

Decisions of Cabinet

Sandwell Metropolitan Borough Council Statement of Decisions made at a meeting of the Executive on Wednesday, 13 September 2023

Published:

The following decisions were made by the Executive at its meeting on **Wednesday, 13 September 2023**. These decisions will come into force on **25 september 23**. A decision by the Executive may be called-in (in accordance with Part 4 – Scrutiny Procedure Rules of the Council’s Constitution) by **25 September 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:
5	<p>Levelling Up Partnership</p> <p>Resolved:-</p> <p>(1) that approval be given to the geographical focus for Sandwell LUP as Wednesbury Town (Wednesbury North,</p>	<p>Sandwell was one of 20 places to have been invited to form a Levelling Up Partnership (LUP) which presented the Council an opportunity to access a funding offer of £20m capital funding. This would enable 630 new homes (157 affordable), land acquisition for future housing delivery and</p>	<p>Alternative geographical areas could have been put forward for the focus of Sandwell’s LUP. The selection of Wednesbury Town was the result of joint exploration between DLUHC and Cabinet Members, which took into account the</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>Wednesbury South and Friar Park);</p> <p>(2) that the Director of Regeneration and Growth and S151 Officer in consultation with the Leader be authorised to review and formally accept the LUP offer/ grant conditions from DLUHC;</p> <p>(3) that approval be given to commence delivery of Levelling Up Partnership interventions, subject to S151 Officer authorisation and acceptance of grant conditions from DLUHC as set out in (2) above;</p> <p>(4) that approval be given for the Council to act as the Accountable Body for the Levelling Up Partnership Programme, adopt programme governance arrangements and establish</p>	<p>improvements to 4 green spaces.</p>	<p>indicators used to select Levelling Up Partnership areas, areas that could require cross government support to successfully deliver positive outcomes, major opportunities for capital spend to deliver against the levelling up missions, LUP funding criteria and local insight through the initial deep dive activity conducted by DLUHC Civil Servants. The geographical focus area of Wednesbury was acceptable to DLUHC and therefore presented the best chance of Sandwell to secure the LUP investment to deliver the shortlisted projects and achieve the outcomes for the LUP.</p> <p>Alternative interventions were put forward to DLUHC for consideration as part of the initial deep dive activity.</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>a Wednesbury Levelling Up Partnership Board and associated Terms of Reference;</p> <p>(5) that the Director Law and Governance in consultation with the Director of Regeneration and Growth and the Leader be authorised to make any changes to the Wednesbury Levelling up Partnership Board Terms of Reference to respond to any Government guidance or requirements;</p> <p>(6) that the Director of Regeneration and Growth in consultation with the Leader be authorised to invite expressions of interest and conduct any necessary selection processes to make appointments to the Wednesbury Levelling Up Partnership Board;</p>		<p>These included proposals for an increase of SEND provision in Sandwell, exploration of alternative measures to divert nuisance bike activity and additional regeneration proposals that have viability barriers to proceeding. These schemes were discounted by DLUHC as part of the initial deep dive activity. The selected shortlist of projects presented the best chance of Sandwell securing the LUP investment.</p> <p>Alternative governance arrangements could have been put in place for the Levelling Up Partnership. The proposed arrangements reflected learning from the Towns Fund Programme governance arrangements and proposed an adoption of a similar model of governance.</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>(7) that subject to acceptance of grant conditions as set out in (2) above, that in relation to Levelling Up Partnership interventions, that the following capital expenditure be approved and added to the Capital Programme for 2023/24 and 2024/25:</p> <p>a. in relation to Friar Park Urban Village project, that capital expenditure of up to £11.5m be authorised to bring forward the Friar Park Urban Village Scheme, as per the recently approved Masterplan for this site and that officers are authorised to renegotiate the current Joint Venture Agreement (JVA) with West Midlands Combined Authority to reflect the nature of this significant investment and to deal with related commercial matters</p>			

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>that impact on the JVA now that the Council is the primary funder using LUP resources;</p> <p>b. in relation to Wednesbury Town Centre Improvement project, that capital expenditure of up to £4.45m be approved for site improvement, acquisition and public realm improvement works;</p> <p>c. in relation to the Wednesbury Community Safety project that capital expenditure of up to £0.4m be approved for CCTV scheme improvements, mobile cameras for flytipping and installation of low level bike inhibitors as deterrents to ASB and crime;</p> <p>d. in relation to the Greenspaces project that capital expenditure of up to</p>			

