

Sandwell Metropolitan Borough Council Statement of Decisions made at a meeting of the Executive on Wednesday, 21 June 2023

Published:

The following decisions were made by the Executive at its meeting on **Wednesday, 21 June 2023**. These decisions will come into force on **30 July 2023**. A decision by the Executive may be called-in (in accordance with Part 4 – Scrutiny Procedure Rules of the Council’s Constitution) by **29 July 2023**. Should you have any queries about any decision that has been made, contact should be made in the first instance to Democratic Services at democratic_services@sandwell.gov.uk. Any declaration of interest made by any member of the Executive is shown below.

	Item	Reason for Decision:	Alternative options:	Lead officer:
4	<p>2022/23 Financial Outturn</p> <p>Resolved:--</p> <p>(1) That Cabinet receive the financial outturn reports of each directorate service area (Appendices 1A to 1J), the Housing Revenue Account (Appendix K) and the ISB (Appendix L), and refer them to the Budget and Corporate Scrutiny Management Board for consideration and comment.</p> <p>(2) That Cabinet approve the Revenue Contributions to Capital Outlay (RCCO) and reserve transfers of</p>	<p>Section 151 of the 1972 Local Government Act required the Chief Financial Officer to ensure the proper administration of the council’s financial affairs. Budgetary control, which included the regular monitoring and reporting of budgets was an essential element in discharging this statutory responsibility. The recommended treatment of the year end variances supported the financial sustainability of the council.</p>	<p>Cabinet could vary the proposed treatment of the year end variances from budget.</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
	£32.388m set out in Appendix 1 and Appendix 3.			
5	<p>Adoption of Housing Strategy 2023-2028</p> <p>Resolved:-</p> <p>(1) That approval be given to the Housing Strategy for Sandwell 2023-28 as set out in Appendix 1.</p>	<p>The report set out the Council's housing vision and ambitions for the 5-year period to the end of 2028, showing how the Council intended to address the key housing challenges affecting the community. It set out the Council's priorities and objectives for meeting housing need and working with tenants and residents to build sustainable and cohesive communities across the borough.</p> <p>In addition, the document would outline how Sandwell Council planned to meet the current and future forecasts of housing need in the Borough, including specific household groups such as those with care and support needs and people from diverse equalities groups.</p> <p>The strategy would help meet the issues identified in the Housing Needs Assessment, produced in 2022. By achieving the strategic housing objectives set out in this strategy, the Council would support the delivery of the commitments in the Corporate Plan 2021-25, specifically on the theme of 'Quality Homes in Thriving Neighbourhoods'.</p>	<p>The Local Government Act 2003 required all local housing authorities to publish a Housing Strategy setting out a vision for housing in its area, including objectives, targets and policies on how the authority intended to manage and deliver its strategic housing role.</p>	
6	<p>Application For and Adoption Of Moving Traffic Contraventions Enforcement Powers</p> <p>Resolved:-</p>	<p>With the exception of Bus Lane enforcement, only West Midlands Police had the legal authority to fine drivers for contravening moving traffic offences. Poor compliance with Traffic Regulation Orders</p>	<p>Business as usual (Do Nothing) was not recommended as enforcement of moving traffic contraventions would remain the sole responsibility of West Midlands Police. Due to limited</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>(1) That the Director of Borough Economy be authorised to make an application to the Department for Transport for powers to enable the enforcement of Moving Traffic Contraventions (MTCs) (listed in Appendix A) in accordance with Part 6 of the Traffic Management Act 2004 across the whole of Sandwell Council adopted road network.</p> <p>(2) That the Director of Borough Economy be authorised to set Penalty Charge Notices (PCNs) to be issued with Moving Traffic Enforcement (MTE) at the higher level of (£70) for moving traffic contraventions (reduced to £35 if paid within 14 days) in line with existing civil enforcement activities undertaken in the borough.</p> <p>(3) That the Scheme of Delegations to Officers (Executive side function) be amended to enable the Director of Borough Economy, in consultation with the relevant Cabinet Member for Environment and Highways, to make decisions on moving traffic offences as follows:</p> <ul style="list-style-type: none"> • the development and management of operational policy regarding enforcement, 	<p>for certain moving offences had a detrimental effect on road safety and network efficiency, Sandwell Council wished to apply to the Department for Transport for Moving Traffic Contravention enforcement powers under Part 6 of the Traffic Management Act 2004.