

Sandwell Metropolitan Borough Council Statement of Decisions made at a meeting of the Executive on Wednesday, 17 January 2024

Published:

The following decisions were made by the Executive at its meeting on **Wednesday, 17 January 2024**. These decisions will come into force on **Friday 26 January 2024** 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 25 January 2024**. 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:
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	Item	Reason for Decision:	Alternative options:	Lead officer:
5	<p>Review of Information Rights Policy</p> <p>(1) That the updated Information Rights Policy as set out in Appendix 1 be approved;</p> <p>(2) That in connection with 1.1 above, the Assistant Director for Legal and Assurance be authorised to make administrative amendments to these policies as required.</p>	<p>The Council had statutory obligations to comply with requests for information via Subject Access Requests, Freedom of Information Act requests and Environmental Information Regulations.</p> <p>Having a public policy that sets out how the Council complies with those obligations, assists members of the public to exercise those rights, and offers assurance that the Council was meeting its duties.</p> <p>The policy had been in place since January 2022, and an update was required to ensure it reflected current practices and emergent sector best practice.</p> <p>Key changes to the Information Right's Policy were:</p> <p>i) Updates in relation to changes in practices within the council;</p> <p>ii) Process in relation to other individual rights have been included.</p>	<p>The alternative options would be to not have a public policy or to retain the existing policy, neither of which would be satisfactory. Whilst the existing policy had provided the relevant information, there were updates that were required to offer the assurance to members of the public that the Council was meeting its statutory obligations.</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
6	<p>Performance Management Framework - Q2 Monitoring</p> <p>that Cabinet note progress on the further development of the Corporate Performance Management Framework and approve the Q2 monitoring reports</p>	<p>An effective performance management framework facilitated increased accountability, learning and improvement. It also provided early warning signals and facilitated decision-making.</p> <p>On a quarterly basis, the Council gathered and analysed a wide range of data and information to understand how effectively its plans were being implemented and whether the strategic outcomes contained in the Corporate Plan were being achieved.</p> <p>The information collected was used to enable the authority to better understand the impact of its work on local people, and where necessary, target actions and resources.</p> <p>Performance of key contracts was included in the quarterly performance reports to provide oversight of the performance of services and assurance that contract management mechanisms continued to be in place and effective.</p>	<p>No alternative options were presented.</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
7	<p>Child Friendly Sandwell</p> <p>(1) That Cabinet approves the preparation and submission of an expression of interest and application for Sandwell to become a UNICEF Child Friendly Borough.</p> <p>(2) That a Member Working Group is established comprising of members of the Cabinet, scrutiny and the opposition, to oversee both the submission and each of the phases within the application process of the UNICEF Child Friendly Cities programme.</p> <p>(3) That lead officers from the following service areas be appointed to sit on the Child Friendly Sandwell Officer Steering Group, to manage both the expression of interest and the application processes for a Child Friendly Sandwell:-</p> <ul style="list-style-type: none"> • Communications • Community Partnerships • Finance • Legal and Governance • Housing • Regeneration • Public Health • Borough Economy <p>(4) That the following statement is inserted into the Strong Resilient Communities Strategic Outcome of the Council's Corporate Plan:- “We will work as One Council to lead the way for Sandwell to become a</p>	<p>A child friendly city was a city, town, community or any system of local governance committed to improving the lives of children within their jurisdiction by realising their rights as articulated in the UN Convention on the Rights of the Child (UNCRC) which was the most widely ratified human rights treaty in history and had helped transform children’s lives.</p> <p>Delivering a child friendly borough would support the Council to deliver its commitments to equality and diversity and key elements of both the Corporate Plan and the Improvement Plan. It would also represent the Council living its values, being ambitious, inclusive, customer focused and accountable.</p> <p>From the results of the boroughwide representative Budget Consultation run in 2023, we know that the most important area of Council business to residents are the services delivered to Children and Young People.</p>	<p>Appendix A set out the alternative option which would be to create a bespoke model by developing a homegrown Sandwell Child Friendly Borough framework. Given that developing and implementing a Council own model would incur similar costs to the UNICEF framework, without any of the training and mentoring support offered by UNICEF, it was felt that the UNICEF route would be better value for money.</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