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>£1.65m be approved for improvements to green spaces in Wednesbury;</p> <p>e. in relation to the Friar Park Millennium Centre extension, approval is requested for an appropriate scheme to be designed; planning consent to be obtained; procurement of a construction partner to deliver the scheme; capital expenditure of up to £2m be authorised for the scheme to be delivered; and all relevant agreements and actions be taken to ensure this project is delivered that enhances the community offer (this approval updates the previous Cabinet approval for this scheme of 15/03/2023);</p> <p>(8) that subject to acceptance of grant conditions as set out in (2) above, that approval be</p>			

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>given to expend up to £100,000 revenue in relation to the Wednesbury Community Safety Project and up to £250,000 revenue in relation to Wednesbury Masterplanning and Levelling Up Partnership Programme Management and that the appropriate budget virements are actioned, funded from Levelling Up Grant;</p> <p>(9) that the Director of Regeneration and Growth, in consultation with the Cabinet Member for Regeneration and WMCA be authorised to approve public consultation in relation to Wednesbury Masterplanning for the purposes of Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations (2012);</p> <p>(10) that the Director of</p>			

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>Regeneration and Growth, in consultation with the S151 Officer and Cabinet Member for Regeneration and WMCA, be authorised to approve:</p> <p>a. a decrease/ increase of grant funds to be drawn down by individual projects of up to £250,000 within the overall Levelling Up Partnership capital allocation;</p> <p>b. any decrease to mandatory indicators of outputs and outcomes of the Levelling Up Partnership projects;</p> <p>c. slippage of outcomes and/ or grant claim profile up to £1m requiring re-profiling across future financial years with no overall material change to project outcomes;</p> <p>(11) that the Director</p>			

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>Regeneration and Growth, in consultation with Director of Law and Governance, be authorised to undertake all necessary steps/actions, to acquire relevant sites in Wednesbury and Friar Park in line with the Council's land and property portfolio;</p> <p>(12) that the Director of Regeneration and Growth, the Director of Borough Economy and the Director of Law and Governance in agreement with the Section 151 Officer, be authorised to enter into any necessary legal agreements, submit any necessary planning applications/agreements, undertake all necessary procurement processes (including entering into contracts for the provision of goods and services and any direct contract awards), and undertake/exercise all other</p>			

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>necessary action/powers necessary to deliver the Levelling Up Partnership interventions;</p> <p>(13) that subject to acceptance of grant conditions as set out in (2) above, that the capital allocation to the Council from the Levelling Up Partnership be managed within the Council's overall capital programme to allow carry forward of other funding sources into 2024/25 for delivery of the Levelling Up Partnership Interventions;</p> <p>(14) that Cabinet approve the Wednesbury Town Centre Improvement project to be added to the Regeneration Project Pipeline;</p> <p>(15) that Cabinet receive</p>			

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>a report on the performance of the Levelling Up Partnership Programme after 6 months;</p> <p>(16) that in connection with Resolution 1 – 15 above approval be given to make an exemption to the Council’s Financial Regulations in relation to the Levelling Up Partnership Proposals.</p>			
6	<p>West Midlands Combined Authority Devolution Deal</p> <p>Resolved:-</p> <p>(1) that approval be given to the West Midlands Deeper Devolution Deal as set out in this report and attached Appendices, which includes the in- principle award of the Bus Operator’s</p>	<p>The West Midlands Devolution Deal had provided additional funding to the West Midlands region and granted additional powers to local decision- making bodies. This had included additional funding for the West Midlands Metro extension, higher levels of investment in affordable housing and had provided greater certainty over retaining business rates growth locally.</p>	<p>Sandwell Metropolitan Borough Council could have decided not to support the final Devolution Deal at WMCA Board on 13th October 2023. However, this alternative option is was recommended as the Council would not have be able to benefit from significant financial commitments from</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>Grant as a Mayoral function;</p> <p>(2) that the Leader of the Council is authorised to vote in favour of the Deeper Devolution Deal when it is considered at the West Midlands Combined Authority Board;</p> <p>(3) that any views of Cabinet on the draft Governance Review and Scheme for the devolution of Bus Services Operator Grant (BSOG) are submitted to WMCA by Wednesday 27 September 2023;</p> <p>(4) that the Director of Regeneration and Growth, the Director of Finance and the Monitoring Officer are authorised to engage on the</p>		<p>Government as set out in the Deal and this could have reduced confidence that Government Ministers and officials have in the West Midlands and key local and regional partners. There were no specific reasons why Sandwell Metropolitan Borough Council should have considered this alternative option.</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>detailed implementation of the agreed elements of the Deeper Devolution Deal;</p> <p>(5) that further reports are received by Cabinet (and Council if appropriate) on specific issues relating to the detail of the Deeper Devolution Deal such as opt-outs and approval of the making of the Statutory Instruments following the receipt of a draft order for BSOG;</p> <p>(6) that the Director of Regeneration and Growth, in consultation with the Leader of the Council, the Monitoring Officer and the Director of Finance, undertakes such actions and exercises all necessary powers required</p>			

