

Sandwell Metropolitan Borough Council Statement of Decisions made at a meeting of the Executive on Wednesday, 15 November 2023

Published:

The following decisions were made by the Executive at its meeting on **Wednesday, 15 November 2023**. These decisions will come into force on **Friday 24 November 2023** after call-in expires. A decision by the Executive may be called-in (in accordance with Part 4 – Scrutiny Procedure Rules of the Council’s Constitution) by **Thursday 23 November 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>Medium Term Financial Strategy Autumn 2023 Update</p> <p>(1) That approval be given to the Medium-Term Financial Strategy and embedded Medium-Term Financial Plan as an estimate of the Council’s current financial position as at October 2023 noting that the figures will change as further updating takes place.</p> <p>(2) That the Director of Finance be authorised to commence a period of</p>	<p>The Local Government Finance Act 1992 required the Council to set a balanced, risk assessed budget each year and approve a Council Tax precept by 11 March.</p> <p>The Council had a duty to consult with those who were liable to pay council tax or non-domestic rates, as well as those who use or are likely to use services provided by the authority. A public engagement exercise on the Council’s budget had been conducted in Summer 2023 seeking residents’ views on how the Council should reduce spend in order to deliver a balanced budget. In order to set a balanced budget for 2024/25, the</p>	<p>The Council was legally required to set a balanced budget during March 2024. There were no alternative options.</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>consultation regarding the savings opportunities referred to in Annex 6.</p> <p>(3) That the Guiding Principles be approved as a framework for financial planning for the period of the Medium-Term Financial Strategy.</p> <p>(4) That the Capital Planning Principles be approved to guide the preparation of the Capital Programme in the years ahead.</p> <p>(5) That the planned development of the Transformation Programme to date and through 2024/25 be noted and approval be given to endorse the extension of the transformational approach to other services of the Council.</p> <p>(6) That the Budget Timetable be noted.</p> <p>(7) That approval be given to submit to the Department for Levelling Up and Homes and Communities a proposal for the flexible use of capital receipts in financial year 2023/24 to support transformation and to delegate the approval of this proposal to the Portfolio Holder for Finance and Interim</p>	<p>Council had developed a long list of savings options which, if adopted for 2024/25, would impact residents and businesses in the Borough.</p> <p>The Medium-Term Financial Strategy and accompanying Medium Term Finance Plan following a detailed and extensive review indicated that there was an estimated Budget shortfall of £13m in 2024/25. The figure had changed in the course of financial year 2023/24, and reflected the expected refinement and testing of initial planning assumptions.</p> <p>From analysis presented it was indicted that the Council must select savings which amounted to £13m to balance the 2024/25 Budget and that the overwhelming proportion of these must be recurring in nature to remove the relevant costs in years following and to prevent the avoidable growth of future budget shortfalls.</p>		

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>Director of Finance together with the Assistant Chief Executive and the Monitoring Officer.</p> <p>(8) That the Council be recommended to approve the Autumn 2023 update of the Medium-Term Financial Strategy at its next meeting</p>			
6	<p>Council Tax Base 2024/25</p> <p>(1) That the Council be recommended to approve setting the Council Tax Base for 2024/2025 at 78,217.27.</p> <p>(2) Authorise the Section 151 Officer to adjust the Council Tax Base as required following approval of the 2024-2025 Council Tax Reduction Scheme by Council on 12 December 2023.</p>	<p>The Council Tax Base was an assessment by each billing authority of the number of chargeable dwellings, converted to Band D equivalents (the average band), allowing for discounts, exemptions, non-collection and new properties. This information was used when setting the Council's budget.</p> <p>In order to calculate the Council Tax Base, it was necessary to take the actual number of properties in each Council Tax band on the valuation list and then make adjustments to the Local Council Tax Reduction Scheme. In addition, assumptions needed to be made for changes in the number of properties in each band between now and 31 March 2025 as a result of new builds and demolitions.</p> <p>The Council Tax Base must be calculated in accordance with the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012. It was used to determine the annual amount of collectable Council Tax.</p>	No alternative options were applicable.	