</p> <p>Acquiring these powers would allow Sandwell to be more proactive in improving road safety, air quality, congestion, and network management. In addition, having these powers would provide an effective tool to respond to resident, school, and councillors' concerns in a more positive and proactive manner, as currently all issues related to non-compliance were referred to the local police who had limited resource available for moving traffic enforcement.</p>	<p>police resource, ongoing effective enforcement of moving traffic contraventions was unlikely, and this had the potential to impact the safety and efficiency of the highway network at the worst identified locations.</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>site selection and operation;</p> <ul style="list-style-type: none"> • approval of future enforcement sites and their operation; • to undertake the required consultation process with any unresolved objections to be heard by the Cabinet Member for Environment and Highways. <p>(4) That subject to (1) – (3) above, the Director of Law and Governance be authorised to amend the Scheme of Delegations to Officers (executive side function) in relation to Director of Borough Economy.</p>			
7	<p>Asset transfer of Charlemont Community Centre, Beaconview Road, West Bromwich</p> <p>Resolved:-</p> <p>(1) That approval be given to authorise the Director of Housing to undertake the asset transfer of Charlemont Community Centre, Beaconview Road, West Bromwich, B71 3PJ to Sandwell African Caribbean Mental Health Foundation (SACMHF) based on a full repairing lease for 99 years with a rental of £1 per annum for a multi-purpose community facility and office space.</p>	<p>As part of this process, Asset Transfer of sites had been considered as an option that had the potential to deliver both stability and future investment in facilities. Since the Local Authorities current Asset Transfer Policy had been in place (2011), a successful asset transfer of Brasshouse Community Centre had already taken place and 2 further asset transfers were agreed by Cabinet in 2022/23.</p> <p>Following an extensive consultation and negotiation period with local voluntary organisations and all relevant stakeholders, the authority had identified Sandwell African Caribbean Mental Health Foundation (SACMHF) as a preferred partner for Charlemont Community Centre.</p>	<p>To Retain SMBC operational management, the site required significant investment which would potentially be a financial pressure on Asset Management. Revenue budgets would also have had to be identified for SMBC to operationally manage the site</p> <p>This would not have signalled to the wider voluntary and community sector that the Council value their contribution as partners and wanted to use asset transfer as a positive tool for enabling the development of enterprising and sustainable organisations with a long-term stake in the area.</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>(2) That, in relation to (1), approval be given to authorise the Director Law and Governance and Monitoring Officer to enter into or execute under seal if necessary, a formal lease for Charlemont Community Centre.</p>			
8	<p>Asset transfer of Hurst Road Community Centre, Oldbury B67 6ND</p> <p>Resolved:-</p> <p>(1) That approval be given to authorise the Director of Housing to undertake the asset transfer of Hurst Road Community Centre, Oldbury, B67 6ND to Sandwell Asian Family Service (SAFS) based on a full repairing lease for 99 years with a rental of £1 per annum for a multi-purpose community facility and office space.</p> <p>(2) That, in relation to (1), approval be given to authorise the Director Law and Governance and Monitoring Officer to enter into or execute under seal if necessary, a formal lease for Hurst Road Community Centre.</p>	<p>Since June 2022, the Housing Directorate had been actively exploring long-term options to secure the future of three of its community centres.</p> <p>As part of this process, Asset Transfer of sites had been considered as an option that had the potential to deliver both stability and future investment in facilities. Since the Local Authorities current Asset Transfer Policy had been in place (2011) a successful asset transfer of Brasshouse Community Centre had already taken place and two further asset transfers were agreed by Cabinet in 2022/23.</p> <p>Following an extensive consultation and negotiation period with local voluntary organisations and all relevant stakeholders the Authority had identified Sandwell Asian Family Services (SAFS) as a preferred partner for Hurst Road Community Centre.</p>	<p>To Retain SMBC operational management, the site required significant investment which would potentially be a financial pressure on Asset Management. Revenue budgets would also have had to be identified for SMBC to operationally manage the site</p> <p>This would not have signalled to the wider voluntary and community sector that the Council value their contribution as partners and wanted to use asset transfer as a positive tool for enabling the development of enterprising and sustainable organisations with a long-term stake in the area.</p>	