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>to give effect to the Deeper Devolution Deal where it is considered expedient and necessary to do so;</p> <p>(7) that Cabinet note the financial benefits and risks as set out in Section 8 of the report.</p>			
7	<p>Quarter 1 Budget Monitoring 2023/24</p> <p>Resolved:-</p> <p>(1) that Cabinet note the financial monitoring position as of 30 June 2023 (Quarter 1) and refer the report to the Budget and Corporate Scrutiny Management Board for consideration and comment;</p> <p>(2) that approval be given to the Treasury Outturn for 2022/23 and</p>	<p>Section 151 of the 1972 Local Government Act required the Chief Financial Officer to have ensured 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</p>	<p>There were limited alternatives to the recommendations. Cabinet could have decided not to allow the proposed use of reserves by directorates, but this would have increased the projected overspend and resulted in a further reduction in the council's general fund balance.</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
--	------	----------------------	----------------------	---------------

Quarter 1 position for 2023/24, as set out in Appendices 6 and 7;

(3) that approval be given to the following virements above £1m in line with the revised delegated limits for Cabinet Members and Directors:

supported the financial sustainability of the council.

Virements above £1m for approval by Cabinet		£'000	£'000
Borough Economy	Correction to budget savings applied	1,000	
Contingency	Correction to budget savings applied		1,000
Social Care Grant - Income	External Placements – correction to Social Care Grant income budget	2,478	
Social Care Grant - Exp	External Placements –		2,478

	Item	Reason for Decision:	Alternative options:	Lead officer:
	Creation of COMF budgets Inc	correction to corresponding expenditure budget relating to Social Care Grant External Placements – increase in income budget for Contain Outbreak Management Fund income	3,397	
	Creation of COMF budgets Exp	External Placements – corresponding increase in expenditure budget for Contain Outbreak Management Fund spend	3,397	

	Item	Reason for Decision:	Alternative options:	Lead officer:
	TOTAL	6,875	6,875	
8	<p>Additional Licensing and Article 4 - Options Appraisal</p> <p>Resolved:-</p> <p>(1) that approval be given to the consultation on the expansion of additional licensing across Sandwell;</p> <p>(2) that the Director of Housing and the Director for Regeneration and Growth be authorised to carry out research into the distribution of small Houses in Multiple Occupation (HMO) (not currently subject to planning permission) to provide a robust dataset allowing the preparation of a non-immediate Article 4 direction which will be applied to relevant areas within the</p>	<p>The Borough had experienced a major increase in private rented accommodation and Houses of Multiple Occupancy (HMOs) in some areas. The Housing Act 2004 required local authorities to mandatory licence HMOs if they accommodated more than five people who formed two or more households.</p> <p>The Housing Act 2004 also provided local authorities the power to introduce an additional licensing scheme for other, smaller HMOs. Proposals for the introduction of additional licensing would contribute to higher standards of HMO accommodation and would ensure effective management of shared accommodation via more extensive control.</p>	<p>The Council was not of the opinion that existing measures including HMO Licensing, Civil Penalties, Homeless Prevention, Private Rented Sector Support and Housing Standards Enforcement were sufficiently effective to mitigate issues such as anti-social behaviour and disrepair.</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>borough to remove permitted development rights for the change of use of dwelling houses (C3 use) to small houses in multiple occupation (C4 use);</p> <p>(3) that the following recommendation of the Safer Neighbourhoods and Active Communities Scrutiny Board be approved:</p> <p>a. the Council works closely with external bodies, agencies and individuals, including West Midlands Police, West Midlands Fire Service, Councillors, Community Support Officers and other community facing organisations to identify un-registered Houses in Multiple Occupation;</p> <p>(4) that a further report be submitted to the Safer</p>			