	Item	Reason for Decision:	Alternative options:	Lead officer:
		<p>The regulations set out the methodology to be used by authorities when calculating their Council Tax Base. They further dictate that the Council Tax Base should be set between 1 December and 31 January prior to the financial year to which it refers.</p>		
7	<p>Local Council Tax Reduction Scheme 2024/25</p> <p>(1) That approval be given to make no changes to the Local Council Tax Reduction Scheme for 2024/25 as set out in Appendix 1.</p> <p>(2) That the Council be recommended to approve the Local Council Tax Reduction Scheme for 2025/25 as set out in Appendix 1.</p>	<p>The Local Council Tax Reduction Scheme provided crucial support to low income families and the most vulnerable residents.</p> <p>The Local Council Tax Reduction Scheme was based on income bands and residents on very low incomes can continue to receive 100% support. Sandwell was one of only a few nationally that still provides 100% support.</p> <p>The local scheme only applied to working age claimants as the Government prescribes how Council Tax Support was calculated for pensioners.</p> <p>Sandwell made several changes to its Local Council Tax Reduction Scheme in 2019/20 to ensure the scheme worked effectively with the Government's Universal Credit system which was rolled out fully in Sandwell in November 2018.</p>	<p>Nationally a lot of local authorities had introduced a minimum Council Tax payment. This meant that everyone, including those people on a very low income must pay something towards their Council Tax.</p> <p>Sandwell does not want to introduce a minimum payment into its Local Council Tax Reduction Scheme, this was to protect the most vulnerable households and improve child poverty and support residents with the cost of living crisis.</p>	
8	<p>Sandwell Tackling Poverty Plan</p> <p>(1) That Cabinet accept and endorse Sandwell's Tackling Poverty Plan as set out in Appendix 1.</p>	<p>Sandwell was the twelfth most deprived borough in the country and the cost of living crisis was being felt by and having a tangible impact on the daily lives of our residents and communities. The Sandwell Tackling Poverty</p>	<p>The Tackling Poverty Plan aimed to make the best possible use of all the resources that partners bring to supporting Sandwell residents to address the causes of poverty. An</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>(2) That the Chief Executive, in consultation with the Section 151 Officer, be authorised to agree the spending of the £1.5m resources allocated to the plan.</p>	<p>Plan set out proposals and actions for the Council and its partners to work together in a co-ordinated way to address poverty in Sandwell.</p>	<p>alternative would be to not adopt this plan. However, this would risk not adequately joining up our services across Sandwell or enhancing our coordinated approach.</p>	
<p>9</p>	<p>Community Based Provision - Reablement Service within Sandwell</p> <p>(1) Extend the current six Promoting Independence: Care at Home Service contracts with 5 existing providers, which are ending on 2 February 2024 to 2 June 2024 (this covers contract refs ASC089 and ASC121).</p> <p>(2) That in connection with (1) above, an exemption to the Council's Contract Procedure Rules be approved to enable a short-term extension of four months to allow a new requirement to be scoped out, specified and a tender process to be run, and to allow the Director of Adult Social Care to award contracts to the successful tenderer in the event that the required minimum number of tenders are not received.</p>	<p>The Council was statutorily required under the Care Act 2014 to carry out an assessment of anyone who appears to require care and support. Where someone was in hospital, under Discharge to Assess (D2A), funders were required to undertake assessments away from an acute bed setting.</p> <p>For around half of the people being discharged from hospital, it was expected they would need a period of care, rehabilitation or reablement. The proposed service would provide a reablement service free of charge for up to six weeks in order to promote independence and recovery, and until assessment for long-term care is undertaken.</p> <p>The Council commissioned a Promoting Independence: Care at Home Service under the ASC089 and ASC121 contracts, which delivered 1500 hours of care per week. Contracted providers received referrals for people either being discharged from hospital</p>	<p>Re-procure like for like. The current Promoting Independence service was a domiciliary care service with a promoting independence ethos. The new model would be ensuring Providers were delivering a reablement service with a clear focus on outcomes and reducing long term care needs, with financial efficiencies anticipated as a result due to the preventative and strength based focus.