9	<p>Equalities, Diversity and Inclusion (EDI) Commission</p>	<p>The Equalities Commission (EC) Terms of Reference expired on 31 March 2023. Refreshing the EC was a key strategic</p>	<p>The alternative option would be to do nothing and not to have the Equalities Commission. The council</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>Resolved:-</p> <p>(1) That approval be given to the establishment of the Equality, Diversity and Inclusion Commission (EDI Commission);</p> <p>(2) That approval be given to the Terms of Reference for the Equality, Diversity and Inclusion Commission (EDI Commission) as set out in Appendix 1.</p>	<p>deliverable in the Sandwell Improvement Plan.</p>	<p>is not legally obliged to have an Equalities Commission.</p>	
<p>10</p>	<p>Feasibility of establishing a Council Owned Housing Company</p> <p>It was agreed that this matter be deferred for consideration.</p>			
<p>11</p>	<p>Rolfe Street Masterplan – Approval</p> <p>Resolved:-</p> <p>(1) That the results of the public consultation undertaken on the Draft Rolfe Street Masterplan during February to March 2023 as set out in the Consultation Report be considered.</p> <p>(2) That, in relation to (1), approval is given to the Rolfe Street Masterplan as amended.</p>	<p>Authority to undertake community consultation on the Draft Rolfe Street Masterplan was granted by Cabinet on 18th January 2023. The Masterplan had been prepared following engagement with officers, Members, members of the public and stakeholders.</p> <p>The period of consultation was undertaken between 6th February 2023 and 20th March 2023. From the consultation process 41 responses were received on the online questionnaire with additional letters received from other stakeholders, and the Masterplan had been amended wherever possible to reflect local views. Approval of the final</p>	<p>Not progressing with a Masterplan for the area would have not created a platform from which to promote development opportunities in the area or provide a strong base to bid for further funding. The continued regeneration envisioned for this area would not be achieved and it would prevent the potential development of up to 660 much needed homes, within one of the most deprived areas of Sandwell.</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
		<p>masterplan was approved with the proposed amendments in full, to assist with guiding decisions with development proposals within the area.</p>		
12	<p>Parking Charges Policy with Hybrid Working Benefits</p> <p>Resolved:-</p> <p>(1) That the decisions of the Cabinet taken on 20 July 2022 in relation to the review of parking charges policy be updated to include the decisions below following representations at public consultation to accommodate the most significant concerns (see Minute No. 148/22.</p> <p>(2) That future reviews of the appropriate documents that make up the Sandwell Local Plan consider the appropriate level of parking provision in centres for the future, taking into account the level of redevelopment planned and implemented since the last review, climate change policy and facilitating modal shift through parking management.</p> <p>(3) That the proposed scales of parking charges are not applied to Sandwell Valley car parks.</p> <p>(4) That for off-street car parking, the</p>	<p>Adjustments were proposed to mitigate the major concerns raised during public consultation from 18th August 2022 to 30th September 2022 and at a public meeting on 1 February 2023. The recommendations sought to realign parking charges to support the objectives of Climate Change Policy, Carbon Reduction, Air Quality, sustainable transport choices, balancing available parking with demand and to meet the cost of providing and maintaining car parks, parking related services and sustainable transport projects. The recommendations were consistent with approved Council policy to support and facilitate Regional and National policy objectives.</p>	<p>To alternatively fund parking and traffic related services from the general fund would partly rely on subsidy from 30% of Sandwell households that did not have access to a car or van and had less ability to pay.</p> <p>To leave parking charges unchanged was not recommended as it would have missed the opportunity to support the strategic response to the declared Climate Change Emergency. It also would have missed the opportunity to make the most of changes in travel behaviour as experienced during the pandemic, it would have failed to address supply and demand problems, would miss the opportunity to mitigate against the future increases in demand and associated impacts on safety, the environment, trade for small businesses and local economy and would fail to take the opportunity to encourage working from home and modal shift in transport choice.</p> <p>A further option, in response to concerns about town centre trade</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
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scale of charges be reset including a new low cost 30 minute charge, removing the previous proposals for 2026 and 2027 (subject to the review) as follows:-