	Item	Reason for Decision:	Alternative options:	Lead officer:
	Neighbourhoods and Active Communities Scrutiny Board, within 2 months' time, on the decision of Cabinet in relation to (3) above.			
9	<p>Hamstead Infant School and Hamstead Junior School - Proposed Closure and Expansion</p> <p>Resolved:-</p> <p>(1) that having taken the results of consultation into account, approval be given to the publication of a Statutory Proposal to:</p> <p>a. formally close Hamstead Infant School, Tanhouse Avenue, Great Barr B43 5AS;</p> <p>b. increase the age range of Hamstead Junior School, Hamstead Road, Great Barr B43</p>	<p>In accordance with the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, and the Department for Education (DfE) published guidance 'Opening and Closing Maintained Schools' and 'Making Significant Changes (Prescribed Alterations) to Maintained Schools' – Statutory Guidance for Proposers and Decision Makers January 2023'; for proposals to amalgamate 2 (or more) existing maintained schools, the Local Authority must act as a decision maker.</p>	<p>If the Council had not proceeded with the proposals, inefficiencies in revenue expenditure across both schools would have been projected to continue, with duplication of certain functions and spend, and would not have provided the opportunities to streamline across one school.</p> <p>The closure of Hamstead Junior School and the expansion of Hamstead Infant School was an option, but this was not feasible in nature due to the number of senior staff posts which were vacant at the Infant School.</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>5BE from the ages of 8-11 years old to 3-11 years old to accommodate the displaced pupils from Hamstead Infant School;</p> <p>(2) that subject to no objections being raised during the statutory representation period for the Statutory Proposal as set out in (1) above, Director of Children’s Services and Education be authorised to make a final decision on the proposal for the prescribed alterations at Hamstead Infant School, Tanhouse Avenue, Great Barr B43 5AS and Hamstead Junior School, Hamstead Road, Great Barr B43 5BE, in conjunction with the Director – Law and Governance and Monitoring Officer, and in consultation with the Cabinet Member for Children and Education;</p> <p>(3) that in the event that any unresolved objections are raised during the statutory representation period for the Statutory Proposal,</p>		<p>Hamstead Infant School was therefore unable to support a successful expansion to its age range to operate at the two-form entry primary school model required.</p> <p>If the Council had closed both schools, the Local Authority would not have been able to establish a new community maintained school to replace the two existing schools, instead it would have been required to seek a free school sponsor to open a replacement school.</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>report is submitted to the Cabinet Member for Children’s Services with full details of representations received to inform a final decision on the proposal.</p>			
10	<p>Temporary Accommodation - award approval</p> <p>Resolved:-</p> <p>(1) that approval be given to appoint providers for the provision of Bed and Breakfast and temporary accommodation for homeless households as a result of the tender process;</p> <p>(2) that the Director of Housing be authorised to enter into the framework agreement for the provision of Bed and Breakfast and temporary accommodation for homeless households for a two-year period with an option to extend for an additional two-years</p>	<p>Sandwell Metropolitan Borough Council had a statutory responsibility to help relieve homelessness which included temporary accommodation provision and the current contract extension for temporary accommodation of this nature was due to expire on 31 October 2023.</p>	<p>The Council had a statutory duty to provide temporary accommodation under certain circumstances. As many households have presented in crisis, there was little opportunity to prevent the homeless situation from occurring and therefore was necessary to have access to accommodation at very short notice. In addition, approaches were received out of hours and therefore, there was a requirement to have access to temporary accommodation at all times.</p> <p>There was a drive to make</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
	with an annual gross spend of approximately £750,000 per annum.		best use of the Council's own stock and repurpose assets as temporary accommodation, which would reduce the use and cost of B&B accommodation.	
11	<p>Moat Farm Infant School - Making Significant Changes (Prescribed Alternations) Consultation Outcome for Change of Age Range</p> <p>Resolved:-</p> <p>(1) that in connection with the proposed prescribed alterations to change the age range of Moat Farm Infant School, Brookfields Road, Oldbury, B68 9QR (the school) from 2 – 7 years old to 0 – 7 years old, approval be given to:</p> <p>a. publication of the appropriate Statutory Proposal;</p>	<p>Lavender Farm Day Nursery (the nursery), Brookfields Road, Oldbury, B68 9QR was a Children's Centre, Nursery Plus site, and was currently run by the school's governing body under its community powers.</p> <p>The school was due to convert to academy status in the Autumn term 2023 and join Stour Vale Academy Trust (the Trust). The Trust wished to continue running the nursery but did not have the same community powers, therefore the current proposal was to extend the age range of the school to include children that will attend the nursery.</p>	<p>The Council could have taken no action, and have kept the age range at the existing range of 2-7 years – however, school would not be able to convert to academy status and maintain the nursery. This option would result in the area losing a much needed nursery provision with a Good Ofsted rating. Staff employed by the school would have to be made redundant. A new provider would have to be commissioned.</p> <p>The school could have</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>b. subject to no objections being raised during the statutory representation period for the Statutory Proposal, Director of Children’s Services and Education be authorised to make a final decision on the proposal for the prescribed alterations at Moat Farm Infant School, in conjunction with the Director – Law and Governance and Monitoring Officer, and in consultation with the Cabinet Member for Children and Education;</p> <p>c. in the event that any objections are raised during the statutory representation period for the Statutory Proposal, that a report is submitted to the Cabinet Member for Children and Education with full details of representations received to inform a final decision on the proposal.</p>		<p>converted to academy status, but upon conversion would relinquish the provision that is provided through Lavender Farm Day Nursery. The Authority would have had to seek to secure an alternative provider to retain provision for 0-2 year olds in the area.</p>	
12	Adoption of Sandwell Borough	It was important for Sandwell to be	There were no alternative	