8	<p>Determination of Admission Arrangements for Sandwell's Community and Voluntary Controlled Schools for 2025/26</p> <p>that in accordance with the School Admissions Code 2021 and School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 ("Regulations") the Director of Children's Services and Education be authorised to publish the Local Authority's Admission Arrangements for 2025/26 academic year for places in all community and voluntary controlled schools as set out in Appendix 1.</p>	<p>School Admissions Code 2021 published in September 2021 requires the Local Authority (as the admissions authority for community and voluntary controlled schools), to formally agree admission arrangements for those schools every year, even if the arrangements had not changed from previous years. Admission authorities must determine admission arrangements for entry in September 2025 by 28 February 2024.</p> <p>School Admissions Code 2021 also required the Local Authority to consult governing bodies of community and voluntary controlled schools where it proposes either to increase or keep the same Published Admission Number (PAN). The proposed admission arrangements and PANs were detailed in Appendix 1.</p> <p>The Local Authority must abide by the requirements of School Admissions Code 2021 and associated Regulations and determine admission arrangements for community and voluntary controlled schools each year. The proposed arrangements to apply for the 2025/26 academic year had fulfilled the Councils obligation to consult, as some proposed changes had been made to the Policy since the last consultation was undertaken in October / November 2017. The proposed arrangements were in line with the requirements of the Admissions Code.</p>	<p>There was no alternative option open to the Local Authority in relation to its responsibilities for agreeing and publishing oversubscription criteria for community and voluntary controlled schools. The Local Authority must abide with the requirements of the Admissions Code. Further, determining the admission arrangements enabled the admission authority, the Local Authority, to meet its duty to provide sufficient school places and to allocate school places within a reasonable distance.</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
9	<p>Sandwell Residential Education Centres: Charges for the period 1 August 2024-31 July 2025</p> <p>Item withdrawn.</p>			

	Item	Reason for Decision:	Alternative options:	Lead officer:
10	<p>Housing & Asset Management Procurement Approvals</p> <p>(1) That the Interim Director of Housing be authorised to continue procurement for the HIP Programme based on previous Cabinet Approval with increased funding to a total value of £100million;</p> <p>(2) That the Interim Director of Housing be authorised to commence the procurement process for the Domestic Gas Appliance contract;</p> <p>(3) That approval be given to the alterations to the delivery model for Social Housing Decarbonisation Fund (SHDF) Wave 2.1, for Sandwell MBC to act as Principal Contractor and procure a range of providers for energy efficiency works;</p> <p>(4) That the Interim Director of Housing be authorised to award contracts as set out in (1) to (3) above to the successful bidders, following a compliant procurement process that meets Public Contract Regulations 2015 and Sandwell Corporate Procurement Procedures.</p>	<p>As part of the procurement review and rationalisation of contracts in Housing and Asset Management, opportunities had been identified to amalgamate spend from contracts, into a single procurement exercise under a HIP Contract.</p> <p>The benefits to amalgamating the contracts were:</p> <ul style="list-style-type: none"> • Improved Social Value outcomes from amalgamated spend; • Improved efficiency with one Contract to manage; • Consistency in our approach to Contract Management; • Consistent Key Performance Indicators that drive required Outcomes; • Create the opportunity to drive improved value and returns • from the Contract. <p>The recommendations had been identified as the best value to the Council, it improved control of the programme, cost and quality, and also gave the opportunity to increase the number of properties that could be delivered with the same value of grant funding available, therefore having a positive impact on the lives of more residents of Sandwell.</p>	<p>Following a review of the delivery and cost model, an Options Appraisal has been conducted with three options considered:</p> <p>Option 1 - Appointment of a Principal Contractor through a full procurement process.</p> <p>Option 2 - Appointment of a Principal Contractor through an existing framework.</p> <p>Option 3 – Sandwell MBC to act as Principal Contractor to deliver the works through a number of approved supply chain partners.</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