Outside West Bromwich

Up to No. of Hours	2016 To 2023	
30 mins	40p	
1 hr	40p	
2 hrs	80p	
3 hrs	£1.20	
4 hrs	£1.60	
Day	£4.00	

Within West Bromwich

Up to No. of Hours	2016 to 2023	
30 mins	40p	
1 hr	40p	
2 hrs	80p	
3 hrs	£1.20	
4 hrs	£1.60	
Day	£4.00	

- (5) That parking shall be free of charge at the following times with increased concessions over Christmas.

was to make a 30-minute stay, free for pay and display parking, to encourage passing trade. This was not a recommended option as it would increase enforcement costs. This option would still have required a no cost pay and display ticket to be issued and displayed (to record time of arrival) to avoid a penalty charge, leading to misunderstanding and an escalation of appeals. The total impact was difficult to estimate but could reduce income by £50,000 to £100,000 per year.

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<ul style="list-style-type: none"> · On Sundays, · Overnight between the hours of 18.00 and 08.00. · For Blue badge holders and; · For all Saturdays in December (except Sandwell Valley) · Every Saturday for season ticket holders (except Sandwell Valley) <p>(6) That short stay on-street parking charges will remain unchanged.</p> <p>(7) That all long stay season tickets are valid for use at Sandwell Valley car parks on the nominated days covered by the season ticket.</p> <p>(8) That West Bromwich long stay Season Tickets are valid for all Council long stay car parking on the nominated days.</p> <p>(9) That the annual charges for long stay season tickets that</p>			

	Item	Reason for Decision:	Alternative options:	Lead officer:
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operate on nominated days of the week be set, on the basis of one season ticket per vehicle, removing the previous proposals for 2026 and 2027 (subject to the review) and based on the representations received that the proposed increases within West Bromwich are reduced and aligned more closely with charges across the Black Country Authorities as follows.

Outside West Bromwich

No, of Days per Week	2015	
1	£175	
2	£175	
3	£175	
4	£175	
5	£175	

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

No, of Days per Week	2015	
1	£390	
2	£390	

Item	Reason for Decision:	Alternative options:	Lead officer:						
<table border="1" data-bbox="271 193 775 320"> <tr> <td data-bbox="271 193 528 240">3</td> <td data-bbox="528 193 775 240">£390</td> </tr> <tr> <td data-bbox="271 240 528 288">4</td> <td data-bbox="528 240 775 288">£390</td> </tr> <tr> <td data-bbox="271 288 528 320">5</td> <td data-bbox="528 288 775 320">£390</td> </tr> </table> <p data-bbox="271 352 775 488">(10) That for all zero emission electric vehicles a 50% reduction in season ticket prices will apply.</p> <p data-bbox="271 528 775 799">(11) That the monthly scales of season ticket charges will be levied at 10% of the annual scales of season ticket charges for car parks either within West Bromwich or outside West Bromwich as appropriate.</p> <p data-bbox="271 831 775 1070">(12) That at the few locations where long stay on-street parking charges are necessary, charges will be set to correspond with the off-street scale of hourly parking charges.</p> <p data-bbox="271 1110 775 1206">(13) That the Off-Street Parking Places order is updated with the following changes.</p> <ul data-bbox="315 1270 775 1410" style="list-style-type: none"> ○ Remove Bull Street Multi Storey, West Bromwich and Morrisons car park and Market Place car park, 	3	£390	4	£390	5	£390			
3	£390								
4	£390								
5	£390								

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>Wednesbury.</p> <ul style="list-style-type: none"> ○ Include wording for paying by other means advertised where there is no functioning ticket machine, no refunds for season tickets and spaces marked for electric vehicle recharging to only be used when actively recharging a vehicle. ○ Include West Bromwich Street and Causeway Green Road car parks in the main Off Street Order and revoke the two individual orders. ○ Change the operating times for New Street Disabled car park, West Bromwich. At present it is Monday to Saturday 8am to 6pm. New time 7 days a week at any time. This is to keep spaces available for blue badge holders in the evening. ○ Include Roway Lane car park, Oldbury. ○ Include wording so that bays marked for recharging electric vehicles, disabled badge holders and motorcycles operate at all times. This is to prevent others parking in these bays after 6pm. <p>(14) That the income from parking charges is used to meet the</p>			

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>cost of car park maintenance, electricity for lighting, business rates, parking management, operation and enforcement, implementation of Traffic Regulation Orders, traffic management and associated statutory road safety functions, to include parking enforcement in front of schools and working with schools to promote road safety and inform parents concerning inconsiderate parking and that the improvement work to car parks scheduled in Appendix A is completed by the end of 2024 and in the event that income exceeds these costs that any remaining funding would contribute to public passenger transport projects or the provision of electric charging points on car parks or active travel projects.</p> <p>(15) That the Director of Borough Economy in consultation with the Head of Human Resources and Chief Executive consider mitigations for any employees that are identified as being impacted to a significantly greater extent than others</p>			

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>due to the requirements of their job.</p> <p>(16) That the Director of Borough Economy be authorised to undertake the necessary public and statutory consultation required to introduce and amend the necessary Traffic Regulation Orders (TRO's) for additional on-street parking restrictions where necessary;</p> <p>(17) That that the Cabinet Member for Highways and Environment, in consultation with the Cabinet Member for Finance and Resources, the Director of Borough Economy and the Director of Finance be authorised to review the benchmarking of parking charges against the prevailing rates across the Black Country in 2025 and either confirm that the increases scheduled for 2025 will continue at that level, or require public consultation on increased rates for 2026 and 2027 to inform a further report to Cabinet for decision.</p> <p>(18) That the Director of Borough</p>			