</p> <p>Do not extend current contracts: This was not considered a viable option. If current Promoting Independence contracts were not extended, this would leave insufficient time to run a compliant procurement exercise, ultimately leaving a gap in provision, which would put the Council in breach of its statutory duty.</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>(3) Authorise the Director of Adult Social Care to complete a procurement exercise in order to secure a Reablement Service in Sandwell, which will replace the current Promoting Independence: Care at Home Service contracts from 3 June 2024.</p> <p>(4) Authorise the Director of Adult Social Care to award the contract referred to in (3) above and enter into a Contract with the successful bidders, on terms to be agreed with the Director of Adult Social Care, for the provision of a Reablement Service in Sandwell to commence on 3 June 2024 to 2 June 2026 with an option to extend for 2 x 12 month periods – 3 June 2026 to 2 June 2027 and 3 June 2027 to 2 June 2028).</p> <p>(5) That the Director - Law and Governance and Monitoring Officer, or their designated representative, execute any documents necessary within a reasonable time.</p> <p>(6) Approve variations to the Contract referred to in (1) and (4) up to a maximum of 10% of the contract value,</p>	<p>or for people in the community to avoid hospital admissions. The block contracts ensured there was guaranteed provision available that can meet the demands for a more expedited timeframe given the need to ensure that delayed transfers of care are minimised and also with the aim of hospital avoidance for those already in the community. The prevailing domiciliary care hourly rate was paid (80% block purchased, and 20% spot purchased).</p> <p>There was no further extension option available in the current ASC089 and ASC121 Promoting Independence Contracts as all extensions within these contracts, which end on 2 February 2024 had been utilised. However, an extension of four months (from 3 February 2024 to 2 June 2024) in line with Regulation 72 (1) (b) of the Procurement Regulations would allow further review and development of the model whilst also allowing a procurement exercise to be undertaken.</p> <p>Approval of the extension and proposed new contract would ensure that Adult Social Care can assist people to be discharged home from hospital as soon as they were medically optimised thereby relieving pressure on acute beds. In addition, the contract would also allow admission avoidance by providing care and support to individuals thereby eliminating the need for a hospital admission.</p>	<p>Do not re-procure: This was not considered a viable option. To not re-procure a new service to replace existing provision and allow the current contracts in place to lapse. There would be increased delays in hospital and people not benefiting from admission avoidance leading to system pressure, as a result.</p> <p>Do not procure and the Council become the provider of last resort. This was no considered a viable option as resource is not available.</p> <p>Allow the current contracts to lapse and procure the provision on a spot purchased basis.</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>should they be necessitated, and that authority to approve such variations be delegated to the appropriate Chief Officer in consultation with the Cabinet Member for Adult, Social Care and Health.</p> <p>(7) Approve the proposed Reablement Service in Sandwell to mirror the prevailing standard Domiciliary Care rate paid including any uplifts applied for the duration of the contract with variations to the contract being undertaken in consultation with the appropriate Chief Officer.</p> <p>(8) Approve the proposed Reablement model as set out in Appendix One</p>	<p>The proposal would create more providers to enable greater availability and increased choice for service users.</p>		
10	<p>Sandwell Health Determinants Research Collaboration (HDRC) proposal</p> <p>(1) Receive the Health Determinants Research Collaboration proposal and supporting documents for consideration and comment (Appendices 1-3).</p>	<p>The funding would provide the Council with a unique opportunity to progress the service ambitions to use information and intelligence in a more strategic way to improve outcomes for Sandwell residents and reduce health inequalities over the longer term.</p> <p>The HDRC would align to our Borough-wide Levelling Up Programme (LUP), which would invest in affordable homes, improved skills</p>	<p>Without the funding the Council would continue to attempt to achieve as much of these objectives as we can within existing resources and partnerships. However, what the Council can achieve in this way was severely limited as the Council do not have the capacity or infrastructure to achieve positive change at the scale and pace</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>(2) Approve receipt of funding up to £5 million and implementation of the proposed 5-year programme, subject to the pending bid being successful.