11	<p>Allocation of Village Green Status and Park Designation - Goldicroft Playing Fields</p> <p>(1) That approval be given for the site currently designated as Goldicroft Playing Fields to be amended to a Neighbourhood Level Park;</p> <p>(2) That the Assistant Director of Borough Economy be authorised to complete voluntarily self-registration under section 15(1) of the Commons Act for Goldicroft Park to be designated as a Village Green.</p>	<p>The Friends of Goldicroft Park had made a request to the Council to consider voluntary registration under the Commons Act (Section 15.1).</p> <p>Goldicroft Playing Fields was a well-used green space by the local community, with an active Friends Group in formal partnership with the Council under the Friends Group's Partnership Agreement.</p> <p>The Friends Group had developed this space further as a community resource, with community days, informal sport activities, and conservation activities.</p> <p>The green spaces service had assessed the Village Green Status and Park request and had confirmed that they are satisfied the green space can be designated as a Village Green and as a Neighbourhood Level Park.</p> <p>Planning policy officers had been consulted and had confirmed there were no objections for this registration to take place.</p>	<p>Do nothing – the green space would remain a green space open to the community, but would not be designated as a Village Green.</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
12	<p>Smoke Control Area and associated enforcement procedure</p> <p>That Cabinet gives approval to:</p> <p>(1) 'The Borough of Sandwell Smoke Control Order 2022' coming into operation on 1st July 2024.</p> <p>(2) The introduction of an enforcement procedure that includes education, engagement and support, with the option to serve civil financial penalty notices (FPNs) for persistent breaches of the rules, reflecting amendments to the Clean Air Act 1993 brought about by the Environment Act 2021 as set out in Appendix 2.</p>	<p>Sandwell Council had committed to the creation of a boroughwide smoke control area following a unanimous decision by Council members in November 2022. In February 2023 the 'Borough of Sandwell Smoke Control Order 2022' was formally declared. The Order establishes the provision to serve civil financial penalty notices for breach of the Order.</p>	<p>Sandwell Council had undertaken a formal public consultation and committed to the introduction of a boroughwide smoke control area by declaring the 'Borough of Sandwell Smoke Control Order 2022'.</p> <p>Defra had been awaiting confirmation of the date that the SCO would come into force. The only alternative options were:</p> <ul style="list-style-type: none"> • Setting an alternative date for the SCO to come into operation – legally this could not be before 3 February 2024; • Not using Council powers to serve civil financial penalty notices on those breaching the Order. The decision to recommend the option of using civil FPNs had been determined using an options appraisal as provided in Appendix 9, which sets out the risks and benefits of both approaches. It was considered that the potential benefits of having the ability to serve civil financial penalties were far greater than any benefits gained from not using them; • Setting an alternative financial penalty regime for breaches of the smoke control area. For example, creating an incremental penalty scheme 	

	Item	Reason for Decision:	Alternative options:	Lead officer:
13	<p>Wednesbury Conservation Area Appraisal, Management Plan and boundary review</p> <p>that approval be given to Wednesbury's Conservation Area Appraisal and Management Plan contained at Appendix A, and that the conservation area's boundaries are extended in accordance with the recommendations contained in the appraisal.</p>	<p>Conservation Area Appraisals and Management Plans were a recognised way of putting in place additional planning guidance and a material consideration in determining planning applications, providing a greater level of protection for heritage. The documents should assist both applicants, when making relevant planning applications, and the Council in determining them.</p> <p>The designation of adjacent areas that had been identified as meriting inclusion would promote the conservation of the character and appearance of the area through greater protection for historic features and buildings and resisting inappropriate change/redevelopment.</p>	<p>The Council could choose not to adopt the Conservation Area Appraisals or Management Plans. Any relevant planning application would continue to be assessed against existing planning policies (including the existing Wednesbury Conservation Area Appraisal). However, this would not allow the Council to provide additional protection to the proposed extension areas nor give enhanced practical guidance or greater clarity to the approach that should be employed applicants and decision makers.</p>	