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>of Sanctuary Strategy</p> <p>Resolved:-</p> <p>(1) that approval be given to the Sandwell Borough of Sanctuary Strategy.</p>	<p>a borough of sanctuary that welcomed those fleeing violence and persecution in their own countries and protected the rights of all migrants, asylum seekers and refugees. A 'Borough of Sanctuary' is a borough which provided a welcoming place of safety for people who were asylum seekers, refugees, and migrants.</p>	<p>options.</p>	
13	<p>Schools Capital Programme - Shenstone Lodge School, The Brades Lodge, City Road, Tividale, Oldbury - Proposed Expansion</p> <p>Resolved:-</p> <p>(1) that approval be given to the allocation of £1,264,000 from the Department of Education's (DfE) High Needs Provision Capital Allocation to extension works to The</p>	<p>There was a need to provide additional school places for children/ young people with SEND. The Brades Lodge had been identified as a school where additional capacity for SEMH or ASD places could be provided.</p> <p>The Local Authority was now required to proceed to RIBA 4 through to RIBA 7 to appoint a contractor to complete the build of the new teaching block.</p>	<p>If places at The Brades Lodge were not increased: Sandwell pupils would continue to attend schools outside of the Borough at an increased cost to the Council.</p> <p>Adaptation of the existing school had been consideration to re-model and extend the existing buildings, however this was cost prohibitive due to the extent of demolition and</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>Brades Lodge, Shenstone Lodge School, Lower City Road, Tividale, Oldbury, West Midlands B69 2HA as part of the Schools Capital Programme 2023-26;</p> <p>(2) that subject to (1) above, in accordance with the council's Procurement and Contract Procedure Rules – July 2022, the Director of Children's Services and Education be authorised to award a contract to Seddon Construction Limited to deliver the construction works, following a compliant procurement exercise, in conjunction with the Section 151 Officer, and in consultation with the Cabinet Member for Children, Young</p>		<p>reformation that was required to provide a conducive teaching environment.</p> <p>Shenstone Lodge School was an Academy and the existing site was held by the Manor Hall Academy Trust who held a long leasehold in the land. The council did not have either an alternative site or the capital funding to provide a replacement school. An expansion of the existing school was better value for money.</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>People and Education;</p> <p>(3) that subject to (1) and (2) above, the Director of Law and Governance and Monitoring Officer be authorised to enter into any legal agreements on terms agreed by the Director of Children’s Services and Education as required, to complete the extension works at the school;</p> <p>(4) that, in connection with (1) and (2) above, the following actions identified within the appraisal report be implemented to avoid exposure to significant risks in achieving objectives:</p> <p>a. that cost estimates are reviewed for reasonableness</p>			

