local authority as the accountable body.

Outputs – Town C	Current	Revised
Heritage buildings renovated or restored	1	1
Trees planted	10	20
Existing parks improved	1	2

Standard PAR

Town B's 1000m² of rehabilitated land will no longer be delivered through the programme **but** the project will retain the public realm outputs. The loss of outputs forms a key element of the proposed project. It is therefore a significant change to the projects scope requiring DLUHC approval.

Outputs – Town B	Current	Revised
Public Ream	1000m ²	1000m ²
Amount of rehabilitated land	1000m ²	0

Town D needs to move location for one project, instead of developing a commercial space to support businesses, the space will now provide a community training space. There is a swap between outputs for (current) enterprises assisted and (new) learners enrolled. The changes still fit within the strategic objectives of the programme and the town's TIP. However, this is a significant change to the scope of the project and the route to approval is via DLUHC.

Outputs – Town D	Current	Revised
Heritage buildings renovated restored	1	0
Improved cultural facilities	0	1
Enterprises assisted	20	0
Learners enrolled	0	300

Smethwick Town Deal Board

7 September 2023 at 3pm

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 April - June 2023.

2. Background and Programme Update

- 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 monitoring returns relating to January – March 2023 were submitted to DLUHC on 9th June and are currently being reviewed by DLUHC. There are two payments outstanding as follows:

Project	Proposed payment date	Rationale
Grove Lane	TBC	Payment received to date £2.61m Remaining balance £1.74m will be paid following update from CPO proceedings
Midland Met Learning Campus	December 2023	Awaiting decision from Planning application

- 2.4. Board members are invited to consider the detailed project updated as per Item 7 on the Agenda. Summary to date is as follows:

- The Towns Fund spend for Qtr1 is £1,011,987 with a 23/24 forecast currently forecasted as £6,727,159

- The spend to date is summarised as follows:

DLUHC payments received to date	11,903,250.00
Spend to date	3,647,265.19
% of spend June 23	31%
Forecasted cumulative spend from March 22 to March 24	9,363,438.07
% spend	79%
Slippage to future years	21%

Should projects spend as forecasted, slippage to future years will be within the tolerance threshold on 40%.

- **Ron Davis Expansion** – Site works completed, project sourcing equipment and furniture to be installed in early September. An open day will be arranged once all equipment installed to promote the project construction completion.
- **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 23 is expected to be considered at the October 23 Planning Committee. Change request is to be considered by Board members.
- **Smethwick Connected** – Phase 2 complete with Phase 5 brought forward to 23/24 with works on site. Project progressing ahead of original milestones.

Appendices

7a Smethwick Town Deal Reporting January – March 2023 (to be emailed as private pack)

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