14	<p>Dudley Local Plan - proposed response to draft local plan consultation</p> <p>(1) That approval be given to Sandwell's response on the draft local plan consultation for submission to Dudley MBC as set out in Appendix 1.</p> <p>(2) That in connection with (1) above, the Director of Regeneration and Growth be authorised to amend the responses as necessary.</p>	<p>Following the decisions of the four Black Country local authorities to cease work on the Black Country Plan (BCP), each authority was now beginning work on their own local plans.</p> <p>Sandwell Council were currently consulting on their draft Local Plan and had identified a shortfall of 18,606 homes and 143ha of employment land. The Council was therefore reliant on neighbouring authorities to contribute to meeting our needs through the allocation of land in their respective local plans, that was additional to that required to meet their local needs.</p>	<p>If Sandwell did not respond to the consultation this would mean that future discussions on assistance with housing shortfalls may be hindered and the Council would not be able to speak at the Examination in Public to address any issues with Dudley's Local Plan.</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
15	<p>Social Value in Sandwell Policy</p> <p>(1) That Cabinet approve the Social Value in Sandwell Policy that will apply to all Sandwell Metropolitan Borough Council commissioners, all expenditure made on behalf of the council, for all services, goods, and works contracts, and planning officers determining planning applications that are over 10 residential units or exceed 10,000 sqm.</p> <p>(2) That Cabinet give approval for a tendering evaluation quality weighting of 10-30% on Social Value for all services, goods and works contracts and Full Council be recommended to approve an update to the existing Contract Procedure Rules to reflect this change, which is currently 5-30%.</p> <p>(3) That Cabinet delegate authority to the Head of Procurement to determine if and how the Social Value in Sandwell Policy is applied to contracts to ensure proportionality against Social Value weightings and contract value thresholds.</p>	<p>The existing Social Value Policy (2010-2013) for Sandwell was not fit for purpose in that it did not reflect contemporary best practice and did not align with the Social Value in Sandwell priority as set out in the Sandwell Business Growth Plan, approved by Cabinet on the 15 November 2023. The policy currently only applied to services and goods contracts; however, the Social Value in Sandwell Policy proposed to go further and include works contracts.</p> <p>The current tendering evaluation weighting of 5-30% on Social Value for services and goods contracts was not ambitious enough, considering the contact values of services, goods, and works the Council as an anchor organisation commissioned, the planning applications it determined, and the investment it levers into the borough. Increasing the minimum weighting to 10% with a maximum of 30% demonstrates the Council's commitment to maximising Social Value outcomes that could be derived due to the Council's influence as an anchor organisation.</p>	<p>The Council does not adopt the Social Value in Sandwell Policy.</p> <p>The Council retains the existing weightings and thresholds.</p> <p>The Council considers alternative weightings and thresholds within a Social Value in Sandwell Policy.</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
16	<p>Sandwell Local Development Scheme 2023</p> <p>(1) That approval be given to the update of the Sandwell Local Development Scheme (LDS) 2022.</p> <p>(2) That the Director for Regeneration and Growth be authorised to make minor changes to the Local Development Scheme that may be required prior to making it available to the public, in consultation with the Cabinet Member for Regeneration and WMCA.</p>	<p>The Local Development Scheme was the Council's three-year project plan that identified which local plan documents would be produced by the Council, in what order and by when. Any new documents would be subject to Cabinet and Full Council approval at the relevant stages.</p> <p>The Council needed to review its planning documents at regular intervals to assess whether some or all of them need updating. The Local Development Scheme provided information on the timetabling of several existing approved planning documents that needed to be reviewed.</p> <p>Local Planning Authorities were required to prepare their Local Development Scheme and make it available to the public; there was no longer a requirement to submit or report on them to the Secretary of State.</p>	<p>Preparation of an Local Development Scheme was a requirement of the Planning and Compulsory Purchase Act 2004. As such there was no alternative to its preparation.</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