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>Economy be authorised to implement the approved scales of parking charges and approved recommendations as soon as possible and to implement the approved further increases at the earliest practical opportunity in January of each subsequent calendar year.</p> <p>(19) That the Director – Law and Governance and Monitoring Officer be authorised to undertake the necessary statutory procedures to bring the approved recommendations into effect.</p>			
13	<p>Social Housing Decarbonisation Fund - Wave 1 Delivery</p> <p>(1) That the Director of Housing be authorised to extend the External Improvement Works contract (reference SCC465) with Vinci Construction Ltd to 30th September 2023 to enable the delivery of the works awarded under the Grant for Social Housing Decarbonisation Fund (SHDF) Wave 1.</p> <p>(2) That the Director of Housing be</p>	<p>Approval was granted by Cabinet on 23rd February 2022, to accept the grant funding and provided delegated authority to the Director of Housing to instruct the Council’s delivery partner, Vinci Construction Ltd, to deliver energy improvement works under the existing contract.</p> <p>While orders for delivery of this project were placed with Vinci Construction Ltd prior to the end of the original contract, delays in mobilisation had been experienced due to price and supply chain volatility which has prevented works being delivered within the</p>	<p>The Cabinet Paper and decision made of 23rd February 2022 contained alternative options in the award and delivery of these works.</p> <p>Option 1 – Commence new procurement exercise specifically for SHDF Wave 1 works. This would cause delays in the delivery of works and the delivery would extend beyond the DESNZ deadline. Procurement and legal costs would have been incurred and contractors would not tender for a small amount</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>authorised to grant a contract variation to the External Improvement Works contract (SCC465) with Vinci Construction Ltd under Regulation 72 of the Public Contract Regulations 2015 in order to allow up to £5m of works to be delivered under the SHDF Wave 1 programme.</p>	<p>existing contract term.</p> <p>Following engagement with Legal Services and Corporate Procurement, the recommendation was to extend the term of the contract with Vinci Construction Ltd from 31st December 2022 for a further 9 months to 30th September 2023 in order to allow sufficient time to deliver the positive impacts that this programme would bring.</p> <p>This initiative clearly supported the drive towards a greener, low-carbon economy and a need to address Climate Change priorities. It would also help to address high levels of fuel poverty in the Sandwell area.</p> <p>Acceptance of the proposals would plan to have the following effect:</p> <ul style="list-style-type: none"> • A reduction in fuel poverty levels • Improved living conditions for tenants in Council homes • Improved EPC ratings for the properties concerned • Promote the Council's reputation as being serious about climate change and the move towards a carbon-neutral economy. 	<p>of work covered under SHDF wave 1. Reputation risk with the Combined Authority and DESNZ would also be impacted.</p> <p>Option 2 – Access an alternative OJEU complaint framework to deliver energy improvement works. This would cause delays in the delivery of works and the delivery would extend beyond the DESNZ deadline. Procurement and legal costs would have been incurred and contractors would not tender for a small amount of work covered under SHDF wave 1. Reputation risk with the Combined Authority and DESNZ would also be impacted.</p> <p>Option 3 - Return the grant funding back to the West Midlands Combined Authority and DESNZ. This would have been a reputational and financial risk, with grant funding being lost and the full cost of future works would need to come from the HRA.</p>	
14	<p>Wednesbury Conservation Area Appraisal and Management Plan; Approval to carry out public consultation</p> <p>Resolved:-</p> <p>(1) That the Director of Regeneration</p>	<p>The conservation area appraisal and associated proposals augment heritage focussed regeneration works carried out as part of Wednesbury's High Street Heritage Action Zone (HAZ) scheme.</p> <p>Although there was no statutory requirement</p>	<p>The option exists to not consult on the appraisal and management plan.</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>and Growth be authorised to undertake public consultation on Wednesbury's Conservation Area Appraisal and Management Plan contained in Appendix A,</p> <p>(2) That Cabinet receive a further report, if and when necessary, setting out the responses to the consultation and any changes that result from them.</p>	<p>to consult the public, it was good practice to do so; by consulting local communities and owners on new designations, and when appraising and reviewing conservation areas, consideration could have been given to relevant information that either could present, helping to ensure decisions were robust. Local communities and owners would also be helpful in providing proactive assistance in identifying the general areas that merit conservation area status and defining the boundaries.</p>		