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>and to ensure that additional costs could be managed within the allocated funding;</p> <p>b. that the project plan is reviewed to ensure that delivery can be achieved within agreed timescales and will not result in additional costs in providing alternative school accommodation;</p> <p>c. that the corporate risk register is reviewed to ensure that all risks are appropriately identified and assessed, with adequate mitigation;</p> <p>d. that the post project evaluation includes specific outcomes, along with benchmarking of final costs to assess value for money.</p>			

	Item	Reason for Decision:	Alternative options:	Lead officer:
14	<p>Contract for the provision of temporary agency workers to the council</p> <p>Resolved:-</p> <p>(1) that the Yorkshire Purchasing Organisation (YPO) Framework Agreement for the Managed Service Framework for the Provision of Temporary Workers delivered by Hays Specialist Recruitment Ltd is called off as a direct award to meet our temporary worker demand for a year with 3 x 12-month extension options (1+1+1+1) at the council's own discretion, pending new longer-term agency procurement partnership arrangements, for the provision of temporary workers;</p> <p>(2) that whilst the Yorkshire Purchasing Organisation Framework Agreement and contract is implemented, Sandwell</p>	<p>The contract which was in place, through Birmingham City Council's Managed Service Framework for the Provision of Temporary, would expire on 30 September 2023. Birmingham City Council had very recently announced new arrangements. As there was no access to renewal under this contract, it was imperative that the council established suitable arrangements from 1 October 2023 to continue to resource ongoing requirements for temporary workers, which were essential to enable the Council to deliver services. It was possible for Sandwell Council to enter a new contract with Hays Specialist Recruitment Ltd under the Yorkshire Purchasing Organisation Framework.</p>	<p>The work would be carried out in-house – however there was a lack of sector expertise to manage the function as a Managed Service Provider (this would have involved managing large number of individual agencies and staff members). Due to the timescales in place, it was too costly for the Council to run an internal managed service provider type service. There was a lack of commercial skills and resources available.</p> <p>Tender for a Council only contract – This was discussed with Procurement and discounted due to limited time to conduct a full procurement process and availability of the YPO</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>Council continue to operate under existing terms and conditions via Birmingham City Council's framework until such time the new agreement under the Yorkshire Purchasing Organisation Framework Managing Temporary and Permanent Recruitment- ref 942 (Lot 12 Total Talent Management) are agreed;</p> <p>(3) that the Assistant Director of HR be authorised to sign any framework call off documents or Access agreements that are required;</p> <p>(4) that the Assistant Director of HR submit a further report to Cabinet on options available for the longer-term procurement of the provision of temporary agency workers and permanent recruitment;</p> <p>(5) that any necessary exemptions be made to the</p>		<p>framework which offered a quicker, cheaper and compliant route to market and was predicted to deliver the same outcomes as the current contract with Hays whilst giving the Council time to address the options available for the longer-term procurement of the provision of temporary agency workers.</p> <p>Use of a collaborative framework agreement – YPO Framework Agreement Managing Temporary Recruitment – ref. 942 (Lot 1 – Temporary Recruitment) for one year with an option to extend for a further year. However, the pricing structure and fee was predicted to increase significantly, for this reason this option was discounted.</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>Contract Procedure Rules to enable actions set out at (1) and (2) above to proceed.</p>			
15	<p>Information Governance- Records Retention</p> <p>Resolved:-</p> <p>(1) that approval be given to the Council's Corporate Retention Schedule as set out in Appendix 1;</p> <p>(2) that the Director Law and Governance and SIRO, in consultation with the Leader, be authorised to undertake requisite steps to ensure the Council complies with the approved Corporate Retention Policy;</p> <p>(3) that the Director Law and Governance and SIRO, in consultation with the</p>	<p>The Council had a legal obligation in relation to the collection, use and retention of information relating to individuals. The purpose of the Corporate Retention Schedule was to help ensure that the Council managed the data that it held appropriately and in accordance with the legislative framework as principally set out in the UK General Data Protection Regulation (UKGDPR) and the Data Protection Act 2018 (DPA 2018).</p> <p>The Corporate Retention Schedule ensured the Council met the requirements of its Information Governance Framework which required that the Council maintains an up to date retention schedule accessible to employees, elected</p>	<p>The Council relied on the Information Asset Registers to record its retention schedules. However, these were not as robust or detailed as a specific Corporate Retention Schedule which clearly outlined the retention requirements for all the personal data held by the Council in one place. Using Information Asset Registers to manage the Councils retention schedule required the interrogation of several hundred documents for Officers to identify the correct retention periods.</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>Leader, be authorised to amend the Corporate Retention Policy to comply with changes in good practice and legislation as and when required.</p>	<p>members and anyone working for and on behalf of Sandwell Council.</p>		