17	<p>Smethwick to Birmingham Inclusive Growth Corridor - Initial scheme approval</p> <p>(1) That approval in principle be given to the proposed sustainable transport and highway improvements that make up the Smethwick to Birmingham Inclusive Growth Corridor Transportation Package as shown on Drawing no. 5216493-ATK-HI-ZZ-DR-D-0113 (attached at Appendix A);</p> <p>(2) That the Cabinet Member for Regeneration & WMCA be authorised to approve the carrying out of public consultation in connection with (1) above;</p> <p>(3) That any objections received in connection with (2) above be considered by the Cabinet Member for Environment & Highways in conjunction with the Cabinet Member for Regeneration & WMCA at a future Decision Making Session;</p> <p>(4) That the Director Regeneration & Growth be authorised to approve the submission an Outline Business Case to the West Midlands Combined Authority;</p> <p>(5) That approval be given for the Cabinet Member for Environment & Highways to authorise the Assistant Director-Legal & Assurance in conjunction with Assistant Director-Highways to enter into an agreement with Birmingham City Council under section 8 of the Highways Act 1980;</p>	<p>The Smethwick to Birmingham Inclusive Growth Corridor Transportation Package formed part of the West Midlands City Region Sustainable Transport Settlement (CRSTS) Programme approved by the West Midlands Combined Authority (WMCA) Board on 14 January 2022. The Sandwell elements of this programme had been approved by Cabinet in July 2022.</p> <p>The project was now at the stage where specific approvals were required to enable it to progress through the WMCA Single Assurance Framework Process, be consulted on with the public and stakeholders, and then be taken to the next stages of design and business case preparation.</p> <p>The proposed scheme would involve construction on land that sat outside of the boundary of the public highway and in some cases not in the ownership of the Council. The precise extent of this land would depend on the detailed design of the proposals. However, in order to safeguard the land from development which might otherwise prevent the proposals from being implemented, it was proposed to impose highway improvement lines using powers conferred on the Council through the Town & Country Planning Act, 1990.</p>	<p>The alternative option was to not deliver a highway improvement scheme at this location using the allocated City Region Sustainable Transport Settlement for this project and for this funding to be used for an alternative project which may not necessarily be in Sandwell. There was therefore a risk of losing significant investment for transport infrastructure improvements in Sandwell.</p> <p>Considering the current congestion issues, poor active travel provision and the significant amount of development growth that was planned and wider change in movement to, from, through and within the areas as a result of the Midland Metropolitan University Hospital opening, the impacts of not making any changes to the A457 Grove Lane and B4135 Cranford Street corridor was likely to result in the following:</p> <ul style="list-style-type: none"> • Low walking and cycling use within the area, resulting in lost health, wellbeing and environmental benefits; • Increased road traffic accidents; • Increased levels of congestion which was likely to increase queues and delays along both corridors in both directions, with negative implications for local air quality; • Blue light access delays with 	

	Item	Reason for Decision:	Alternative options:	Lead officer:
18	<p>Single Use Plastics Policy</p> <p>that approval be given to adopt the Single Use Plastic Policy as provided in Appendix 1 in order to meet and exceed our requirements under the Government's Single Use Plastics Ban.</p>	<p>The adoption of the Policy would ensure the Council were compliant with the Government Single Use Plastics Ban which came into force on the 1 October 2023.</p> <p>The Single Use Plastics Ban only addressed some Single Use Plastics and many others such as packaging, drinks bottles or plastic lined coffee cups were not included. The policy enabled the Council to exceed the minimum requirements of the ban and take a positive lead in reducing the harmful impact of single use plastics across the borough.</p>	<p>Rejecting the policy would increase the risk of sites not being compliant with the Single Use Plastic ban and limit compliance with the Climate Change Strategy and the Councils ability to show leadership on this issue.</p> <p>Aspects of the policy outside the Single Use Plastics Ban could be removed, limiting compliance with the Climate Change Strategy.</p>	