</p> <p>(3) Approves the implementation of the following action points identified within the Strategic Investment Unit Appraisal Report to reduce any risk to the Council:</p> <p>(a) That NIHR's terms and conditions of funding are passported to delivery partners in agreements with Sandwell MBC and include the following:</p> <ul style="list-style-type: none"> • Procurement in accordance with Sandwell MBC's own procurement requirements • Maximum funding allocation for each del • Evidence required to support grant claims • Grant claims paid in arrears • Repayment of grant in the event of non-delivery of outputs • Monitoring requirements • Responsibility for funding 	<p>infrastructure, better leisure facilities, an improved public realm, active travel infrastructure, social value and local spend, and local employment opportunities. The HDRC would give the Council the means to ensure that the LUP and related work across the Council was informed by evidence and robustly evaluated.</p> <p>Meeting the objectives of the proposed HRDC programme would lead to higher quality of the services the Council deliver and commission, and more efficient investment to improve Sandwell as a place, including education, skills, employment, community cohesion, transport, housing, economy and the built environment – which were the wider determinants of health, and the objectives of the Corporate Plan. Over the longer term this would lead to improved health outcomes and reduced inequalities in both physical and mental health across the life course, contributing to the Vision 2030 of a thriving, optimistic and resilient community.</p> <p>The HDRC would therefore have potential benefits across all Corporate Plan priority areas throughout the programme and beyond.</p>	<p>anticipated with the funding in place.</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>overspends on delivery of the project</p> <p>(b) That all estimated costs are reviewed with delivery partners to ensure that the outputs of the project can be delivered within available funding.</p> <p>(c) That agreed output levels are agreed with partners involved in the delivery of the project and monitored throughout the funding period.</p> <p>(d) That overhead costs are reviewed to ensure that defrayment can be evidenced in accordance with the funder's requirements.</p> <p>(e) That the Risk Register is reviewed to ensure all risks relating to the project are identified and adequately mitigated.</p> <p>(f) That capital equipment purchased for the project is notified to Strategic Finance at the end of the financial year and is included on the council's Asset Register and</p>			

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>accounted for accordingly on the authority's Balance Sheet.</p> <p>(g) That VAT/tax advice is received from the Council's tax consultants and adhered to accordingly</p>			
11	<p>School Teachers' Model Pay Policies 2023/24</p> <p>(1) That the September 2023 Pay Award be agreed as follows and is applied to local authority Community Schools:</p> <ul style="list-style-type: none"> • 6.5 per cent uplift to all pay points and allowances for both teachers and leaders, apart from: • Higher uplift for M1 of 7.1 per cent (equating to a starting salary of £30,000). • All pay uplifts will be back dated to 1 September 2023. <p>(2) That the Unattached Teachers' Pay Policy 2023/24, now submitted as Appendix 1, be approved and implemented by the Council with effect from 1 September 2023.</p>	<p>The School Teachers' Pay and Conditions Document (STPCD) required schools and local authorities to have a pay policy which sets out the basis on which they determine teachers' pay, the date by which they would determine teachers' annual pay review, and the procedures for determining appeals.</p> <p>Schools and local authorities must stay within the legal framework set out within the School Teachers' Pay and Conditions Document and in other relevant legislation, such as equality, employment protection and data protection legislation.</p> <p>The September 2023 pay award had been agreed nationally and the recommendation for Sandwell Council was in keeping with regional comparators for all teachers.</p> <p>The Department for Education issued the School Teachers' Pay and Conditions Document to local authorities on an annual basis. It placed a statutory duty on</p>	<p>There were not any alternative courses of action available that would otherwise satisfy requirements.</p> <p>Historical feedback had always suggested that the majority of schools do still want a consistent pay spine produced by the Local Government Association (LGA) for them across all the pay ranges.</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>(3) The Model Schools' Pay Policy 2023/24, now submitted as Appendix 2, be approved and recommended to the Governing Bodies of Schools in Sandwell for adoption and implementation with effect from 1 September 2023.</p>	<p>organisations employing teachers to have a pay policy in place by 1 September each year which sets out the basis on which the employer would determine teachers' pay, the date by which it would determine the teacher's annual pay review and to establish procedures for addressing teachers' grievances in relation to their pay.</p>		
<p>12</p>	<p>Black Country Framework Contract for Minor Works 2021 - 2024</p> <p>(1) That approval be given to apply a provisional BCIS inflationary uplift of 20.64% to the schedule of rates on the current Black Country Framework Contract for the Minor Works 2021 – 2024 in accordance with Appendix B of the Contract.</p> <p>(2) That the provisional BCIS inflationary uplift is implemented as soon as possible and adjusted to align with the firm BCIS index for September 2023 when published in January 2024.</p> <p>(3) That decision making as the “Authorised Officer” defined in the Black Country</p>	<p>The Highways Minor Works framework enabled quick and efficient use of contractors to undertake programmes of work comprising many schemes and eliminates the need for costly and timely tendering processes for each individual scheme. This avoided long delays in delivering safety and infrastructure improvement projects and provides better value for money by tendering in volume for programmes of work in collaboration with Black Country Authorities.</p> <p>The framework contract provided an index linked inflationary adjustment at the end of the first 2 years.</p>	<p>Highway Services would need to utilise elements of other less suited framework contracts for urgent service provision and tender separately for dozens of individual schemes. This would increase costs, delay delivery and put external grant funding at risk of underspend or claw back.</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>Framework Contract for the Minor Works 2021 – 2024 be delegated to the Director of Borough Economy.</p>			
13	<p>Sandwell Business Growth Plan</p> <p>(1) That approval be given to the Sandwell Business Growth Plan as set out in Appendix 1 which sets out the Services & Programmes available from the Sandwell Business Growth Team for Sandwell Businesses in the pursuit of Sandwell’s Economic Growth.</p> <p>(2) That Cabinet rescind the Inclusive Recovery Plan for Business approved by Cabinet on 23 March 2022.</p> <p>(3) That the budget profile and outputs and outcomes of the Business Growth Plan for period 23/24-24/25 financial year be noted.</p>	<p>The WMCA have established ‘Business Growth West Midlands’ (BGWM) as the centre of a ‘hub and spoke’ model for Business Support Services in the West Midlands. BGWM are the hub, with each Local Authority being a spoke. BGWM is responsible for devolving UKSPF to the Local Authorities, collating Monitoring and Evaluation information for reporting to Government as the Accountable Body for the fund. They also utilise this brand as a contact for all West Midlands Business Support Services and triage business clients to the relevant Local Authority spoke. It is important to note that Businesses will continue to contact Local Authorities direct for support.</p> <p>The Inclusive Recovery Plan identified 7 priorities for the Sandwell Business Growth Team which had been updated in the Sandwell Business Growth Plan by merging the ‘Local Spend’ and ‘Good Jobs’ priorities into the ‘Social Value in Sandwell’ priority, and the addition of the ‘Support in Sandwell’ priority capturing the customer journey and the council’s commitment to supporting Sandwell Businesses. The Economic Data</p>	<p>Retain the existing Inclusive Recovery Plan, acknowledging that the data, partners, and methods of activity delivery are different.</p> <p>Rescind the Inclusive Recovery Plan and not replace it with an updated plan, acknowledging that the Business Support offer to Sandwell Businesses was not articulated and the level of endorsement unclear.</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
		<p>contained within the Sandwell Business Growth Plan had been provided by the Economic Intelligence Unit to provide an updated evidence base for the plan. The 7 priorities of the Sandwell Business Growth Plan were:</p> <ol style="list-style-type: none"> 1. Support in Sandwell 2. Start Up in Sandwell 3. Grow in Sandwell 4. Innovate in Sandwell 5. Invest in Sandwell 6. Social Value in Sandwell 7. Net Zero in Sandwell <p>The Sandwell Business Growth Plan set out the aims of each priority and articulates why this was a priority and how the Sandwell Business Growth Team would deliver against them. Detailed activity, outputs and outcomes for each priority are also included, and identifies outputs which were contracted for delivery through UKSPF and outcomes that the team would measure to determine performance. Contracted outputs were set annually, so on this basis the outputs and outcomes profile would be monitored quarterly and set annually.</p>		