<p>16</p>	<p>Professional Services Partnership 4</p> <p>Resolved:-</p> <p>(1) that approval be given for Sandwell Council to continue with membership of the Midland Highways Alliance Professional Services Partnership Framework (PSP 4).</p>	<p>Membership of the Midland Highway Alliance Plus provides Sandwell Council the opportunity to share best practice, benchmark and improve performance and deliver efficiency savings through working collaboratively together with other members.</p>	<p>Membership of the MHA + PSP4 framework represented the most cost-effective method of quickly providing supplementary resources for externally funded capital programmes. The flexibility in resource provision facilitated the delivery of capital programmes through peaks in the investment cycle together with occasional short-term specialist commissions. The alternative proposals set out a cycle of hiring specialists on temporary contracts and</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
			<p>then terminating employment on completion of projects and programmes. There was no guarantee of continuity of involvement of the specialist staff working on partly completed projects if the membership of the PSP 4 framework was not continued.</p> <p>For these reasons, discontinuing with membership of the MHA + PSP framework was not recommended.</p>	
17	<p>Improvement Plan Quarterly Performance</p> <p>Resolved:-</p> <p>(1) that Cabinet receive the progress against the Improvement Plan up to 3 August 2023;</p>	<p>The report provided a quarterly update on progress against the Improvement Plan which was agreed by Council on 7 June 2022. The Improvement Plan incorporated all recommendations from the original Grant Thornton Value for Money Governance Review, the LGA Corporate Peer</p>	<p>The Directions issued by the Secretary of State were a statutory requirement and the council had a legal obligation to respond appropriately. Failure to do so would likely result in further intervention</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>(2) that Cabinet receive the Improvement Plan Risk Register;</p> <p>(3) that Cabinet receive changes to the Improvement Plan;</p> <p>(4) that Cabinet note that Budget and Corporate Scrutiny Management Board and Audit and Risk Assurance Committee will consider the Improvement Plan Progress report on 14 and 21 September 2023 respectively, and that any recommendations or comments made in relation to the Improvement Plan progress will be reported to a future meeting of the Cabinet.</p>	<p>Challenge and the CIPFA Financial Management Review, as well as the Statutory Directions from the Secretary of State for Levelling Up, Housing and Communities.</p> <p>Under the Statutory Directions, the council was required to report progress against the Improvement Plan to the Department of Levelling Up, Housing and Communities every six months. Reports had been submitted in December 2022 and June 2023, the next report was due in December 2023.</p>	<p>measures.</p> <p>Alternative methods of monitoring progress could be adopted. The current monitoring method was regularly reviewed to ensure it remained fit for purpose and provided Leadership Team with the oversight they required.</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
19	<p>Contract award for the provision of Digital Autopsy services on behalf of the Black Country Coroner</p> <p>Resolved:-</p> <p>(1) that approval be given to the Director of Law and Governance and Monitoring Officer to award a contract for the provision of Digital Autopsy services on behalf of the Black Country Coroner commencing 1 October 2023 for a 5-year period to Advanced Visualisation Technologies Ltd, 30 Watery Street, Sheffield, England, S3 7ES;</p> <p>(2) that the Director of Law and Governance and Monitoring Officer be authorised to execute any documentation necessary to enable the action set out at (1) above to proceed.</p>	<p>In accordance with the purposes of the Coroners and Justice Act 2009, Sandwell acted as “the relevant authority” for coronial services in the Black Country. It was therefore incumbent for Sandwell to provide the necessary resources to enable the Coroner to discharge his or her judicial responsibilities which included the provision of post-mortem type services.</p>	<p>The Council in consultation with the coroner and its residents could have reverted to the more traditional approach to post-mortem investigations and no longer provide Digital Autopsy to support the coroner in the discharge of their judicial responsibilities. If this option was selected Council’s reputation may be adversely impacted, particularly with community groups whose cultural preference is for a minimally invasive approach.</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer: