

# Agenda Council

**You are hereby summoned to attend a meeting of the Sandwell Metropolitan Borough Council, to be held on Tuesday, 24 October 2023 at 6.15 pm (or on the rising of the Extraordinary Meeting of Council) for the purpose of transacting the following business:-**

**The Mayor of Sandwell, Councillor Bill Gavan, In the Chair**

- |          |  |                |
|----------|--|----------------|
| <b>1</b> | <b>Apologies for Absence</b>   | <b>11 - 12</b> |
|          | To receive apologies for absence (if any).                                       |                |
| <b>2</b> | <b>Declarations of Interest</b>  | <b>13 - 14</b> |
|          | Members to declare any interests in matters to be discussed at the meeting.      |                |
| <b>3</b> | <b>Minutes</b>   | <b>15 - 30</b> |
|          | To confirm as a correct record, the minutes of the meeting held on 25 July 2023. |                |
| <b>4</b> | <b>Urgent Business</b>   | <b>31 - 32</b> |
|          | To consider any urgent business (with prior approval by the Mayor).              |                |
| <b>5</b> | <b>Announcements</b>   | <b>33 - 34</b> |
|          | To receive announcements from the Chief Executive and the Mayor.                 |                |



6      **Petitions**      35 - 36

To receive petitions under Standing Order No. 8.

7      **Written Questions**      37 - 40

To consider written questions under Standing Order No. 9 from

- (a) Elected Members
- (b) Members of the Public

to:-

- (i) the Mayor;
- (ii) the Leader of the Council;
- (iii) any other member of the Cabinet;
- (iv) any person appointed to preside at a committee, sub-committee or panel;
- (v) the members of the Council nominated pursuant to Section 41 of the Local Government Act 1985, on the discharge of the functions of the following Joint Authorities: -
  - (i) West Midlands Combined Authority (the Leader);
  - (ii) West Midlands Fire and Rescue Authority (Councillor Jalil);
  - (iii) Transport for the West Midlands (Councillor Choudhry);
- (vi) a member of the Council who is, as a result of action taken by or on behalf of the Council, a member or director of any company.

8	<b>Proposals for the introduction of a shadow cabinet</b>	41 - 58
	To consider the establishment of a shadow cabinet.	
9	<b>Scrutiny Annual Report 2022-2023</b>	59 - 84
	To receive the Scrutiny Annual Report for 2022-2023.	
10	<b>Audit and Risk Assurance Committee Annual Report 2022-2023</b>	85 - 96
	To receive the Audit and Risk Assurance Committee Annual Report 2022/23.	
11	<b>Section 41 of the Local Government Act 1985 Update</b>	97 - 142
	To receive updates from the Council's lead representatives on:-	
	(a) West Midlands Fire and Rescue Authority;	
	(b) Transport for West Midlands;	
	(c) West Midlands Police and Crime Panel;	
	(d) West Midlands Combined Authority.	
12	<b>Political Balance of Committees and Boards</b>	143 - 148
	To consider the political balance for the remainder of the 2023-24 municipal year.	
13	<b>Revisions to Committees, Boards and Other Bodies</b>	149 - 160
	To consider revisions to Committees, Boards, and other bodies.	

- |    |   |           |
|----|---|-----------|
| 14 | <p><b>To receive the minutes of Cabinet</b></p> <p>To receive the minutes of the meetings of Cabinet held on 21 June, 12 July and 13 September 2023 and consider the recommendation arising from the meeting in relation to:-</p> <p style="padding-left: 40px;">(a) Levelling Up Partnership – exception to Financial Regulations.</p>   | 161 - 254 |
| 15 | <p><b>To receive the minutes of the Budget and Corporate Scrutiny Board</b></p> <p>To receive the minutes of the meeting of the Budget and Corporate Scrutiny Management Board held on 27 July 2023.</p>  | 255 - 260 |
| 16 | <p><b>To receive the minutes of the Governance and Constitution Review Committee</b></p> <p>To receive the minutes of the meeting of the Governance and Constitution Review Committee held on 21 September 2023 and consider the recommendations arising in relation to:-</p> <p style="padding-left: 40px;">(a) Changes to Scrutiny Procedure Rules – Call-in;</p> <p style="padding-left: 40px;">(b) Protocol for nomination to Mayor/Deputy Mayor.</p> | 261 - 284 |
| 17 | <p><b>To receive the minutes of the General Purposes and Arbitration Committee</b></p> <p>To receive the minutes of the meetings of the General Purposes and Arbitration Committee held on 3 August, 22 September and 12 October 2023 and consider the recommendations arising in relation to:-</p> <p style="padding-left: 40px;">(a) Local Government Boundary Commission Periodic Electoral Review of Sandwell Metropolitan Borough Council.</p>       | 285 - 328 |



18 **To receive the minutes of the Audit and Risk Assurance Committee** 329 - 336

To receive the minutes of the meeting of the Audit and Risk Assurance Committee held on 20 July 2023.

19 **To receive the minutes of the Ethical Standards and Member Development Committee** 337 - 342

To receive the minutes of the meeting of the Ethical Standards and Member Development Committee held on 4 July 2023.

20 **Notices of Motion**

To consider the following motions received under Standing Order No. 12:-

20(a) **Celebrating Black History Month, Promoting the Adoption of the Halo Code and Ending Hair Discrimination in Sandwell Council**

Proposer: Councillor Lewis

Seconder: Councillor Kalebe-Nyamongo

- Black History Month is an annual observance dedicated to celebrating the achievements, contributions and history of the Black community.
- This year's theme is 'Saluting our Sisters,' emphasising the role and accomplishments of Black women.
- The Halo Code (work), the UK's first Black Hair code, explicitly protects employees who embrace natural hair and protective hairstyles associated with their racial, ethnic, and cultural identities.
- The code embraces Afro-textured hair as an important part of Black employees' racial, ethnic, cultural, and religious identities.
- The code celebrates Afro-textured hair in all its styles, including but not limited to afros, locks, twists, braids, cornrows, fades, hair

straightened through the application of heat or chemicals, weaves, wigs, headscarves, and wraps.

- By adopting the Halo Code (work), Sandwell Council proactively stands against hair discrimination, ensuring that no member of our workforce faces barriers or judgments due to their hair.

Benefits:

- Promoting the adoption of the Halo Code within Sandwell Council supports the rights and dignity of Black individuals in our organisation.
- Fosters a more inclusive and equitable environment, aligning with the spirit of Black History Month and its theme 'Saluting our Sisters.'
- Sets a positive example for other local authorities and organisations within Sandwell.

Council resolves to adopt the Halo Code and reaffirms the Council's commitment to inclusivity and aims to end hair discrimination, ensuring that all individuals in Sandwell Council can embrace their natural hair and cultural identities without facing barriers or judgments.

## 20(b) **Sandwell Litter Bin Strategy**

Proposer: Councillor Gill

Secunder: Councillor Fisher

That this Council recognises the concerns of elected members and local residents with regards to the current number and use of litter bins, and is concerned that a new Litter Bin strategy is to be developed with the "intent of removing a proportion" of Sandwell's 1660 litter and dog bins.

That this council further recognises the concerns from residents regarding an epidemic of litter across the Borough which may be exacerbated by the removal of some bins which are well used by our community.

That this Council acknowledges the concerns of the elected members who have been unable to request new bins in locations across their wards as a result of the Litter Bin Audit which has been ongoing for many months.

Accordingly, Council invites the Executive to: -

- (i) pledge that none of the current bins in Sandwell are removed and instead work with SERCO to replace bins that are missing or damaged as a matter of urgency; and
- (ii) with SERCO, meet with all elected members to deliver a community-led allocation of litter bins across Sandwell which ensures they are placed in the most effective locations - including parks, nature reserves, housing estates and around schools.

## 21 **Exclusion of Public and Press**

That the public and press be excluded from the rest of the meeting. This is to avoid the possible disclosure of exempt information under Schedule 12A to the Local Government Act, 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, relating to any individual, likely to identify an individual and the financial or business affairs of any person, including the authority holding that information.

## 22 **New Leadership Team Structure**

343 - 358

To consider and approve the new Leadership Team structure.

**Dated: 16 October 2023**



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

**Distribution**  
All Members of Council

Contact: [democratic\\_services@sandwell.gov.uk](mailto:democratic_services@sandwell.gov.uk)

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This meeting may be recorded and broadcast on the Internet. If this is the case, it will be confirmed at the meeting and further information will be provided.



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## **Apologies**

To receive any apologies from members

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## **Declarations of Interest**

Members to declare any interests in matters to be discussed at the meeting.

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## Minutes of Council

**Tuesday 25 July 2023 at 6.03pm  
at Sandwell Council House, Oldbury**

**Present:** His Worshipful The Mayor, Councillor Gavan (Chair);  
Deputy Mayor, Councillor E M Giles;

Councillor Abrahams, Akpoteni, K Allcock, M Allcock, Anandou, Carmichael, Chapman, Chidley, Choudhry, Crompton, Dhariwal, Dhatt, Dunn, Fenton, Fisher, J Giles, L Giles, S Gill, W Gill, Hartwell, Hinchliff, Hughes, Hussain, Jalil, Johnston, Kalari, Kalebe-Nyamongo, Kaur, Khan, Khatun, Lewis, Loan, Maycock, Mayo, Melia, Millar, Millard, Moore, Muflihi, Owen, Padda, Pall, Piper, Rahman, Randhawa, Shaeen, J Singh, N Singh, Smith, Taylor, Tipper, Tromans, Trumpeter, Uppal, Webb, Wilkes, Williams and Younis.

**Also Present:** Honorary Alderman Prestidge.

**Officers:** Shokat Lal – Chief Executive; Surjit Tour – Director of Law and Governance and Monitoring Officer; Elaine Newsome – Services Manager – Democracy; Trisha Newton – Deputy Democratic Services Manager; Connor Robinson – Democratic Services Officer; John Swann – Democratic Services Officer; Charmain Hines - Business and Member Support Officer; Kennedy Brown – Sergeant at Arms.

### 83/23 **Apologies for Absence**

Apologies for absence were received from Councillors Ashraf, Bhullar, Davies, Fitzgerald, Hemingway, Kordala, Preece, Rollins and Weston.



84/23 **Declarations of Interest**

Councillor Smith declared an other interest in the matter referred to at Minute No. 91/23; Proposed Departure from Development Plan – Lower High Street, Rowley Regis as she lived in close proximity to the location.

85/23 **Minutes**

**Resolved** that the minutes of the meeting of Council held on 13 June 2023 be approved as a correct record and signed by the Chair.

86/23 **Urgent Business**

There were no urgent additional items of business to consider.

87/23 **Announcements**

The Mayor apologised for conduct at the previous extraordinary meeting of Council held on 18 July 2023.

The Mayor presented the Modern Slavery Statement 2023 which was subsequently signed by both the Leader of the Council and the Chief Executive and outlined the success of efforts to create a ‘Slavery- Free Sandwell’.

The Mayor also thanked everyone involved in the opening of the Sandwell Aquatics Centre to the public and outlined the benefits of having a world-class facility in the Borough.

The Mayor gave details of Mayoral and Deputy Mayoral engagements that had taken place.



88/23 **Petitions**

No petitions were received under Standing Order No. 8.

89/23 **Written Questions**

Questions received under Standing Order No. 9. were asked of the relevant members and responses received.

90/23 **Proposed Departure from the Development Plan at 1 Turners Hill, Rowley Regis**

Planning Committee had granted conditional approval at its meeting held on 28 June 2023 in relation to planning application DC/22/66968 for demolition of the existing Wheatsheaf public house and construction of 3 storey detached building consisting of 20 self-contained apartments with parking to rear on 1 Turners Hill, Rowley Regis.

Part of the site was situated within the Rowley Regis Strategic Open Space under the Site Allocations and Delivery Development Plan Policies Map. It was necessary for the Council to consider whether or not to grant an exception to adopted policy to allow the application to proceed.

**Resolved** that approval be given to an exception to the Development Plan in respect of planning application DC/22/66968 for demolition of the existing Wheatsheaf public house and construction of 3 storey detached building consisting 20 No. self-contained apartments with parking to rear on 1 Turners Hill, Rowley Regis.



91/23

## **Proposed Departure from the Development Plan at Lower High Street, Rowley Regis**

Planning Committee had granted conditional approval at its meeting held on 28 June 2023 in relation to planning application DC/23/67785 - proposed 3 storey community skills hub building with two detached outbuildings for storage, substation, plant room, new vehicular access and gates to front, car parking, cycle storage, enclosed skip/refuse bays, boundary fencing, landscaping and associated works – Lower High Street, Rowley Regis.

The site was on Green Belt allocation and the proposed development would infill a small section of the farm. It was necessary for the Council to consider whether or not to grant an exception to adopted policy to allow the application to proceed.

**Resolved** that approval be given to an exception to the Development Plan in respect of planning application DC/23/67785 - Proposed 3 storey community skills hub building with 2 No. detached outbuildings for storage, substation, plant room, new vehicular access and gates to front, car parking, cycle storage, enclosed skip/refuse bays, boundary fencing, landscaping and associated works – Lower High Street, Rowley Regis.

(Councillor Smith left the Council Chamber during consideration of this item and did not participate in any of the debate or voting on this item.)

92/23

## **Annual Report of the Licensing Committee 2022/ 23**

Council received the Annual Report of the Licensing Committee 2022/ 23.

The report highlighted the work of the Licensing Committee and Licensing Sub Committees for 2022/23.



93/23 **Annual Report of the Planning Committee 2022/ 23**

Council received the Annual Report of the Planning Committee 2022/ 23.

The report highlighted the work of the Planning Committee for 2022/23, including the determination of planning applications.

94/23 **Revisions to Appointments to Committees, Boards and Other Bodies**

Council considered revisions to the appointments to committees, boards and other bodies and the Terms of Reference for the General Purposes and Arbitration Committee.

**Resolved:-**

- (1) that the revised appointments to committees, boards and other bodies, as set out at Appendix A, be approved;
- (2) that the revised Terms of Reference for the General Purposes and Arbitration Committee, as set out at Appendix B, be approved;

95/23 **To receive the minutes of Cabinet**

The minutes of the meeting of the Cabinet held on 7 June 2023 were received.

96/23 **To receive the minutes of the Budget and Corporate Scrutiny Management Board**

The minutes of the meetings of the Budget and Corporate Scrutiny Management Board held on 6 and 29 June 2023 were received.



97/23 **To receive the minutes of the Audit and Risk Assurance Committee**

The minutes of the meeting of the Audit and Risk Assurance Committee held on 5 June 2023 were received.

98/23 **Notices of Motion**

The Council proceeded to consider the following motions received under Standing Order No. 12.

98/23(a) **Call for a ban on disposable single use barbecues**

It was moved by Councillor Rollins and seconded by Councillor Padda:-

“This Council believes that the Government should take action on banning the sale and use of disposable barbecues to prevent further devastating grass fires and habitat destruction.

Last summer, we saw a number of fire incidents across the country including at Swan Pool and Sheepwash amongst others, as well as the devastating fire at neighbouring Lickey Hills Country Park seeing the destruction of 5 hectares of valuable heathland.

We acknowledge the measures that the Government has put in place around user responsibility and packaging instructions, however, firmly believe that this does not go far enough.

The disposal of these barbecues remains a challenge for our staff, who encounter their remnants on a regular basis, and while we acknowledge that local authorities can impose restrictions through Public Space Protection Orders, effectively monitoring and enforcing this across our extensive parkland and green spaces would be nearly impossible.





We appreciate that a number of retailers have voluntarily chosen to cease selling disposable barbecues, including independent retailers close to our parks, however these items are still widely available. In addition, we are fully committed to reducing waste and in particular, single use items wherever possible and it is imperative that we tackle this issue collectively.

This Council calls on the Leader of the Council to write to the Minister of State for Crime, Policing and Fire to call for the ban on disposable single- use barbecues.

In addition, to commence a public awareness campaign on the risks and dangers of disposable barbecues and a campaign to local retailers to cease the sale of disposable barbecues.”

In accordance with Standing Order No.13, Councillor Fisher moved the following amendment to the Motion, seconded by Councillor W Gill:-

“This Council believes that the Government should take action on banning the sale and use of disposable barbecues to prevent further devastating grass fires and habitat destruction.

Last summer, we saw a number of fire incidents across the country including at Swan Pool and Sheepwash amongst others, as well as the devastating fire at neighbouring Lickey Hills Country Park seeing the destruction of 5 hectares of valuable heathland.

We acknowledge the measures that the Government has put in place around user responsibility and packaging instructions, however, firmly believe that this does not go far enough.

The disposal of these barbecues remains a challenge for our staff, who encounter their remnants on a regular basis, and while we acknowledge that local authorities can impose restrictions through Public Space Protection Orders, effectively monitoring and enforcing this across our extensive parkland and green spaces would be nearly impossible.



We appreciate that a number of retailers have voluntarily chosen to cease selling disposable barbecues, including independent retailers close to our parks, however these items are still widely available.

In addition, we are fully committed to reducing waste and in particular, single use items wherever possible and it is imperative that we tackle this issue collectively.

This Council calls on the Leader of the Council to write to the Minister of State for Crime, Policing and Fire to call for the ban on disposable single-use barbecues and to write to the Police and Crime Commissioner Simon Foster for his support in policing this.

We also call on the Cabinet member for Leisure and Tourism to explore the most appropriate route, whether it is by changing the by-laws or public space protection orders so that it includes “campfires and BBQs are prohibited as these also pose a risk to our parks and open spaces.

In addition, to commence a public awareness campaign on the risks and dangers of disposable barbecues, which will also include placing “No campfires or BBQs signs in all Sandwell parks” and a campaign to local retailers to cease the sale of disposable barbecues.”

The amendment was accepted, the amended motion was put to the vote and, having been carried, it was RESOLVED accordingly.

## 98/23(b) **Tipton Flood Defence Strategy**

It was moved by Councillor W Gill and seconded by Councillor Wilkes:-

“That this council recognises the impact on people and businesses in Tipton following the recent flash floods across the town.

And this council therefore recognises and reaffirms its duty to improve flood defences across Tipton.



And this council invites the executive to create Tipton Flood Defence Strategy placing an emphasis on improving on drainage efficiency.”

In accordance with Standing Order No.13, Councillor Millard moved the following amendment to the Motion, seconded by Councillor Hughes:-

“That this council recognises the impact that flooding can have on property, infrastructure and the health and wellbeing of our residents in our 6 towns by the recent flash floods. Flash floods are caused by extremely heavy rainfall in a short amount of time and summer thunderstorms that can happen in any town across the borough.

And this council therefore recognises and reaffirms its duty to follow the Borough Wide Policy, set out within The Black Country Local Flood Strategy for Flood Risk Management (LFRMS) for all towns in Sandwell.

It is important that the executive ensures that emphasis is placed on improving drainage efficiency by committing to more frequent monitoring of gullies in areas that are at risk. And, that the council continues to work with partner agencies such as the Environmental Agency and Severn Trent to develop solutions that reduce the risk of flooding across the borough including flood defences across Tipton.”

The amendment was accepted, the amended motion was put to the vote and, having been carried, it was RESOLVED accordingly.

### 82/23(c) **Police Stations Proposal**

The motion was withdrawn.



82/23(d) **Shadow Cabinet**

It was moved by Councillor Fisher and seconded by Councillor W Gill:-

“That this council recognises the benefit of a strong opposition in promoting accountability and scrutiny within the authority. This council recognises the benefits of a shadow cabinet and its role in promoting accountability.

This council calls on the Governance and Constitution Committee to investigate the feasibility of a shadow cabinet and to report back to this Council on their findings at the next full council meeting.”

In accordance with Standing Order No.13, Councillor Piper moved the following amendment to the Motion, seconded by Councillor Carmichael:-

“That this council recognises the benefit of a strong opposition in promoting accountability and scrutiny within the authority.

This council calls on the Governance and Constitution Committee to investigate the feasibility of a shadow cabinet and to report back to this Council on their findings at the next full council meeting.”

The amendment was accepted, the amended motion was put to the vote and, having been carried, it was RESOLVED accordingly.

Meeting ended at 7.11pm

Contact: [democratic\\_services@sandwell.gov.uk](mailto:democratic_services@sandwell.gov.uk)



## Appendix A

<b>Committee/Board/Other Body</b>	<b>Revision/nomination</b>
River Trent Regional Flood and Coastal Committee	Replace Councillor Jalil with Cabinet Member for Environment & Highways
Children's Services and Education Scrutiny Board - Co-opted Primary Parent Governor Representative	Yvonne Ologbo



## Sandwell Health and Wellbeing Board Membership 2023-24

Organisation	Position	Status	Voting rights	Proposed Change/Remarks
Sandwell MBC	Cabinet Member for Adults, Social Care and Health	Statutory	Yes	No change
	Cabinet Member for Public Health and Communities	Discretionary	Yes	Replaces Deputy Leader, Councillor Piper
	Cabinet Member for Children and Education	Discretionary	Yes	No change
	Cabinet Member for Housing and Built Environment	Discretionary	Yes	No change
	Health and Adult Social Care Scrutiny Board	Discretionary	No	No change
	Children's Services and Education Scrutiny Board	Discretionary	No	No change
	Opposition Representative	Discretionary	No	NEW
	Director of Adult Social Care.	Statutory	Yes	To be given voting rights.
	Director of Children's Services	Statutory	Yes	To be given voting rights.
	Director of Public Health	Statutory	Yes	To be given voting rights.
Black Country Integrated Care Board (ICB)	Two representatives	Statutory(1)	Yes	Addresses loss of GP representatives due to structural changes at the ICB.
Healthwatch Sandwell	One representative (2 Named Substitutes)	Statutory(1)	Yes	No change



NHS England	One representative	Discretionary	No	<i>Remove.</i>
Faith Sector	One representative	Discretionary	Yes	<i>No change</i>
West Midlands Police	One representative	Discretionary	No	<i>No change</i>
Sandwell and West Birmingham Hospitals NHS Trust	One representative	Discretionary	No	<i>No change</i>
Black Country Healthcare NHS Foundation Trust	One representative	Discretionary	No	<i>No change</i>
Sandwell Council of Voluntary Organisations	One representative	Discretionary	No	<i>No change</i>
West Midlands Fire Service	One representative	Discretionary	No	<i>No change</i>
Sandwell Children's Trust	One representative	Discretionary	No	<i>No change</i>
SHAPE Forum	One representative (plus named substitute)	Discretionary	Yes	<i>NEW</i>

Quorum shall be:-

- 1 Councillor
- 1 Director
- 1 Healthwatch
- 1 ICB representative





# General Purposes and Arbitration Committee

## Terms of Reference

Within approved Council policy and in accordance with the overall aims and objectives of the Council, the Committee shall:-

1. consider and make recommendations to the Council on all matters which fall within the following terms of reference:-
  - (a) the nomination of the Ceremonial Mayor of the Borough;
  - (b) all matters relating to electoral boundaries of the Borough and its Wards including Parliamentary boundaries and associated electoral registration issues;
  - (c) functions relating to the name and status of areas and individuals, including confirming the title of honorary aldermen and honorary alderwomen and the admission of honorary freemen and honorary freewomen;
  - (d) to make nominations for the Queen's Birthday Honours List to highlight the good work by citizens of Sandwell;
  - (e) the power to make, amend, revoke and re-enact by-laws;
  - (f) the power to promote or oppose local or personal Bills;
  - (g) functions relating to local government pensions etc. under the The Local Government Pension Scheme Regulations 2013 and other relevant statutory requirements, regulation or direction;
2. deal with all matters which fall within the following terms of reference, which are delegated to it:-
  - (1) to act as Managing Trustees of the Charity of Leonard Andrews Poole;





- (2) the determination of appeals against decisions of the relevant Director or staff reporting to them with regard to non-inclusion on the standing list for residential services and the approved list for non-residential services;
- (3) the determination of appeals against decisions of the relevant Director or staff reporting to them to exclude providers from the standing list of residential and nursing homes and the approved list for non-residential services;
- (4) the determination of oral or written representations made by applicants for registration under the provisions of the Registered Homes Act 1984, the Registered Homes (Amendment) Act 1991 and the Children Act 1989;
- (5) the determination of appeals against the decision of the relevant Director(s) in relation to access to personal files under the Access to Personal Files (Housing) Regulations 1989.
- (6) the determination of disputes arising from the Joint Consultative Panel;
- (7) the determination of disputes arising from decisions of the executive in relation to which a formal 'Failure to Agree' is registered by a Trade Union(s);
- (8) any other employee relations matter which the Proper Officer, in consultation with the Deputy Chief Executive, may from time to time determine are relevant to be considered by the Committee to comply with appropriate human rights legislation;
- (9) the determination of any appeals against decisions made by the Section 151 Officer on the ranking of charges, the redemption figure or the loan amount, in relation to the repatriation of the Kick Start Loan Portfolio.



3. submit its recommendations and key issues to the Council for consideration and/or information as appropriate.

Ends





## **Urgent Business**

To consider any urgent business (with prior approval by the Mayor).

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## **Events attended since 26 July 2023**

- 5 x Citizenship Ceremony
- Memorial Service for Betty Boothroyd
- National Play Day - Smethwick
- Creative Hub - Art & Craft Exhibition
- 350 Mile Finale Scotland to Birmingham- Sikh Helpline Charity
- Options for life - Visit Oak Green Lodge
- Careers in Sandwell event held by SMBC
- New Business Opening - Traceys Juice Bar
- ONE FEST - Sandwell Valley Country Park
- West Smethwick Park's First birthday celebration event
- Volunteer Celebration Brushstrokes BBQ
- Let's Dance show
- Oldbury Community Awards Ceremony x 2
- SCIPS - Annual General Meeting
- Deputy Lieutenant Handover of Queen's Canopy Tree to Sandwell Valley Visitor Centre for planting
- Annual Justice Service - Birmingham Cathedral
- 100th Birthday party - West Bromwich Harriers Running Club
- Meet and Greet with Retirement Living residents - St David's Court
- The opening of Toolbox - Rowley Regis
- Special Olympics event – Wednesbury
- UNISON's Public Services Champions Day
- Annual Care Leavers Awards Ceremony -West Bromwich
- Deputy Mayor
- Sandwell Churches Link Annual Conference 2023
- British Empire Medal Investiture -Birmingham
- St Giles Parish Church Rowley Regis, Centenary Celebrations

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## **Petitions**

To receive any petitions under Standing Order No. 8 (strategic policy issues or which are of a Borough-wide significance if they are relevant to some matter to which the Council has functions and responsibilities, or which affects the Borough, or part of it, or its citizens or a number of them).

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## Report to Council

**24 October 2023**

<b>Subject:</b>	Written Questions
<b>Director:</b>	Surjit Tour – Director of Law and Governance and Monitoring Officer

The following written questions have been received: -

**7(a) From Councillor Bhullar to the Cabinet Member for Environment and Highways**

Can I ask the Cabinet member for Highways what the plans are for road gritting and clearing through the winter months that will ensure that main roads are kept clear that will keep traffic moving across Sandwell.

**7(b) From Councillor Taylor to the Cabinet Member for Housing and Build Environment**

We have many residents across Sandwell who are living in the private rented sector, we have many good Landlords, but we also have Landlords that are increasing rents and issuing Section 21's causing homelessness cases leaving our residents in a desperate situation. Can I ask the Cabinet Member for Housing how this council is managing with the increase in people who now require a place to live?

**7(c) From Councillor Chidley to the Cabinet Member for Leisure and Tourism**

After the success of last year's events especially Bonfire Night at Sandwell Valley and the Light Switch on's in our towns, can I ask the cabinet member for Leisure and Tourism what events are planned in Sandwell this winter.



## **7(d) From Councillor Khan to the Leader of the Council**

I understand there is a policy in place in regards to pets as prizes. Can I ask the Leader of the Council, the portfolio holder for animal welfare, what the council is doing to ensure this policy is adhered to and what actions will be taken against the perpetrators of such offences?

## **7(e) From Councillor Giles to the Leader of the Council**

I recently read an open letter that you wrote to Robert Jenerick Conservative MP regarding another private hotel that has been acquired by the government for people seeking asylum in the UK. Can I ask the Leader - if the council gave permission to the government to do this?

## **7(f) From Councillor Hinchliff to the Cabinet Member for Children, Education and Young People**

Can I congratulate the team on achieving the grading of good in the recent Area SEND Ofsted inspection. This is a real achievement at a time when we are seeing a national increase in the need for support for children with SEND and can I ask what the next steps will be put in place to address the recommendations made in the report?

## **7(g) From Councillor Tipper to the Cabinet Member for Housing and Built Environment**

At the last cabinet meeting cabinet approved the Borough of Sanctuary strategy and the application was due to go to panel. Can the cabinet member for Housing and Built Environment provide an update on the application?

## **7(h) From Councillor Gill to the Cabinet Member for Regeneration and WMCA**

As a result of Lloyds Bank, Wilko and Hallmark all leaving Great Bridge High Street in the last few months for a variety of reasons, I am campaigning with local residents to Save our High Street in Great Bridge. I'd like to know what is the Council currently doing to support the sustainability of small businesses in Sandwell and what measures do the Council have planned to incentivise more small businesses in Great Bridge, including potential grant scheme for shop front refurbishment or business rate relief schemes?



## 7(i) From Councillor Dunn to the Cabinet Member for Environment and Highways

I've raised several times during Council meetings the issues that Tividale residents face when it comes to road safety. On as basis that is far too often, residents express to me their concerns about blocked pavements, dangerous corners and problematic parking. Can I please ask the cabinet member to:

- 1) Explain the current process of implementing parking resolutions within the Council.
- 2) If they will arrange a meeting with myself and the Neighbourhood Police Team to discuss strategies to better the system for the safety of our communities.



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## Report to Council

**24 October 2023**

<b>Subject:</b>	Proposals for the introduction of a Shadow Cabinet
<b>Director:</b>	Surjit Tour Director of Law and Governance & Monitoring Officer
<b>Contact Officer:</b>	Suky Suthi-Nagra Democratic and Member Services Manager <a href="mailto:suky_suthinagra@sandwell.gov.uk">suky_suthinagra@sandwell.gov.uk</a>  Johane Gandiwa Committee and Constitutional Services Lead Officer <a href="mailto:Johane_Gandiwa@sandwell.gov.uk">Johane_Gandiwa@sandwell.gov.uk</a>

### 1 Recommendations

- 1.1 That the Shadow Cabinet Protocol, as set out in Appendix A, be endorsed.
- 1.2 That approval be given to make any changes to the council's Constitution, as set out at Appendix B, to reflect the introduction of a Shadow Cabinet.
- 1.3 That Council recommend the Independent Remuneration Panel (IRP) to review any Special Responsibility Allowance associated with the shadow cabinet roles and submit a further report to Council in December 2023.

### 2 Reasons for Recommendations

- 2.1 Currently, the Constitution does not provide for the establishment of a shadow cabinet as an arrangement to strengthen accountability and scrutiny.



2.2 Any changes made to the Constitution, including changes necessitating the establishment of a shadow cabinet and adoption of a Shadow Cabinet Protocol, require approval by the Council.

### 3 How does this deliver objectives of the Corporate Plan?

		Effective governance arrangements support the delivery of all corporate objectives.
		
		

### 4 Context and Key Issues

4.1 At its meeting on 25 July 2023, Full Council resolved that the Governance and Constitution Committee be requested to investigate the feasibility of establishing a shadow cabinet and to report back to Council, at the next full council meeting, on its findings.

4.2 A benchmarking exercise was conducted to ascertain the prevalence of shadow cabinets in the various local authorities. The benchmarking exercise involved analysing constitutions of 26 councils, of which 12 were in the West Midlands.

4.3 6 of the councils that were considered during the exercise were regarded by the Chartered Institute of Public Finance and Accountancy (CIPFA) in its model as Sandwell's 'nearest neighbors'. These are Coventry, Derby, Dudley, Sheffield, Wolverhampton, and Walsall. Other councils, though not Sandwell's 'CIPFA nearest neighbors', were considered to broaden the scope of the analysis. The benchmarking revealed the following: -



<b>Local Authority</b>	<b>Shadow cabinet/No Shadow cabinet</b>
Blackburn with Darwen Borough Council	Opposition spokespersons perform the functions of a shadow cabinet
Birmingham City Council	No shadow cabinet
Cardiff Council	No shadow cabinet
Cannock Chase Council	Has a shadow cabinet
Cheshire West and Chester	Has a shadow cabinet
Coventry City Council	Has a shadow cabinet
Croydon Council	Has a shadow cabinet
Derbyshire County Council	Has a shadow cabinet
Dorset Council	No shadow cabinet
Dudley Metropolitan Borough Council	Opposition spokespersons attend meetings of Cabinet. These perform the roles of a 'Shadow Cabinet'.
Gateshead Council	No shadow cabinet
Gloucester City Council	No shadow cabinet
Oxfordshire County Council	Has a shadow cabinet
Reading City Council	No shadow cabinet
Sheffield Council	No shadow cabinet
Shropshire Council	No shadow cabinet
Solihull Metropolitan Borough Council	Opposition Spokespersons attend decision making sessions and can address the member making the decisions without being required to give notice.
Staffordshire County Council	Has a shadow cabinet
Stoke on Trent City Council	Has a shadow cabinet
Tameside Metropolitan Borough Council	Shadow opposition spokespersons perform the functions of a shadow cabinet



<b>Local Authority</b>	<b>Shadow cabinet/No Shadow cabinet</b>
Telford and Wrekin Cooperative Council	No shadow cabinet
Walsall Council	Has a shadow cabinet
Warwickshire County Council	No shadow cabinet
Worcestershire County Council	No shadow cabinet
Wolverhampton City Council	No shadow cabinet
Wyre Council	No shadow cabinet

4.4 As a general practice, the largest political group on the Council which is not the Group(s) from which the Cabinet is drawn is officially recognised by the Council as the Opposition or Main Opposition. The Opposition may appoint a Leader, Deputy Leader, and other members (not being more than the number of members in the Council’s Cabinet) to shadow the responsibilities of the Leader and Deputy Leader of the Council and the other Cabinet members. Other councils have established some other shadow arrangements in which opposition spokespersons perform the functions of a shadow cabinet.

4.5 The Governance and Constitution Review Committee, on 21<sup>st</sup> September 2023, agreed to set up a working group to consider any draft shadow cabinet protocol and authorised the Chair of the Committee to approve the final protocol. The Working Group, on 5<sup>th</sup> October 2023, subsequently considered a protocol and recommended it for approval as set out in Appendix A.

## 5 Implications

<b>Resources:</b>	The establishment of a shadow cabinet may have financial implications as shadow cabinet members in comparable councils are paid a Special Responsibility Allowance. This is subject to consideration by the Independent Remuneration Panel and a decision by Council.
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<b>Legal and Governance:</b>	Changes will be required to the Council’s Constitution and governance arrangements in order to incorporate the new Shadow Cabinet protocol.
<b>Risk:</b>	Establishing a shadow cabinet will help to provide effective challenge to the executive and corporate scrutiny of the achievement of the Council’s corporate and service objectives and priorities.
<b>Equality:</b>	
<b>Health and Wellbeing:</b>	
<b>Social Value:</b>	
<b>Climate Change:</b>	
<b>Corporate Parenting:</b>	

## 6 Appendices

Appendix A – Shadow Cabinet Protocol

Appendix B – Proposed Changes to the Constitution

## 7. Background Papers

[Report to the Governance and Constitution Review Committee – 21 September 2023](#)



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## Appendix A



### Draft Shadow Cabinet Protocol

#### 1.0 Introduction

- 1.1 This Protocol captures the rights and responsibilities of members of the Shadow Cabinet for Sandwell Metropolitan Borough Council. The Protocol sets out the rights of Shadow Cabinet Members to access information, pose questions in Cabinet, inspect documents, receive briefings from Directors and attend Cabinet meetings. This protocol should be read in conjunction with other elements of the Constitution. Advice on the interpretation and application of this protocol will be given by the Monitoring Officer.
- 1.2 In law, all Councillors are equal and have the responsibilities of trustees. However, legislation and guidance gives certain powers and duties to the different roles which Councillors may hold e.g. Chair of the Council, Leader of the Council, Cabinet Member, Leader of the Opposition, Shadow Cabinet Member and Chair of a Scrutiny Board.
- 1.3 It is the responsibility of all Councillors to ensure that they are aware of their rights and responsibilities. If Councillors are ever in any doubt in terms of the law, Constitution, general propriety, or potential conflicts of interest, they should consult the Monitoring Officer.

#### 2.0 Composition

- 2.1 The Group Leader of the largest opposition group within the Council may choose to form a Shadow Cabinet by their nomination. If so, they will notify the Council and the Monitoring Officer of the names of the members nominated to form a Shadow Cabinet and of any changes in the membership of the Shadow Cabinet which may occur from time to time.

## **Appendix A**

- 2.2 The Group Leader of the largest opposition group may appoint a Shadow Cabinet Leader, Shadow Cabinet Deputy Leader and other Shadow Cabinet Members. In accordance with the relevant legislation relating to the composition of the Cabinet (Local Government Act, 2000) and the Sandwell Metropolitan Borough Council's Constitution in relation to the composition of the Cabinet (Article 7 Paragraph 7.02), the Shadow Cabinet shall comprise of no more than the number of members permissible for the Cabinet, i.e. no more than 10 Members and may not exceed the number of Members appointed to Cabinet at any given time.
- 2.3 Collectively these opposition councillors will be termed the Shadow Cabinet. A member of the Opposition may be appointed to shadow any one Cabinet Portfolio, but no Cabinet Portfolio shall be shadowed by two or more Opposition members.
- 2.4 The Group Leader of the majority opposition group can allocate portfolio responsibilities between and amongst the Shadow Cabinet and will mirror the portfolios of those of the Cabinet, save that a single Shadow Cabinet member may shadow more than one Cabinet Portfolio.

### **3.0 Role**

- 3.1 The Shadow Cabinet will have collective responsibility for providing an effective challenge to the controlling executive and for constructive scrutiny of the achievement of the Council's corporate and service objectives and priorities, as would be expected from the largest Opposition Group.

### **4.0 Questions to Cabinet**

- 4.1 Members of the Shadow Cabinet have a right to present questions to Cabinet as allowed under the Constitution:
- 4.1.1 If two days' notice in writing has been given to the Monitoring Officer, a Shadow Cabinet Member, may ask the Cabinet Member a question on a matter set out on the Cabinet agenda for that meeting.
- 4.1.2 Every question of which notice has been given under 4.1.1 above shall be put and answered without discussion.

## **Appendix A**

- 4.1.3 A Shadow Cabinet Member under 4.1.1 asking a question, once their question has been responded to, may ask one relevant supplementary question which must arise directly out of the original question, whether it is answered or not, or arising from the reply. The question must be put as a direct question and not preceded by a statement.
- 4.1.4 If a Shadow Cabinet Member, having submitted written notice of a question, is unable to attend the meeting of Cabinet, a written response shall be provided to the Shadow Cabinet and a copy appended to the minutes of the meeting.

### **5.0 Content of questions**

- 5.1 The Monitoring Officer may reject a Shadow Cabinet Member's request to ask a question if:
  - 5.1.1 it does not comply with any of the requirements of this Protocol;
  - 5.1.2 it is not about a matter which is being considered as an item of business at the meeting;
  - 5.1.3 it is defamatory, frivolous, vexatious, or offensive; and/or
  - 5.1.4 it would require the disclosure of confidential or exempt information or unauthorised/improper disclosure of personal data or personal sensitive data.

### **6.0 Rights of Shadow Cabinet Members to Private Briefings**

- 6.1 Shadow Cabinet Members are entitled to request private briefings from Council Chief Officers on:
  - 6.1.1 proposals to be considered by the Cabinet that have been published;
  - 6.1.2 matters contained within the Cabinet Forward Plan; and
  - 6.1.3 other matters identified by the Shadow Cabinet.
- 6.2 The Shadow Cabinet acknowledges that certain information and details may not be possible to include in any briefing without the approval of the Executive or due to legal and/or the need to maintain confidentiality or confidence. In such circumstances, the Chief Officer shall explain the reasons for not disclosing information.

## **Appendix A**

6.3 In such cases, the procedures set out under section 33, Part 5 of the Sandwell Metropolitan Borough Council Protocol on Member/Officer Relations will apply.

6.4 Directors can share with Shadow Cabinet Members information relating to policy as well as statistical analysis. For the avoidance of doubt, all briefings shall be factual and non-political in nature and not reveal information and advice that is precluded by statute or other established practices.

6.5 The briefings shall be underpinned, amongst others, by respect, dignity, courtesy, integrity, openness, mutual support and appropriate confidentiality.

### **7.0 Budget briefing Arrangements**

7.1 Council shall make arrangements for the Shadow Cabinet Members to receive briefings on the budget setting process. This support can include but not limited to supporting the opposition group prepare an alternative budget.

### **8.0 Information on Cabinet Forward Plans and other Plans**

8.1 Members of the Shadow Cabinet shall be entitled to receive timely information on the Cabinet Forward Plan as well as Scrutiny Work Programmes.

### **9.0 Information on delegated decisions**

9.1 Shadow Cabinet Members shall be entitled to receive periodically information on the list of delegated executive decisions made by individual Cabinet Members and officers.

### **10.0 Limitations on access to information**

10.1 Subject to Members existing rights of access to information as set out in Section 24-Part 4 Access to Information Rules within the Constitution, the Executive, cognisant of its duty to provide information upon request, has discretion on the nature, form, and content of information which it may or may not share with members of the Shadow Cabinet.

## **Appendix A**

- 10.2 Any exercise of discretion by the Executive may be subject to the provision of confidentiality undertakings by the Shadow Cabinet as to the access, use or processing of information shared under this Protocol.
- 10.3 Subject to 10.2 above, information shared with the Shadow Cabinet confidentially or in confidence shall not be disclosed by the Shadow Cabinet to any other person(s) within the council or with any external third party. Any requests for disclosure of such information must be referred to the Monitoring Officer for consideration and determination.

### **11.0 Powers**

- 11.1 For the avoidance of doubt, the Shadow Cabinet is not a decision-making body and will not have any Executive or Non-Executive powers. In this respect, council officers cannot be instructed to act on behalf of the Shadow Cabinet or individual members of the Shadow Cabinet in any way.

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<b>Proposal</b>	<b>Constitution reference (if applicable)</b>	<b>Proposed wording</b>
<p>Establishment of a Shadow Cabinet</p>	<p>N/a</p>	<p>Constitution Part 4 - Executive Procedure Rules</p> <p>Insert new Para 2.4A</p> <p>2.4A.1 The Council recognises that the “Leader of the Opposition” shall be the leader of the largest political group on the Council (excluding the political group of the Leader of the Council), who shall be entitled to appoint a deputy, who shall be known as the Deputy Opposition Leader.</p> <p>2.4A.2 The Leader of the Opposition may choose to form a Shadow Cabinet in accordance with the Shadow Cabinet Protocol approved by the Governance and Constitution Committee.</p>

Proposal	Constitution reference (if applicable)	Proposed wording
		<p>2.4A.3 The Leader of the Opposition shall notify the Council and the Chief Executive of the names of the members nominated to form a Shadow Cabinet and of any changes in the membership of the Shadow Cabinet which may occur from time to time.</p>
<p>Attendance of Shadow Cabinet at Cabinet meetings</p>	<p>Executive Procedure Rules:  <b>1.6 Public and Private Meetings of the Executive</b>            (a) Meetings of the Cabinet will be held in public except during consideration of confidential or exempt items as defined in the Access to Information Procedure Rules in Part 4 of this Constitution.            (b) the Chairs of the Scrutiny Boards, Vice Chairs of Scrutiny Boards and the Leader of each opposition group (or in their absence, their Deputy Leader) may attend meetings of the Cabinet as</p>	<p>Amendment to:  <b>1.6 Public and Private Meetings of the Executive</b>            (a) Meetings of the Cabinet will be held in public except during consideration of confidential or exempt items as defined in the Access to Information Procedure Rules in Part 4 of this Constitution.            (b) the Chairs of the Scrutiny Boards, Vice Chairs of Scrutiny Boards, Opposition Leader and <b>members of the Shadow Cabinet</b> <del>Leader of each opposition group</del></p>

Proposal	Constitution reference (if applicable)	Proposed wording
	<p>observers and speak, with the agreement of the Chair, but cannot vote. However, such members will be required to withdraw from the meeting where an item is to be considered in which they would have to declare an interest either as a member or as if they were a member of the Cabinet.</p>	<p><del>(or in their absence, their Deputy Leader)</del> may attend meetings of the Cabinet as observers and speak, with the agreement of the Chair, but cannot vote. However, such members will be required to withdraw from the meeting where an item is to be considered in which they would have to declare an interest either as a member or as if they were a member of the Cabinet.</p>
<p>To enable Shadow Cabinet members to ask questions of Cabinet members at meetings</p>	<p>Executive Procedure Rules:</p> <p><b>2.5 Questions</b></p> <p>(a) If two days' notice in writing has been given to the Monitoring Officer, a Scrutiny Board Chair, Scrutiny Board Vice Chair or an Opposition Leader or Opposition Deputy Leader in their absence, may ask the Cabinet Member a question on a matter set out on the Cabinet agenda for that meeting.</p>	<p>Amendment to:</p> <p><b>2.5 Questions</b></p> <p>(a) If two days' notice in writing has been given to the Monitoring Officer, a Scrutiny Board Chair, Scrutiny Board Vice Chair or <b>Shadow Cabinet Member</b> <del>an Opposition Leader or Opposition Deputy Leader in their absence,</del> may ask the Cabinet Member a</p>

Proposal	Constitution reference (if applicable)	Proposed wording
	<p>(b) Every question of which notice has been given under Rule 2.5(a) shall be put and answered without discussion.</p> <p>(c) A member under Rule 2.5(a) asking a question, once their question has been responded to, ask one relevant supplementary question which must arise directly out of the original question, whether it is answered or not, or arising from the reply. The question must be put as a direct question and not preceded by a statement.</p>	<p>question on a matter set out on the Cabinet agenda for that meeting.  <b>In the absence of the relevant Shadow Cabinet Member from attendance, a written response shall be provided and a copy of the response appended to the minutes.</b></p> <p>(b) Every question of which notice has been given under Rule 2.5(a) shall be put and answered without discussion.</p> <p>(c) A member under Rule 2.5(a) asking a question, once their question has been responded to, ask one relevant supplementary question which must arise directly out of the original question, whether it is answered or not, or arising from the reply. The question must be put as a direct question and not preceded by a statement.</p>

Proposal	Constitution reference (if applicable)	Proposed wording
Shadow Cabinet members access to papers	<p>Executive Procedure Rules:</p> <p><b>3.3 Provision of Copies of Reports to Scrutiny Boards</b>            On submitting a report to an executive member to be taken into account in making any key decision, the report author will give a copy of the report to the chair of every relevant scrutiny board as soon as reasonably practicable and make it publicly available at the same time subject to the report not containing exempt or confidential information as defined under these rules.</p>	<p>Amendment to:</p> <p><b>3.3 Provision of Copies of Reports to Scrutiny Boards and members of the Shadow Cabinet</b>            On submitting a report to an executive member to be taken into account in making any key decision, the report author will give a copy of the report to the chair of every relevant scrutiny board, Opposition Leader and shadow cabinet members as soon as reasonably practicable and make it publicly available at the same time subject to the report not containing exempt or confidential information as defined under these rules.</p>

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## Council

**24 October 2023**

<b>Subject:</b>	Scrutiny Annual Report 2022 - 2023
<b>Director:</b>	Surjit Tour Director of Law and Governance and Monitoring Officer
<b>Contact Officer:</b>	Statutory Scrutiny Officer Suky Suthi-Nagra <a href="mailto:Suky_suthi-nagra@sandwell.gov.uk">Suky_suthi-nagra@sandwell.gov.uk</a>







### 1 Recommendations

- 1.1 That Council receives the Scrutiny Annual Report 2022 – 2023 as set out in the Appendix.

### 2 Reasons for Recommendations

- 2.1 In accordance with Article 6.03 (d) of the Council’s Constitution, Scrutiny is required to report annually to the Council on its work.

### 3 How does this deliver objectives of the Corporate Plan?

		Effective scrutiny and governance arrangements support the delivery of all corporate objectives
		
		



## 4 Context and Key Issues

- 4.1 The attached annual report outlines work undertaken by Sandwell Council's scrutiny function in 2022 - 2023 and highlights a number of activities and outcomes that contributed towards the objectives of the Corporate Plan.
- 4.2 Scrutiny Boards delivered the work programme using a variety of methodologies outlined in the report. Evidence was provided by a range of witnesses from the Council and partner organisations, and there was engagement with service users and providers.

## 5 Alternative Options

- 5.1 The Constitution requires Scrutiny to report to Council annually.

## 6 Implications

<b>Resources:</b>	There are no strategic resource implication arising directly from this report. Scrutiny boards are obliged to take into consideration the financial implications of the matters they consider.
<b>Legal and Governance:</b>	Scrutiny boards discharge the functions conferred by section 12 of the Local Government Act 2000 and the subsequent legislation.  The report has been produced in accordance with Article 6.03 (d) of the Council's Constitution, which states that the Scrutiny function will report annually to the first meeting of the Council in the Municipal Year after the Annual Meeting.
<b>Risk:</b>	There are no risk implications arising from this report.
<b>Equality:</b>	Scrutiny boards recognise the importance of the equality, diversity and inclusion agenda and will support the council to embed a positive EDI agenda, which includes supporting the role and work of the Equalities Commission.
<b>Health and Wellbeing:</b>	Scrutiny specifically focuses on health and wellbeing and will continue to examine this area to ensure the council meets its performance targets whilst examining how continuous improvement and innovative approaches can be progressed.





<b>Social Value</b>	Social Value is a key theme of the Improvement Plan with engagement and participation. Scrutiny will play a significant role in providing assurance to the Council, members, partners, stakeholders and residents that the council remained committed to delivering and promoting social value where possible.
<b>Climate Change</b>	The proposals will not have a detrimental impact on climate change. However, Scrutiny will play an important role to ensure the council drives and delivers upon its climate change objectives and targets.
<b>Corporate Parenting:</b>	Scrutiny play an important role in ensuring that vulnerable children and young people have the right support and access to opportunities.

## 7. Appendices

Scrutiny Annual Report 2022-23.

## 8. Background Papers

None



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# Scrutiny Annual Report 2022-23

# contents

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# introduction

This report provides an insight into the work of Sandwell Council's five scrutiny boards over the 2022-23 municipal year.

The year was one of change, improvement and strengthening of not just scrutiny, but the entire governance arrangements as part of the Council's Improvement Plan. This saw reviews of key processes and procedures including the Scrutiny Procedure Rules, to build upon the scrutiny review that took place in 2019.

This work was carried out alongside the successful delivery of a programme of scrutiny activity covering in-depth reviews, pre-decision scrutiny and engagement with partners.

Overview and scrutiny remains a vital part of the Council's ongoing improvement journey, holding to account the decision makers and helping to identify where improvements can be made in policy and service delivery.



# what is scrutiny?

Sandwell Council is run by councillors elected by residents. A small number of those councillors form the Cabinet (also referred to as the executive) which sets the direction, determines the priorities and takes the important decisions. The scrutiny function fulfils the statutory requirement to have a mechanism in place to hold decision makers to account by reviewing these important decisions to ensure that they are taken based on good evidence including the views of those with an interest in the matter and they are in the best interests of the people of Sandwell. Scrutiny also contributes to the council's policy and budget development process. The purpose of scrutiny is ultimately to improve the lives of local people through improved public services.

The Council has appointed a Scrutiny Management Board and four thematic boards to deliver the scrutiny function. Additionally, the Council establishes arrangements with Birmingham City Council for the joint scrutiny of matters affecting residents of both Sandwell and the West of Birmingham, under the footprint of the Sandwell and West Birmingham Hospitals NHS Trust. Each Board develops a work programme at the start of each municipal year to prioritise its work and ensure that there is sufficient focus on key issues affecting the Council and the people of Sandwell. Work programmes remain flexible however, to ensure that scrutiny has capacity to respond to any new issues.

The boards carry out scrutiny activity in a variety of ways including in-depth reviews, receiving reports and presentations on singular items/decisions, undertaking site visits, conducting surveys, reviewing existing national/local data, and hearing evidence from expert witnesses. Scrutiny boards also have 'Call-In' powers to scrutinise Cabinet decisions before they are implemented and can make recommendations to the Cabinet that it must consider before the decision can be actioned.



# what is scrutiny?

There are many ways that Scrutiny has an impact and adds value.

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**Makes comments and recommendations to decision makers based on evidence gathered.**

**Initiates 'the difficult conversation', inviting people into the same space to hold an open and transparent discussion.**

**Monitors and maintains oversight of issues that impact on residents and businesses of Sandwell.**

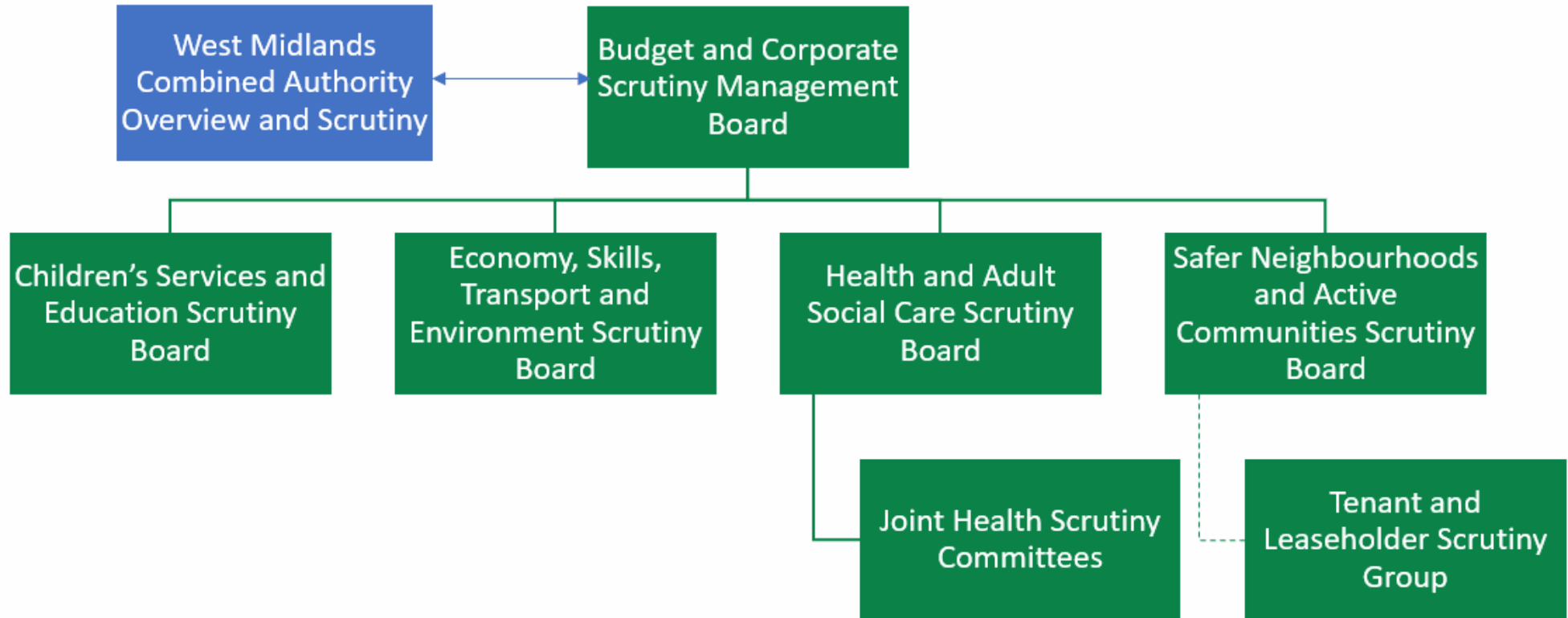
**Questions the issues, barriers or blockages.**

**Helps to develop relationships between services and partners, public and officers.**

**Identifies good practice and shares this more widely.**

# structure

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**Councillor Paul Moore**  
**Chair: Budget and Corporate Scrutiny Management Board**



**Councillor Ellen Fenton**  
**Chair: Safer Neighbourhoods and Active Communities Scrutiny Board**



**Councillor Karen Simms**  
**Chair: Economy, Skills, Transport and Environment Scrutiny Board**



**Councillors Ann Shackleton and Nicki Hinchliff**



**Chair: Children's Services and Education Scrutiny Board**



**Councillor Elaine Giles**  
**Chair: Health and Adult Social Care Scrutiny Board**

This report illustrates the breadth and variety of issues considered by the various scrutiny boards in Sandwell, highlighting some specific pieces of work. Each board has looked to consider and challenge a number of key issues that are important to the Council, and residents.

Each year we consult the public and partners on what things scrutiny should look at .....

Sadly during 2022-23 Councillor Ann Shackleton, Chair of the Children's Services and Education Scrutiny Board, passed away. Her contributions made overview and scrutiny in Sandwell better and her dedication to Sandwell was exemplary. She will be missed by all involved in scrutiny in Sandwell.

*Councillor Paul Moore*  
*Chair - Budget and Corporate Scrutiny Management Board*



# activity overview

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39 meetings

4 in-depth  
reviews



29 pre– decision  
items

10 visits

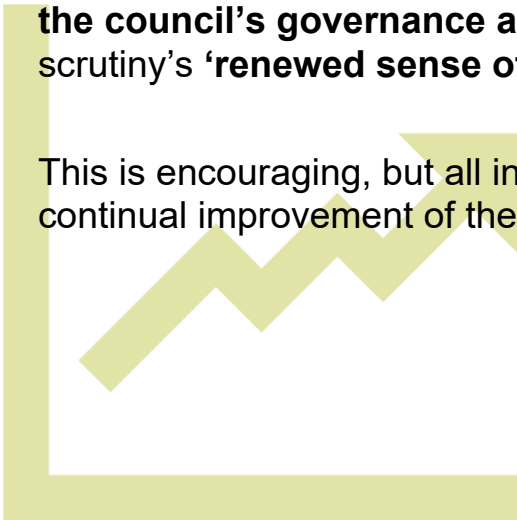


As part of the ongoing Improvement Plan work the Council has engaged external organisations to review various aspects of governance. The feedback in the latter part of the 2022-23 municipal year has been particularly positive and reflects the work undertaken to strengthen and drive forward the overview and scrutiny function.

Grant Thornton, the Council's external auditor said **'Overall, positive progress has been made to improve the culture and professionalism of key Council committees, with the scrutiny function making particular progress.'**

The Local Government Association commented that **'it is clear from the people we spoke to that this key strand of the council's governance arrangements [scrutiny] is going from strength to strength'**. And commented on scrutiny's **'renewed sense of energy and drive'**.

This is encouraging, but all involved with scrutiny in Sandwell are keen to continue this positive trajectory through continual improvement of the function.



# constitutional update

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Throughout 2022/23 work to refresh the overview and scrutiny function was carried out, including a complete review of the **Scrutiny Procedure Rules**; the key part of the Constitution governing the function.

The review also included the development of supplementary guidance relating to the **Call-In** and **Councillor Call for Action** processes.

This review of the Scrutiny Procedure Rules involved benchmarking as well as reference to best practice and guidance from respected national organisations such as the Centre for Governance and Scrutiny.

These Procedure Rules will be kept under ongoing review to ensure that they continue to support an effective and efficient overview and scrutiny function.





All Overview and Scrutiny activity has to contribute to one or more of the objectives of the Corporate Plan. This covers six areas, all supported through a One Council, One Team ethos.

The following case studies highlight some of the work of the Scrutiny Boards throughout 2022/23. The case studies have been selected to share some of the different approaches that can be taken to deliver good quality scrutiny.

Of course, the scrutiny boards looked at a lot more than is covered in these case studies; at the end of this report you can find a full list of topics that were looked at during the 2022/23 municipal year. You can find further details, such as reports and minutes, on [the Council's modern.gov site](#).



## **Call-in of Decision on Brandhall Golf Course Options**

In response to significant public interest, the Cabinet's decision to pursue the redevelopment of the former Brandhall Gold Course with a replacement primary school, a new public park and a residential development was called in for scrutiny. The Budget and Corporate Scrutiny Management Board held a special meeting to examine the information and processes used to formulate the decision and ensure that the decision had fully considered both the financial impact on the Council and the effect on the communities living and working in Old Warley, Langley and Bristnall Wards.

The Board referred the matter back to the Cabinet for review, based on concerns that the information utilised by Cabinet in reaching its decision might have been incomplete in relation to the availability of the Strategic Housing Land Availability Assessment, consideration of site options for the replacement primary school and the evaluation of public consultation results. Having considered a comprehensive report addressing the concerns raised by the scrutiny board, the Cabinet was satisfied that no further action was required and implemented its decision of 20 July 2022.

## One Council, One Team



### Scrutiny Review—Customer Journey

The Budget and Corporate Scrutiny Management Board carried out a review on the customer journey. The review analysed the Council's 2022 Resident's Survey to better understand the public's perception in relation to customer experience. In addition, site visits were undertaken to the One Stop Shop and the Council's Corporate Contact Centre to better understand how the Council delivers customer service on a day-to-day basis.

The review highlighted the need for all Council departments to work collaboratively, ensuring that systems were in place so that the best possible outcome was available to service users, especially when considering the vast array of responsibilities that a local authority holds. The Board therefore made a number of recommendations to the Cabinet around staff training, standardised internal processes and corporate guidelines, procurement of new customer relations management software, consolidation of three existing contact centres, and further promotion of digital access to services. The Cabinet approved the recommendations and the Board continues to monitor progress on implementation. The Board's recommendation regarding the reduction of response timescales was not approved due to a lack of resources required to implement it. However, the Cabinet undertook to review timescales at a later date.







## Best start in life for children and young people



### Early Help in Sandwell

The Children's Services and Education Scrutiny Board carried out scrutiny of the work of Early Help intervention across Sandwell. The Board understood that without an effective Early Help offer and effective multiagency support, children and families will not receive the right interventions, in the right place at the right time, which could lead to problems escalating and more expensive and intrusive statutory interventions being required.

The Board was able to understand how partnerships and multi-agency working continued to contribute to the support and intervention offered to Sandwell residents. The Board received case study examples of how Early Help was targeting and delivering for children and families in Sandwell.

The Board obtained assurances on what was working well and what ongoing challenges were being addressed. It was encouraging that the range of officers present demonstrated the joined up approach of the support and intervention provided.



## People live well and age well

### Scrutiny Review – Loneliness and Isolation

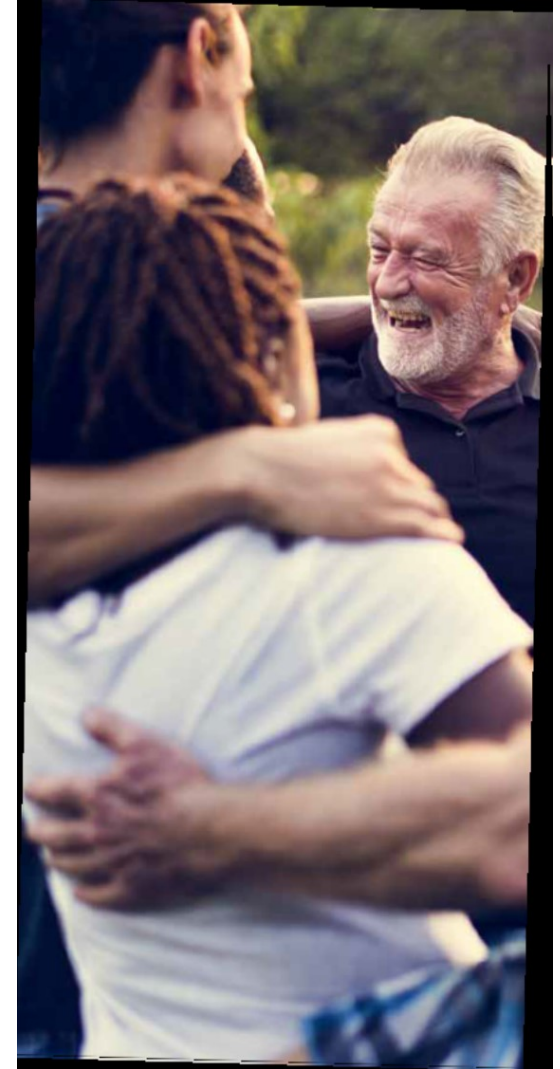
The Health and Adult Social Care Scrutiny Board commenced a review to establish the degree of loneliness and isolation in Sandwell. The Board has gathered evidence from a variety of sources including Public Health, the voluntary sector, Neighbourhood Partnership Teams, West Midlands Police and Fire services and the private sector. Data from the 2022 Sandwell Residents Survey, has also been a key evidence source for this piece of work. However, due to the array of evidence available and further analysis of the data from the Residents Survey required, the review has continued and will conclude in 2023/24.

### Mental Health Transformation Plans

Following changes to NHS structures in July 2022, the Board also scrutinised the Black Country Healthcare NHS Foundation Trust's transformation plan, which sought to address variations in service provision and make best use of collective strengths to address inequalities. The Board is continuing to monitoring the implementation of the Plan, and mental health continues to be a priority on the Board's work programme.

### Midland Metropolitan University Hospital

The Joint Health Overview and Scrutiny Committee with Birmingham City Council has maintained oversight of the development of the Midland Metropolitan University Hospital and the associated service reconfigurations and will continue to do so until the hospital opens in 2024.





## Strong resilient communities

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### Voluntary Sector Grants

The Safer Neighbourhoods and Active Communities Scrutiny Board considered the findings of a review carried out by the Director of Housing, which assessed all voluntary and community sector grants against their relevance to the Corporate Plan. The review had concluded that 91% of groups in receipt of grants added value to communities, however, there remained a need to identify savings whilst ensuring that communities are not negatively affected. The Board endorsed the

proposal to develop a more efficient funding process, with a digital management system that would enable online monitoring.

### Cost of Living

The Safer Neighbourhoods and Active Communities Scrutiny Board engaged with a number of external stakeholders, including Sandwell Council of Voluntary Organisations (SCVO) and Sandwell Community Information and Participation Service (SCIPS) to build the wider picture of the impact of the Cost of Living Crisis on communities. A number of recommendations were made to strengthen the support available to residents, which the Board continues to monitor.

### Homelessness and Rough Sleeper Strategy

The Board was consulted on the draft Delivery Plan that accompanies the Homelessness and Rough Sleeper Strategy. The Board was assured that individuals at risk of becoming homeless can access support in a variety of ways, at a variety of locations.







## Quality homes in thriving neighbourhoods

### Friar Park Urban Village Masterplan

The Economy, Skills, Transport and Environment Scrutiny Board carried out pre-decision scrutiny on proposals relating to a masterplan for the Friar Park Urban Village, which was a joint proposal by the Council and the West Midlands Combined Authority, and would be the largest housing development in Sandwell, with up to 630 new homes.

Members engaged with a range of services including Education, Public Health and the NHS to gain assurances that local services could accommodate increased demand. Members also heard from local community representatives. Members acknowledged the concerns of the local community and sought assurances that feedback from the public consultation had been incorporated into the Masterplan.

A number of recommendations were presented to the Cabinet in relation to the proposals which were incorporated into the final report, notably on affordable housing and air quality.



## A strong and inclusive economy



### **Towns Fund**

The Economy, Skills, Transport and Environment Scrutiny Board maintained oversight of the roll out of the £67m Towns Fund programme, to gain assurance that the programme was progressing in line with Government requirements and the agreed local assurance process.

### **Sandwell Development Plan**

The Board also considered the draft Sandwell Development Plan, which forms part of the hierarchy of plans that directs and informs what is built and where. Following the dissolution of the sub-regional plan, Sandwell had to urgently review its own local plan. The Board will maintain oversight of the development of and consultation on Sandwell's Plan, which is expected to be adopted in late 2025/early 2026.





## A connected and accessible Sandwell

### Black Country Cycling Infrastructure Plan

The Economy, Skills, Transport and Environment Scrutiny Board carried out pre– decision scrutiny on proposals relating to the Black Country Cycling Infrastructure Plan during the consultation phase of the plan to run alongside the wider West Midlands and the localised Sandwell scheme.

Members acknowledged that environmental groups, including the RSPB and the Wildlife Trust had been consulted on all routes through nature areas. It was further noted that 34% of residents within the Borough did not have access to a car and therefore regeneration opportunities such as this increase social mobility options.

The proposed routes had been developed in line with the Council's policy objectives, including regeneration corridors, areas of congestion and air quality improvement areas.

Further work was conducted throughout the municipal year in relation to **bus service improvement proposals** and the **West Bromwich E– Scooter trial**.





# Scrutiny Visits

- Sandwell Transition Education Partnership Service (STEPS Centre)
- Sandwell Valley
- Midland Metropolitan University Hospital
- Sandwell Children's Trust
- Sandwell Council Contact Centre
- Edward Street Hospital
- The Westminster School



# Scrutiny on a Page

Asset Management Investment Programme Energy Rebate Payments Update Adoption@Heart Annual Report 2021 Health and Wellbeing Health and Wellbeing Strategy Improvement Plan Progress Friar Park Urban Village Voids Property Review Pre & Post Dementia Diagnostic Support Sandwell Children's Trust Performance Update Call-in of Brandhall Options Appraisal Primary Care Update Black Country Cycling and Walking Infrastructure Plan Cost of Living Employee Engagement and Organisational Culture Better Mental Health Programme Scrutiny Review of Elective Home Education Response Sandwell Development Plan Medium-Term Financial Strategy West Midlands Ambulance Service – Development of Winter Plan SEND Transport Performance Update Housing Needs Assessment Sandwell Safeguarding Adults Board Sandwell Transition Education Partnership Service Review of Voluntary and Community Sector Grants Towns Funds Full Business Cases Adult Social Care Contributions Policy Consultation Budget Monitoring Impact of the Lockdown on Children and Families Performance Management Framework Council House New Builds Programme Re-development of Edward Street Hospital Scrutiny Review Working Group Report and Recommendations Bus Services Improvement Plan Tenant Engagement and Participation Impact on Registration Related Services Review of Social Isolation and Loneliness Early Help in Sandwell Housing Revenue Account 30 Year Business Plan West Bromwich E-Scooter Trial Zone Review Equality, Diversity and Inclusion Policy 2022 – Update Empty Property Strategy SHAPE Survey and Youth Summit Feedback and Future Youth Involvement in Scrutiny Mental Health Transformation Plans Resident Engagement Customer Journey Scrutiny Review Sandwell Aquatic Centre Launch Plan Education investment Area and Priority Investment Area Developments Friar Park Masterplan Draft Housing Strategy Performance Framework



## Report to Council

**24 October 2023**

<b>Subject:</b>	Audit and Risk Assurance Committee Annual Report 2022/23
<b>Director:</b>	Brendan Arnold Interim Section 151 Officer
<b>Contact Officer:</b>	Peter Farrow Audit Services and Risk Management Manager <a href="mailto:peter_farrow@sandwell.gov.uk">peter_farrow@sandwell.gov.uk</a>

### 1 Recommendation

- 1.1 That the Annual Report of the Audit and Risk Assurance Committee be received.

### 2 Reasons for Recommendation

- 2.1 The report summarises the main areas of work undertaken by the Audit and Risk Assurance Committee during 2022/23.

### 3 How does this deliver objectives of the Corporate Plan?

- 3.1 The Audit and Risk Assurance Committee is a key component of the Council's governance, risk management and internal control framework.

### 4 Context and Key Issues

- 4.1 The report summarises the main areas of work undertaken by the Audit and Risk Assurance Committee during 2022/23.



## 5 Alternative Options

- 5.1 The purpose of the report is to summarise the main areas of work undertaken by the Audit and Risk Assurance Committee during 2021/22. As such, there is no alternative option.

## 6 Implications

<b>Resources:</b>	There are no direct resource implications arising from this report.
<b>Legal and Governance:</b>	The council is not obliged by law to appoint an Audit Committee, but this course of action has been taken in line with guidance from CIPFA.
<b>Risk:</b>	The Audit and Risk Assurance Committee is a key component of the council's risk management framework.
<b>Equality:</b>	It was not necessary to undertake an Equality Impact Assessment.
<b>Health and Wellbeing:</b>	There are no direct health and wellbeing implications from this report.
<b>Social Value</b>	There are no direct social value implications from this report.
<b>Climate Change</b>	There are no climate change implications arising from this report.
<b>Corporate Parenting.</b>	There are no corporate parenting implications arising from this report.

## 7. Appendices

- 7.1 Appendix 1 - Audit and Risk Assurance Committee Annual Report 2022/23



Annual Report of the Audit and Risk Assurance Committee  
2022/23



## Introduction

Councillor Liam Preece  
Chair of the Audit and Risk Assurance Committee



In line with CIPFA's Position Statement on Audit Committees in Local Government, the Audit and Risk Assurance Committee here at Sandwell, is a key component of the Council's corporate governance framework. It provides an independent and high-level focus on the audit, risk management, assurance and reporting arrangements that underpin good governance and financial standards.

The purpose of the Committee is to provide independent assurance to the Council on the adequacy of the risk management framework and the internal control environment. It provides independent review of the governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It also oversees the work of both the internal and external auditors, helping to ensure that efficient and effective assurance arrangements are in place. The key benefits of the Committee can be seen as:

- increasing public confidence in the objectivity and fairness of financial and other reporting;
- reinforcing the importance and independence of internal and external audit and similar review processes;
- providing additional assurance through a process of independent review; and
- raising awareness of the need for internal control and the implementation of audit recommendations.

The Committee agrees a work programme for each year. It is based on (but not limited to) the following main sources of assurance:

- Annual Governance Statement - this is the statutory report which the Committee approves and forms part of the Council's Statement of Accounts.
- Strategic Risk Register – detailing how and where the Committee can gain assurance that risks are being well managed.
- Internal Audit - the ongoing work of, and reports from the Council's internal auditors.
- External Audit - the reports submitted to the Committee by the Council's external auditors Grant Thornton.
- Regular monitoring of the Council's Improvement Plan.

Finally, I would like to place on record my thanks to the past members who served on the Committee during the year, along with our independent members, officers who provided ongoing support to the Committee, and our internal and external auditors.

Thank you.

**Councillor Liam Preece**

## Committee membership

Membership during the 2022/23 year	Membership for 2023/24
Councillor Liam Preece (Chair)	Councillor Liam Preece (Chair)
Councillor Jay Anandou	Councillor Jay Anandou
Councillor Aqeela Choudhry	Councillor Harnoor Bhullar
Councillor Luke Giles	Councillor Amolak Singh Dhariwal
Councillor Nicky Hinchliff	Councillor Luke Giles
Councillor Syeda Khatun MBE	Councillor Vicki Smith
Councillor Steve Melia	Councillor John Tipper
Mike Ager (Independent - Vice Chair)	Mike Ager (Independent - Vice Chair)
Jay Hussain (Independent)	Jay Hussain (Independent)

The Committee met on the following dates:

- 29 September 2022
- 15 November 2022
- 19 January 2023
- 16 March 2023
- 5 June 2023
- 20 July 2023

Senior Officers from the council were also present as required, including the Director of Finance/Section 151 Officer, Monitoring Officer, the Head of Finance, Head of Audit, other directors and where appropriate the External Auditors (Grant Thornton).

## The Committee's business

During the 2022/23 year the Committee conducted the following business:

- Council Improvement Plan Progress
- Improvement Plan External Review Reports (including Grant Thornton's Value for Money Governance Review, Grant Thornton's Follow Up Review Report, the LGA Corporate Peer Challenge Progress Review and the CIPFA FM Model Assessment Report)
- Improvement Plan – Phase 2 and Phase 3 Refresh
- Improvement Plan Risk Register
- Statement of Accounts 2020/21

- Internal Audit Annual Report 2022/23
- Internal Audit Progress Reports
- Internal Audit Plan 2023/24
- Internal Audit Charter
- Counter Fraud Annual Report

- Corporate Risk Management Strategy
- Strategic Risk Register Updates
- Law and Governance – Directorate Risk Register
- Adult Social Care – Directorate Risk Register
- Housing – Directorate Risk Register
- Business Strategy and Change - Directorate Risk Register
- Regeneration and Growth – Directorate Risk Register
- Borough Economy – Directorate Risk Register
- Strategic Risk Review – Customer Journey

- Audit and Risk Assurance Committee – Annual Report 2022/23
- Audit and Risk Assurance Committee Resolution - Update
- Audit and Risk Assurance Committee Terms of Reference Review
- ICT Incident Report
- Local Government and Social Care Ombudsman Annual Report - 2021/22
- Committee Work Programme
- Cabinet Forward Plan

However, an element of the Committee's normal cycle of business was impacted during the year by the ongoing delays experienced in the approval of the 2020/21 Statement of Accounts (since achieved in August 2023), and the subsequent impact this had on the preparation of the accounts for both 2021/22 and 2022/23.

## Key Sources of Assurance

### *Risk Management*

The Committee regularly received and reviewed both the Council's Strategic and Improvement Plan Risk Registers, and assessed the assurance provided in order to demonstrate how risks were being mitigated. It also called-in the Customer Journey risk for a more detailed deep-dive review.

The Committee also had sight of a wide range of directorate risk registers as detailed in the table above. For each such review the relevant director attended the respective Committee meeting in order to provide additional information on how the risks within their directorate were being managed, and to answer any questions members raised.

### *The work of our Internal Auditors*

The Council's Internal Auditors gave the following opinion in their 2022/23 Annual Report:

"Based on the work undertaken during the year by Internal Audit, alongside that undertaken by other external bodies, and as part of the continuing actions being taken by the Council in implementing the recommendations included in, and monitoring of, the Improvement Plan, we can provide reasonable assurance that the Council has adequate and effective governance, risk management and internal control processes. However, it should be noted that the ongoing delays in the finalising and approving of the Council's Statement of Accounts from 2020/21 onwards, will need addressing in order to provide the Council with a more comprehensive and overall wider level of assurance going forward".

They also commented that the delays to the Statement of Accounts had resulted in similar delays in the production of the Council's accompanying Annual Governance Statements.

### *The work of our External Auditors*

With regards to Grant Thornton's initial Value for Money Governance Review conducted in the Autumn of 2021, during the year they conducted a follow-up review to determine if the Council had improved its governance arrangements. Particular focus was placed on progress made against the recommendations that had been incorporated into the Council's Improvement Plan. Their follow-up review found that the Council had continued to build on the initial improvements recognised in their original report, and had made significant progress on a number of their recommendations.

As the Council neared to completing its Statement of Accounts for 2020/21, it received the External Auditors Audit Findings Report for 2020/21. This report referenced the difficulties they had experienced in completing their work, and which had subsequently resulted in the significant delay in the issuing of the report itself. While the 2020/21 accounts have now recently since been finalised, the delay has impacted upon the ability for the same for both the 2021/22 and 2022/23 accounts. The need for the Council to complete these further annual accounts as soon as possible, and thereby enable Committee to move to a more traditional annual cycle of business, has been raised as part of the Committee's conclusion for the year, later in this report.



## *The Council's Improvement Plan*

The Committee continued to receive regular updates on the strong progress being made in implementing the actions within the Council's Improvement Plan. As part of the Council's assurance framework for the Improvement Plan, the LGA, Grant Thornton and CIPFA conducted follow-up reviews in order to evaluate the Council's progress on implementing the specific recommendations from their individual reviews. The positive responses to the findings from the follow-up visits were reported back to the Committee during the year.

## *Counter Fraud*

We receive reports from the Counter Fraud team which provide us with updates on a range of fraud related activities including the outcomes from tenancy fraud, subletting, right to buy and other investigations, alongside details of any fraud prosecutions, and the Cabinet Office's National Fraud Initiative exercise.

## Conclusion of the Audit and Risk Assurance Committee 2022/23

The Audit and Risk Assurance Committee has operated in a manner that ensured compliance with CIPFA's Position Statement on Audit Committees in Local Authorities.

The Committee were pleased to note the strong progress being made across the Council in implementing the actions within the Council's Improvement Plan, alongside the positive feedback received from the LGA, Grant Thornton and CIPFA as a result of their follow-up reviews during the year. This also included positive feedback on the implementation of the Grant Thornton key recommendations specific to this Committee.

However, we did also note the continuing delays in the completion, approval and signing-off of the Council's Annual Statements of Accounts. While the approval of the 2020/21 Statement of Accounts, with an unqualified opinion, was successfully achieved in August 2023, it is important that work continues in order to achieve the same successful sign-off of the accounts for both 2021/22 and 2022/23. This will also enable the Committee to revert back to the expected full annual cycle of business.

## The Committee's main achievements

The Committee believes its key achievements during the year were:

- Regular consideration and review of the Council's Strategic Risk Register.
- The review of a number of underpinning directorate risk registers.
- The resolution of long-standing Committee related matters.
- Monitoring the progress against the Council's Improvement Plan, and the various external reviews that have been undertaken in recent times.
- Continuing to maintain a good working relationship with the council's internal and external auditors.
- Helping to raise the profile of internal control issues across the Council, and of the need to ensure that audit recommendations are implemented.
- Maintaining a detailed focus on the actions being taken to combat fraud.
- The continued attendance of our two independent members, which in turn helps broaden the Committee's experience and independent viewpoint.



## Audit and Risk Assurance Committee –Terms of Reference

### *Statement of purpose*

Our Audit and Risk Assurance Committee is a key component of the council's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.

The purpose of our Audit and Risk Assurance Committee is to provide an independent and high-level focus on the adequacy of governance, risk and control arrangements. Its role in ensuring there is sufficient assurance over governance, risk and control gives greater confidence to all those charged with governance that those arrangements are effective. The committee has oversight of both internal audit and external audit, together with the financial and governance reports, helping to ensure there are adequate arrangements in place for both internal challenge and public accountability.

### *Governance, risk and control*

To review the council's corporate governance arrangements against the good governance framework, including the ethical framework and consider the local code of governance.

To consider reports on the effectiveness of financial management arrangements, including compliance with CIPFA's Financial Management Code.

To consider the council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.

To monitor the effective development and operation of risk management in the council.

To monitor progress in addressing risk-related issues reported to the committee.

To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.

To review the assessment of fraud risks and potential harm to the council from fraud and corruption.

To monitor the counter-fraud strategy, actions and resources.

To review the governance and assurance arrangements for significant partnerships or collaborations.

### *Arrangements for Audit and Assurance*

To consider the council's framework of assurance and ensure that it adequately addresses the risks and priorities of the Council.

### *Internal Audit*

To approve the internal audit charter.

To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.

To approve the risk based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.

To approve significant interim changes to the risk-based internal audit plan and resource requirements.

To make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.

To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the head of internal audit. To approve and periodically review safeguards to limit such impairments.

To consider reports from the head of internal audit on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:

- Updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work;
- Regular reports on the results of the quality assurance and improvement programme;
- Reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards and Local Government Application Note, considering whether the non-conformance is significant enough that it must be included in the annual governance statement.

To consider the head of internal audit's annual report:

- The statement of the level of conformance with the Public Sector Internal Audit Standards and Local Government Application Note and the results of the quality assurance and improvement programme that supports the statement - these will indicate the reliability of the conclusions of internal audit.
- The opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control together with the summary of the work supporting the opinion - these will assist the committee in reviewing the annual governance statement.

To consider summaries of specific internal audit reports as requested.

To receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.

To contribute to the quality assurance and improvement programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years.

To consider a report on the effectiveness of internal audit to support the annual governance statement, where required to do so by the Accounts and Audit Regulations.

To provide free and unfettered access to the audit committee chair for the head of internal audit, including the opportunity for a private meeting with the committee.

### *External Audit*

To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by PSAA or the authority's auditor panel as appropriate.

To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.

To consider specific reports as agreed with the external auditor.

To comment on the scope and depth of external audit work and to ensure it gives value for money.

To consider additional commissions of work from external audit.

To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

To provide free and unfettered access to the committee chair for the auditors, including the opportunity for a private meeting with the committee.

### *Financial and Governance Reporting*

#### **Governance Reporting**

To review the annual governance statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, including the head of internal audit's opinion.

To consider whether the annual evaluation for the annual governance statement fairly concludes that governance arrangements are fit for purpose, supporting the achievement of the authority's objectives.

#### **Financial Reporting**

To receive detailed training in respect of the process associated with the preparation, sign off, audit and publication of the Council's annual statement of accounts.

To monitor the arrangements and preparations for financial reporting to ensure that statutory requirements and professional standards can be met.

To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the council.

To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

### *Accountability arrangements*

To report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions.

To report to full council on a regular basis on the committee's performance in relation to the terms of reference, and the effectiveness of the committee in meeting its purpose.

To publish an annual report on the work of the Committee, including a conclusion on the compliance with the CIPFA Position Statement.

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## Report to Council

**24 October 2023**

<b>Subject:</b>	Reports from the Council's representative on the West Midlands Fire and Rescue Authority, Transport for West Midlands, Police and Crime Panel and West Midlands Combined Authority
<b>Director:</b>	Surjit Tour – Director of Law and Governance and Monitoring Officer <a href="mailto:Surjit_Tour@sandwell.gov.uk">Surjit_Tour@sandwell.gov.uk</a>
<b>Contact Officer:</b>	Trisha Newton <a href="mailto:Trisha_newton@sandwell.gov.uk">Trisha_newton@sandwell.gov.uk</a>

### 1 Recommendations

- 1.1 That Council receives updates from the Council's representatives on the West Midlands Fire and Rescue Authority, Transport for the West Midlands, Police and Crime Panel and West Midlands Combined Authority.







### 2 Reasons for Recommendations

- 2.1 The Council, at its annual meeting on 24 May 2011, approved an arrangement whereby members nominated pursuant to Section 41 of the Local Government Act 1985 to answer questions on the discharge of the functions of any joint authority or any joint board of which the Council is a constituent authority (Section 41 members) would report to the Council twice a year on important and contentious matters relating to the joint authority/board, and on any other occasion by exception. Procedural Standing Orders provide that any member of the Council shall be entitled to ask questions of the relevant members and the Council on these reports.



Reports are attached in respect of West Midlands Fire and Rescue Authority (Councillor Jalil), Transport for the West Midlands (Councillor Choudhry), West Midlands Police and Crime Panel (Councillor Khatun) and West Midlands Combined Authority (The Leader).

### 3 How does this deliver objectives of the Corporate Plan?

		The involvement of Council representatives in the decision-making process of joint authorities will encourage better understanding of local and wider needs and viewpoints.
		
		

### 4 Context and Key Issues

4.1 Council will receive an update on the work undertaken by West Midlands Fire and Rescue Authority, Transport for the West Midlands, Police and Crime Panel and West Midlands Combined Authority from the member nominated pursuant to Section 41 of the Local Government Act.

### 5 Alternative Options

5.1 It is usual practice to receive six monthly update reports.

### 6 Implications

<b>Resources:</b>	There are no strategic resource implications arising from this report.
<b>Legal and Governance:</b>	Under Section 41 of the Local Government Act 1985, arrangements have been made for enabling questions on the discharge of a joint authority's functions to be put in the course of the proceedings of any constituent district council. A member is nominated by the joint authority for that purpose (the Section 41 member).



	It is customary for the Council to receive six monthly reports from those members appointed pursuant to Section 41 of the Local Government Act 1985 to answer questions put to them at council meetings relating to the discharge of functions of joint authorities. This was the case in respect of the West Midlands Police Authority until the Police and Crime Commissioner [PCC] took office on 22 November 2012. The West Midlands Police Authority ceased to exist at that point. The West Midlands Police and Crime Panel, on which the Council is represented, now holds the Police and Crime Commissioner to account.
<b>Risk:</b>	There are no direct risks associated with this report.
<b>Equality:</b>	There is no requirement for an equality impact assessment.
<b>Health and Wellbeing:</b>	There are no direct health and wellbeing implications from this report.
<b>Social Value</b>	There are no direct social value implications from this report.
<b>Climate Change</b>	There are no direct implications arising from this report.
<b>Corporate Parenting</b>	There are no direct implications arising from this report.

## 7. Appendices

- Appendix A – West Midlands Fire and Rescue Service Update.
- Appendix B – Transport for West Midlands update.
- Appendix C – West Midlands Police and Crime Panel update.
- Appendix D – West Midlands Combined Authority update.

## 8. Background Papers

None



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OFFICIAL



**Sandwell Metropolitan Borough Council  
Section 41 Report – October 2023  
West Midlands Fire and Rescue Authority**

‘Making the West Midlands Safer, Stronger and Healthier’

Report by Councillor Rizwan Jalil

## Membership of the Authority

The Members of the Authority for the Municipal Year 2023-24 are as follows:

Local Authority	Councillor(s)
Birmingham	Councillor Basharat Mahmood* (Labour) Councillor Gurdial Singh Atwal (Labour) Councillor Sybil Spence (Labour) Councillor David Barrie (Conservative)
Coventry	Councillor Catherine Miks* (Labour) <i>Vice-Chair</i> Councillor Gavin Lloyd# (Labour)
Dudley	Councillor Ian Kettle* (Conservative) Councillor Wayne Little (Conservative)
Sandwell	Councillor Rizwan Jalil* (Labour) Councillor Parbinder Kaur (Labour)
Solihull	Councillor Peter Hogarth MBE* (Conservative)
Walsall	Councillor Vera Waters* (Conservative) Councillor Matt Ward# (Labour)
Wolverhampton	Councillor Greg Brackenridge* (Labour) <i>Chair</i> Councillor Jas Dehar (labour)
Additional Member(s)	
Independent Member of the Audit and Risk Committee	Mr Mike Ager
Independent Member of Appointments, Standards and Appeals	Mr Ray Tomkinson (Standards Committee only)
Co-opted Members of the Authority	Professor Simon Brake Dave Brown
Police and Crime Commissioner: Represented by (if applicable):	Simon Foster Assistant PCC Wasim Ali Richard Castello – Head of Communications

\*Section 41 member

# Replaced Councillor Chris Bott (Labour) as of 18 September 2023

## Service Performance against Strategic Plan Q1 and Q2 2023/24 (up to end of August)

Please note these are the latest figures as of the end of August 2023, so they may be subject to change as data is further interrogated.

Response times to the most critical and high-risk incidents remain within target, and are well within target for all other categories of incident. The total number of accidental dwelling fires is significant under target, over performing expectations. Unfortunately, injuries from these fires is above target, although the overall number remains low.

The total number of Safe and Well points is below target, but the average assessment point score per safe and well visit remains high, which positively indicates our success in targeting prevention activity to the most vulnerable.

Deliberate fires in derelict buildings is well above target – this is an area of particular focus for the service and all our command areas are looking to work with partners to address the risks associated with these fires, including securing (e.g. boarding up) properties when they become derelict, and working with building owners to ensure they are safe from fire.

False alarms due to equipment – normally as a result of faults – are above the desired target for both domestic and non-domestic premises. While the service continues to work with repeat offenders and Alarm Receiving Centres to drive down these types of incident, we have also taken steps to reduce our overall attendance at false alarms to reduce costs and ensure our resources remain available for emergencies. We have already introduced a more proportionate level of response – a smaller vehicle crewed with one or two people - to hospitals and other managed forms of building such as university accommodation, unless there’s a confirmed fire. This has allowed us to keep resources available while ensuring we can support premises to meet their fire safety duties.

Indicator	Target	Performance
Risk Based Attendance Standard	<ul style="list-style-type: none"> <li>Category 1 (high risk) – 5 minutes</li> <li>Category 2 – 7 minutes</li> <li>Category 3 – 10 minutes</li> <li>Category 4 – 20 minutes</li> </ul>	Category 1 – 04:52 Category 2 – 05:28 Category 3 – 04:59 Category 4 – 06:28
Accidental dwelling fires	676	591 (-12.6%) overperformance
Injuries from accidental fires in dwellings (requiring hospital treatment)	20	25 (+25.0%) underperformance
Safe & Well points achieved by the Brigade (visits to higher risk people bring a bigger point score)	130,000	101,246 (-22%) underperformance  Average assessment points 8.47 (out of 10)
Deliberate fires in dwellings	77	86 (+11.7%) performance on track

OFFICIAL

Deliberate rubbish fires	671	645 (-3.9%) performance on track
Deliberate fires in derelict buildings	68	118 (+73.5%) underperformance
Accidental fires in non-domestic premises	159	134 (-15.7%) performance on track
False alarm calls due to fire alarm equipment – dwellings	2015	2348 (+16.5%) underperformance
False alarm calls due to fire alarm equipment – non-domestic	487	601 (+23.4%) underperformance

### Sandwell area performance and key statistics

In addition to the service level performance indicators above, specific statistics are available for the Sandwell area for Q1 and Q2 2023/24, up to and including August. As above, these are the latest figures, so they are subject to change as data is further interrogated.

Indicator	Performance	Notes
Accidental Dwelling Fires	71	16.5% below the target of 85
Deliberate Rubbish Fires	85	11.8% above the target of 76
False Alarms (Equipment) – Dwellings	259	39.2% above the target of 186
False Alarms (Equipment) – Non-domestic	57	32.6% above the target of 43
Safe and Wells completed	1744	68.6% of Safe and Wells were a result of partner referrals, significantly above the target of 50%
Average Assessment Points*	8.46	The average assessment points remain high

\* *Assessment points measure the vulnerability of the individual or family we undertake a SAW with – the more vulnerable someone is, the more points that visit will garner. WMFS is committed to targeting our interventions at the most vulnerable in our communities.*

## **WMFS activities during the last six months**

### **1. West Midlands Fire Service launches “We are WMFS” campaign**

In September 2023 WMFS launched a new communication campaign designed to highlight the wide range of roles within the service and the breadth of what we do with our communities. The campaign is designed to improve public understanding, drive more people to access our services and encourage more young people to consider the fire and rescue service for their future career. The campaign includes the launch of a new logo which you can see at the top of this report.

[Watch the “We are WMFS” launch video on our website.](#)

### **2. UKISAR deployment to Morocco**

Seven members of West Midlands Fire Service formed part in a UKISAR deployment to Morocco in September 2023 to support rescue efforts following a devastating earthquake. They formed part of a 60 strong deployment which responded following an offer of assistance to the Moroccan government from the Foreign, Commonwealth and Development Office.

During the deployment, they conducted several missions. These included searches in remote areas across the Atlas Mountains, reporting back humanitarian needs assessments and conducting aerial searches. Volunteers also administered first aid to those in need.

The UK ISAR Incident Room was established at WMFS HQ and was staffed 24/7 by non-deployed UK ISAR team members.

[Read more about the deployment on the WMFS website.](#)

### **3. WMFS undertakes Community Risk Management Plan Consultation**

Between 3 July and 11 September, WMFS undertook a period of public consultation to help inform its development of the 2024-2027 Community Risk Management Plan. The consultation contained questions about prevention, protection, response, our people and sustainability, with responses helping shape plans for making the West Midlands safer, stronger and healthier. Under the National Fire and Rescue Framework, WMFS are required to consult on its Risk Management Plan at least every three years, or when there is a significant change to its assessment of risk in the West Midlands.

Over 5,500 members of the public, partners and members of staff provided their input, which will now be collated and shape the plans we put in place to manage risk across the West Midlands. Details of consultation responses will be shared with West Midlands Fire and Rescue Authority on 23 October 2023.

### **4. Gender Pay Gap at Lowest Level**

West Midlands Fire Service (WMFS) has recorded its lowest gender pay gap since records started in 2017. In March 2022, the difference for average earnings for men and women at WMFS stood at 6.8 per cent. Figures just released for March 2023 show a drop to 6.1 per cent.

The publication of pay gap figures based on ethnicity is not a statutory requirement. However, WMFS has been analysing this data for a number of years. The difference between the average hourly rate of pay for white employees and colleagues from a black, Asian or minority ethnic (BAME) background has seen a positive move, from five per cent in 2022 to 4.7 per cent in 2023.

The service is also developing its pay gap data reporting, to better understand how someone's protected characteristics (gender, ethnicity, disability, sexual orientation, etc) might combine to impact what they are paid.

## **5. West Midlands Fire Service awarded 'gold' status in defence employer scheme**

West Midlands Fire Service (WMFS) is proud to have been granted 'Gold' status in the Defence Employer Recognition Scheme (ERS). Bronze, silver and gold awards go to employer organisations that pledge, demonstrate or advocate support to defence and the armed forces community, and align their values with the Armed Forces Covenant.

Wayne Brown, Chief Fire Officer, said: "We are very fortunate to count among our WMFS colleagues those who have either served for their country, or who volunteer as reservists. Their service, valour and experience make us stronger as a service, and we also acknowledge the support of their families. The Gold award also reflects the esteem in which we rightly hold all veterans."

## **6. Deputy and Assistant Chief Fire Officers appointed**

From the beginning of September 2023, [Deputy Chief Fire Officer Jo Bowcock](#) has joined WMFS from Oxfordshire Fire and Rescue Service on secondment. Jo joined the fire and rescue service with a degree in law and started her career as a firefighter in 2002, with Nottinghamshire Fire and Rescue Service, undertaking a broad range of roles including operations and resilience, operational policy and assurance, and corporate support as Group Manager.

In 2016, she took a secondment with London Fire Brigade as the strategic lead for business change and engagement for the National Operational Guidance Programme, advising all UK fire and rescue services in the implementation of national operational guidance. Jo was appointed as Assistant Chief Fire Officer for Corporate Services and People at Oxfordshire Fire and Rescue Service in 2019. She became DCFO in 2021, leading the Service Delivery Directorate where she was responsible for prevention, protection, response, resilience, trading standards and emergency planning.

The service is also pleased to have appointed two new Assistant Chief Fire Officers in July 2023. [Simon Barry and Richard Stanton](#) both started their careers at WMFS and have been with the Service for more than 20 years each. Both served in roles across the service having started out in Birmingham and Coventry respectively.

## National Fire and Rescue Service developments

### 7. Home Office analysis of fires attended by UK FRS

The Home Office has published the latest detailed statistics on fires attended by fire and rescue services across England, and fire-related fatalities and non-fatal casualties in those fires. This analysis covers the periods April 2022 to March 2023. Although the figures indicate a welcome and continued reduction in fire related fatalities, they also highlight the increase in overall fires and in particular outdoor fires as a result of last year's heatwave.

- there were 178,737 fires attended by FRSs in England, a 17% increase compared with the year ending March 2022 (152,639).
- there were 116,690 outdoor fires attended by FRSs in England, a 27% increase compared with the previous year, a 24% increase compared with five years ago and a 51% increase compared with 10 years ago.
- there were 259 fire-related fatalities, a 5.1% decrease compared with the previous year (273), a 23% decrease compared with five years ago, a 9.4% decrease compared with 10 years ago

[The full analysis is available on the Home Office Website.](#)

### 8. New Fire Safety laws come into force

Phase three of the Government's fire safety reform programme has come into force from 1 October 2023, with the introduction of Section 156 of the Building Safety Act 2022. These changes amends the Regulatory Reform (Fire Safety) Order 2005 in a number of ways:

- improving cooperation and coordination between Responsible Persons (RPs).
- increasing requirements in relation to the recording and sharing of fire safety information thus creating a continual record throughout a building's lifespan.
- making it easier for enforcement authorities (which includes Fire and Rescue Services) to take action against non-compliance.
- ensuring residents have access to comprehensive information about fire safety in their building.

[More details on the new regulations can be found on the Fire England website.](#)

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# Sandwell Metropolitan Borough Council

## Transport for West Midlands (TfWM)

October 2023

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### 1. Local Transport Plan (LTP)

Previous updates for Sandwell Metropolitan Borough Council (SMBC) provided context on development of the LTP development that remains unchanged. Summarising:

- Developing the LTP is a statutory requirement and the responsibility of WMCA in the metropolitan area.
- The new LTP is called Reimagining Transport in the West Midlands and will be comprised of multiple parts; a Core Strategy, 6 Big Moves, 4 Area Strategies, and an Implementation Plan.
- Information on the new LTP is available online via [tfwm.org.uk/wmltp5](https://tfwm.org.uk/wmltp5)
- The Core Strategy has already been developed, consulted on and agreed by WMCA board. It sets out the overarching aims and principles of the LTP.
- 6 Big Move strategies have also been developed. These set out more detailed policies, principles and in some cases implementation proposals that apply across the region on a range of thematic areas of policy:
  - Behaviour Change
  - Accessible & Inclusive Places
  - Walk, Wheel, Cycle and Scoot
  - Public Transport & Shared Mobility
  - A Safe, Efficient and Reliable Network
  - A Green Transport Revolution

Consultation on the 6 Big Moves commenced in February 2023 and was in progress at the time of the last update report. Consultation concluded in April and received around 740 responses. As well as open public consultation, TfWM arranged a range of targeted focus groups across the West Midlands to better capture the views of a range of people who were underrepresented in previous consultation and engagement on the LTP. This included but was not limited to [Sandwell Visually Impaired](#). An engagement report summarising findings and proposed alterations to the Big Moves is currently being prepared. It is currently proposed that this engagement report as well as final versions of the Big Moves will be presented to WMCA for agreement at the same time as the draft Area Strategies and Implementation Plan (see below) is also presented to WMCA board for approval to consult.

The timing of this remains at the discretion of WMCA's Transport Portfolio lead, Cllr Mike Bird, in consultation with Strategic Transport Board of which the transport portfolio cabinet member for SMBC is a member.

TfWM has been working with local authority officers to develop 4 Area Strategies and a single Implementation Plan for the LTP. The Area Strategies will set out and assess the impact of local proposals across the West Midlands – a mix of local authority and TfWM sponsored proposals. Our starting point for this has been existing local priorities including projects currently funded for development through funds such as City Regional Sustainable Transport Settlement, Active Travel Funds, and Towns Fund. Proposals within Sandwell will fall under an Area Strategy for the Black Country, an arrangement that is understood to be promoted and endorsed by Black Country authorities (as opposed to a requirement of WMCA). The single Implementation Plan will detail local proposals across the West Midlands as well as cross-cutting regional proposals (for example proposals for ticketing that cover the whole region). Details such as funding estimates, funding allocations, development stage and proposal timelines will be set out in the Implementation Plan.

TfWM is working with SMBC and Black Country Transport officers to develop the Black Country Area Strategy and the Implementation Plan. As part of the WMCA's Strategic Transport Board, SMBC's lead transport portfolio member provides direction on LTP development and the latest round of work on Area Strategies and Implementation Plan will be discussed with Strategic Transport board in the coming months. TfWM is arranging to provide a more detailed update to SMBC on the development of the Black Country Area Strategy and the Implementation Plan to enable local scrutiny via Economy, Skills, Transport and Environment Scrutiny Board. Ultimately, the draft Area Strategies and Implementation Plan will need to be approved by WMCA board – on which SMBC's Leader sits – for both permission to consult and finally to adopt and this is currently anticipated to be later in 2024.

## **2. Bus Network**

### **Background**

Buses in the West Midlands accommodate more than 4 million passenger journeys each week.

Since Covid, the region has lost just over 10% of bus services and TfWM was made aware that at the expiry of the Bus Recovery Grant funding at the end of June 2023, and without any further financial support, operators were preparing to withdraw over 1/3rd of the region's remaining routes. Operators have cited reduced revenue, caused by a reduction in patronage, uncertainty over the continuation of government grants which have supported operators during the recovery from the pandemic and a significant increase in cost. Operators have stated that operating costs are around 125% of pre-covid levels largely due to the significant increases in wages, engineering, uncertainty over fuel costs and inflationary pressure on all general operating costs.

To secure existing services with bus operators until December 2024, TfWM has secured agreement from Government to repurpose approximately £40m of the transformational Bus Service Improvement Plan (BSIP) funding allocated to WMCA. This reprofiling of the funding has been formally agreed with Operators and Local Authorities through the Enhanced Partnership which was formally 'made' on 12th September 2023.

The provision of the funding to operators is governed by a set of wide-ranging Terms and Conditions which TfWM have developed. One of the key terms is that operators

cannot reduce the commercial services they operate by more than 2%. This reduction is still required despite the funding to remove the least viable services and enable operators to retain the resulting network to December 2024. We are coordinating with operators to ensure any commercial changes are undertaken on the same date to reduce disruption for passengers. This is also aligned with a contract change date on which a number of services operated under contract to TfWM will also change.

### **Service Changes**

Following the intervention to repurpose funding, most bus services will continue to operate past October 2023, until at least December 2024. There will be a small number of changes at the end of October 2023. The following are the changes affecting services running in Sandwell:

**45 – Walsall to West Bromwich – Diamond Bus** – Commercial service will be operated Monday to Saturday daytime. Early mornings, Evenings and Sunday services currently being tendered, and customers advised to look for further updates on the TfWM website.

**89 – West Bromwich to Bearwood – National Express** – Service will now run to Bearwood instead of Birmingham City Centre. There is a revised route in the Cape Hill area requiring changes to some tendered routes. All areas retain a bus service.

**54/54A – West Bromwich to Worlds End – National Express** – Service amended in response to change to service 89. Remove Europa Village (Mon - Sat) and minor route changes to accommodate connections with 89 to provide half hourly on 89. Europa Village Sundays retained.

**61 – West Bromwich to Scott Arms – Diamond Bus** – Service amended in response to changes to service 89. Will serve Europa Village and has a revised route in Handsworth.

### **Network Performance**

The performance of the network has seen improvements but does remain challenging for passengers. There have been driver shortages and, earlier in the year, services were severely impacted by strikes within National Express West Midlands, with network performance being impacted in the run-up to this action. The driver shortage position has improved, but there are still recruitment challenges in the bus industry as a whole. There have been a number of changes to bus services, that have been designed to bring stability to the network.

## **3. Rail Network**

### **Rail Industrial Action**

Industrial action continues to feature across the UK rail network. The RMT (who primarily represent train guards) and ASLEF (who primarily represent train drivers) remain in dispute with the train operating companies over pay, terms and conditions and fears of redundancies.

Industrial action in recent months has impacted operational performance and slowed the roll out of planned improvements. This is part of a co-ordinated national approach and impacts 14 train operators, including West Midlands Trains. Progress in resolving

the dispute is unclear and may be further complicated by the industry-wide station retail reform proposals (which proposes changes to ways of working in/around ticket offices – see below), which is likely to be of particular interest the RMT and its members.

### **Station Retail Reform Consultation**

In July individual train operators and their industry body the Rail Delivery Group announced a series of individual company consultations on proposals to close the majority of rail station ticket offices in England.

The consultation period ran until 1 September, having been extended by five weeks from the original deadline of 26 July. Approximately 718,000 responses were received by independent passenger watchdogs Passenger Focus and London TravelWatch, which is a record for a rail industry consultation (and potentially for any public policy consultation).

Transport Focus and London TravelWatch have been given an extension to the time available to them to analyse the consultation responses. Their conclusions are now expected by 31 October. They will publish the response to each train operator's proposals online, with an overview of the number of responses received, and the main issues raised in the consultation.

If either watchdog objects, the train operator in question can refer its proposal to the Secretary of State for a final decision. It is unclear from the guidance how long the Secretary of State will need to make any determination. WMRE are actively engaging with the DfT in an attempt to improve our visibility of the Department's Work Force Reform policy team.

### **Rail Industry Reform**

Despite the Secretary of State's commitment to GBR at the Bradshaw Address in February, the government has been unable to commit to GBR legislation in the next King's Speech, due in autumn 2023, and instead there have been warnings that the session is "likely to be congested" and that, on GBR specifically, "much can be achieved without legislation". The government's stated position remains that it is committed to the formation of GBR and that it will bring forth the required legislation "when parliamentary time allows".

The Great British Railways Transition Team (GBRTT)'s planning assumption on the legislation has recently updated to an assumption that there will be no legislation in the next parliamentary session. It is therefore likely to be the case that there will be at least one "interim state" that the new GBR organisation will need to go through before it reaches its final form. The exact shape of this interim state is currently being worked through; timelines associated with this are also not known at present.

Despite the wider uncertainty, we continue to make progress on a partnership agreement between West Midlands Rail Executive and GBRTT. The beginning of August saw our Partnership Oversight Group (POG) established in shadow form. This will be the most senior joint forum between GBRTT and WMRE; it will enable joint oversight of the partnership as it develops to:

- a) Deliver the Trailblazer Deeper Devolution Deal commitments;

- b) Focus on early deliverables, that is tangible outcomes that the partnership can deliver in its early phases; and
- c) Cover all required areas to make sure that WMRE's influence is enhanced and that increased local accountability is delivered for the West Midlands over its rail services.

## **HS2 Update**

On 4 October 2023 the Prime Minister announced the cancellation of HS2 north of the West Midlands with immediate effect. The key points from the announcement were:

- HS2 Phase1 will be completed in full from:
  - both Euston (Central London) and Old Oak Common (Elizabeth Line connections)to
  - the West Midlands stations at Interchange (NEC/Airport/Arden Cross) and Curzon St as well as to the junction with the West Coast Main Line at Handsacre (north of Lichfield)
- The other proposed sections of HS2 will be scrapped with immediate effect
  - HS2 Phase 2a (Handsacre to Crewe)
  - HS2 Phase 2b (Crewe to Manchester)
  - HS2 East (West Midlands to East Midlands Parkway and Midland Main Line)
- In addition, all current safeguarding currently in place for these HS2 sections (primarily Phase 2a) will be removed and land purchased by HS2 Ltd will be resold

This will make it extremely difficult to ever extend HS2 in future should it be required. Detailed work is underway to understand the impact of this decision on service patterns and frequencies on both the Phase 1 HS2 network and the existing conventional network. This will be shared with TfWM partners once complete.

## **Midlands Rail Hub**

Although a formal "Decision to Develop" the Full Business Case of Midlands Rail Hub "West and Central" is still awaited, the Prime Minister has announced that MRH will be completed in full with £1.75bn allocated as part of the new "Network North" proposals.

Details are still to emerge but, with HS2 East now scrapped (see above), it is expected that the West to East Midlands part of MRH will revert to delivering service enhancements to Tamworth, Derby and Nottingham as well as to Nuneaton and Leicester.

A public consultation exercise on the MRH project is likely to follow the recent funding announcement.

## **New Timetables**

Significant timetable changes were implemented on the West Coast Main Line in December 2022, creating a regular 30-minute pattern service on the Birmingham to Coventry line. The timetable structure has been designed to support the provision of a half-hourly Avanti West Coast fast service between Birmingham New St,

Birmingham International, Coventry and London, supplemented by an hourly slower service that calls additionally at Rugby, Milton Keynes and Watford Junction. The full service of three trains per hour currently only operates at peak times, but WMRE is pressing for this to be introduced all day as soon as possible.

In May 2023 a new timetable was introduced on the Snow Hill lines which moved the timetable onto a regular 30-minute pattern removing some of the 40-minute gaps that previously existed at stations like Acocks Green and Hall Green. Performance on the Snow Hill lines has seen a big improvement following the introduction of the new timetable.

WMRE played a key role in developing both the December 2022 and May 2023 timetables, bringing together all the train operators and Network Rail in order to create a coherent overall service for passengers. WMRE will continue to work with all operators in the development of future timetables, recognising that the challenging industry financial position may mean that delivery of service improvements may be difficult to achieve in the short-term.

The financial challenges that West Midlands Trains is facing is resulting in the Birmingham – Stafford – Crewe service being withdrawn between Birmingham and Stafford from 10<sup>th</sup> December meaning that Tame Bridge Parkway will no longer have its direct service to Wolverhampton and Crewe. WMRE is currently working West Midlands Trains to identify alternative ways of serving this route from the June 2024 timetable change.

### **West Midlands Rail Investment Strategy**

The new West Midlands Rail Investment Strategy (RIS) was published on the WMRE website in early September alongside a summary report on the consultation that was held in late 2022. However, the strategy (along with those of Network Rail and Midlands Connect) was predicated in large part on the assumption that the recently scrapped sections of HS2 would have been built.

Unless there is any further HS2 policy change, the RIS and similar rail strategies will need to be completely revised. In the meantime, WMRE is liaising with Network Rail, DfT and Midlands Connect to identify any urgent changes required to previous proposals which need to be addressed in the short term.

### **4. Project Delivery Programme**

A headline summary of activity is set out below:

#### *Sprint*

Phase 2 – Detailed designs have been submitted and comments have been received back from the Sandwell officers during the design development process. TfWM are awaiting response from DfT on the re-baselined CRSTS.

Phase 1 Construction works have been completed, within budget and prior to the Commonwealth Games.

#### *Dudley Port Interchange Transformation Programme*

Work is ongoing in partnership with Sandwell Council to transform Dudley Port Railway Station into an Integrated Transport Hub.



The programme is split into a series of phases which seeks to provide enhanced interchange, a significantly improved environment and better access from surrounding areas in the short to medium term, followed by proposals to redevelop the railway station in the longer term.

£2.4m from the City Region Sustainable Transport Fund has been allocated to support the delivery of short-term measures ready for when Metro arrives in late 2024 and to align with wider schemes being delivered within the area by the end of March 2027. The focus of “Phase 1” is to create a lighter, brighter and safer feeling interchange which provides more accessible routes to and through the interchange with enhanced customer facilities and information.

Phase 1 is being designed to complement adjacent projects including the Active Travel Fund 3 proposals along the A461 and the Wednesbury to Brierley Hill Sustainable Access Measures being led by the Black Country Transport Group and Sandwell & Dudley Councils as well as the Metro delivery.

The Programme Business Case for the Dudley Port Interchange Transformation Programme was approved in June 2023, releasing £495,000 for the next stages of development. This includes a Business Justification Case for Phase 1 which will include options selection and detailed design allowing for delivery to commence in spring 2024. The development funding released will also support the Business Justification Case for Phase 2 and some preliminary work to look at the longer-term major railway station redevelopment as well as any short-term rail measures which could be delivered in the interim.

The longer term plans to transform the railway station include options to provide an additional platform, lengthened island platform, step free access and new passenger facilities. While this is currently unfunded, including it in the Programme Business Case allows us to undertake further development to understand what a scheme could look like and costs which can then be used to identify funding opportunities. It also supports Network Rail’s Access for All bid where Dudley Port is identified as the regional top priority for step free access. We expect to hear the outcome of that bid in the six months.

The Dudley Port Interchange Transformation Programme is being undertaken in partnership with Sandwell and Dudley Councils and the Black Country Transport Group alongside Network Rail, West Midlands Trains and the Canal & River Trust. Local consultation will form part of the ongoing development of the scheme.

### *West Midlands Rail Programme*

The West Midlands Rail Programme is delivering new stations which will improve connectivity across the region and beyond, helping people to enjoy the wealth of jobs, educational opportunities and leisure pursuits available across the region.

Last year we delivered a new station at Perry Barr and improvements at University Station, to help ensure that our rail network was fit for Birmingham’s once-in-a-lifetime Commonwealth Games. That was only the start of our programme, and we are continuing to work hard to:

- Deliver a new, world-class University Station in support of the West Midlands’ world-class institutions.

- Build new stations at Willenhall and Darlaston, slashing travel times by public transport to Birmingham, Wolverhampton and Walsall by more than half.
- Build new stations on the Camp Hill Line in Birmingham, which will see services resume for the first time in more than eighty years.

As well as benefits to rail users, these stations will benefit travellers across the region by helping to reduce congestion on our roads.

### University station

Intensive preparations are underway for the opening of the expanded University station later this year. The main focuses of activity are on closing out the snagging items and completing the rail industry's Entry Into Service process.

### New Stations

The Package 1 stations (Willenhall and Darlaston) have seen on site progress with enabling works ongoing including ground remediation, de-vegetation, and demolition of buildings ready in preparation for the new stations. On 4 September Buckingham Group Contracting Limited, the main works contractor, entered administration and Kier Integrated Services Ltd bought the rail assets. The rail programme team are working to ensure the best outcome for the West Midlands Combined Authority to protect the organisation financially and reputationally prior to novating the contract from BGCL to Kier. An assessment is underway on the impact to programme and value for money, however there will be a cost and schedule impact as a result of the administration.

Construction on the Package 2 stations (Moseley Village, Kings Heath, Pineapple Road) continues to progress at pace with the current completion date for Dec 24 still being maintained. The project team is in continued negotiations with Network Rail for increased possessions & access over weekend and evenings to try and improve on the programme.

### *Metro Programme*

The Metro programme is based on the latest funding position and current project status. Work continues to progress with all extension projects being undertaken by the Midland Metro Alliance (MMA). During this period, the following activity has been undertaken:

Edgbaston Extension – The route to Edgbaston Village was completed in June 2022, and opened to passenger service in July, just before CWG. There remains a few small snagging works to complete, and some works on the side streets as a result of the Metro scheme that BCC and TfWM are implementing. The service has already proven very popular with more journeys starting in Edgbaston than anticipated with around 8% of all Metro journeys starting on the new extension.

Wolverhampton City Centre Extension – Working in close partnership with stakeholders we have overcome some of our difficulties and opened the extension to Wolverhampton Station in September. We are now undertaking works to alternate services between Wolverhampton station and St Georges. We continue to work closely with partners to close out the few remaining difficult issues.

Wednesbury to Brierley Hill Metro Extension – Work continues to proceed as planned on many sections of this extension, and in particular in Dudley Centre and at the



Wednesbury connection into the existing line. After a lot of discussion across the WMCA and reviewing of finances, the commitment to deliver the full line was re-confirmed, but that the project will be delivered in two phases: to Dudley and then beyond to Brierley Hill. Funding has been identified subject to value for money checks to delivery of the second phase as far as Merry Hill stop. WMCA continue to work on resolving the financial shortfall to deliver to Brierley Hill. MMA continue to progress with works to Dudley resulting in an increased level of activity along the route with many new structures now installed and track installation progressing in Dudley centre. Service is expected to start to Dudley in Autumn 2024.

Birmingham Eastside Extension (BEE) – Work has now completed on Section 1 on Lower Bull St with tracks installed, paving and soft landscaping installed. Demolition of King's Parade completed in June 2023 and we are completing the governance process to start work on Section 2, through to the Clayton Hotel. Section 5 works in Digbeth High Street have completed on the North side and the planting is complete along with the urban realm. Works on the south side is progressing and due to complete by the end of 2023.

Due to delays from HS2 project, Metro will not be able to start work on the middle section of the extension until January 2026, and so open the line in Spring 2027. In view of this we are looking at the possibility of adjusting the design to allow a partial opening as far as the Clayton Hotel earlier than the rest of the route.

## **5. Metro Operations - Midland Metro Limited (MML)**

Work continues to repair the bodyside and bogie box cracking identified on the 2G fleet. This work is taking place at the Very Light Rail (VLR) centre in Dudley. The final 2 trams are having their repairs completed to the 'c-car' bogie box. TfWM continue to work with CAF on proposals to repair the 'r-car' bogie boxes and waist level panels. Work on these should commence in November.

TfWM has worked with the supplier CAF to bring the new 3G fleet into the UK ahead of schedule, there is now one vehicle left to be delivered. To date this fleet is performing well. Following the opening of the Wolverhampton city centre extension Midland Metro Limited (MML) are looking at timetable options with a view to improve frequencies between The Royal and Edgbaston Village prior to Christmas.

Whilst Metro patronage has started to plateau it is regularly above pre-covid levels.

Two overhead line failures during July led to significant disruption to the network. Work to improve resilience of the power network has also impacted services on a number of Sundays throughout September leading to the late start of services.

Despite the incidents in July the scheduled km delivered is high with August seeing 99.25% of planned timetable kilometres operated. MML continue to add queue buster trams during the peaks as resource allows.

Looking ahead, Easter 2024 sees works to link the Wednesbury Brierley Hill Extension into Line One at Wednesbury. This will lead to significant disruption as services will be unable to operate south of Wednesbury. In addition, TfWM and MML have worked with Officers within Sandwell to enable Sandwell to complete works to Dudley Street Bridge. Whilst most of this work will run concurrent with the delta work the Dudley

Street bridge programme is slightly longer and we continue to work with Sandwell Officers on the logistics around this.

## 6. Active Travel

### *Active Travel Fund (ATF)*

The following schemes have been delivered as part of the Sandwell's ATF Tranche 2 programme (indicative cost of £1.4m):

- Blackheath Town Centre Active Travel Interventions – Reallocation of road space and widening of footway to create a new permanent off-road segregated two-way cycleway along the Blackheath bypass from the Oldbury Rd/Henderson Way junction, along the bypass on A4100 Henderson Way to the High St/John St junction.
- Wednesbury Town Centre Active Travel Interventions – Reallocation of road space to provide a new segregated contraflow cycle lane within the town centre, new permanent footway sections, temporary widening of footways using barriers, new TTRO's and new signage and road marking scheme and decluttering of footways along various roads within the town centre to ensure wider footway space. New cycle parking at selected locations will also be provided.
- Bearwood High Street Active Travel Interventions – adjoining Bearwood Road is Waterloo Road and on the northern side of the High Street is Hadley Stadium sports centre which hosts inclusive cycling projects. On this side of the High Street there will be a reallocation of road space (along Bearwood Rd/Waterloo Rd) to provide a new two-way segregated cycle route from Beaks Road to Hadley Stadium with a Tiger Crossing for cyclists.
- A4123 Corridor (Dudley/Sandwell section) – this is a jointly promoted scheme by Dudley and Sandwell Councils. The scheme involves the provision of a dedicated permanent 2-way cycle route along this 1.2km section of the A4123 corridor running between Tipton Road (A4037) and Burnt tree (A461). This scheme is now completed.

Sandwell's ATF Tranche 3 programme includes:

- Wednesbury to Brierley Hill Extension (WBHE) - Sustainable Access Measures – design underway
- Ferndale Primary School - construction complete

### *Cycling for Everyone*

- Cycling for Everyone 23-24 is in delivery with a suite of activities to encourage communities to enjoy cycling as an everyday way to travel and stay active. This programme focuses on removing barriers to accessing active modes of transport to those from protected characteristic groups and areas of deprivation. The project focuses upon the following wards:
  - Langley
  - St Paul's
  - Soho and Victoria
  - Oldbury
  - West Bromwich Central

- Greets Green and Lyng

The programme includes Dr Bikes, Adult and Child Cycle Training and Cycle Maintenance Training. Sustrans have been appointed to deliver phase 1 of Dr Bike/Cycle Security Measures. They have successfully delivered sessions at Victoria Park, West Smethwick Park and with community group Sikh Helpline. Living Streets have been appointed to deliver three Walking Zone Community Street Audits within Sandwell. Each of the following routes have been selected in collaboration with the Local Authority:

- High Street to Langley Green Railway Station
- Friar Park & Yew Tree to Tame Bridge Railway Station
- Black Country Core Walking Zone in Rowley Village Blackheath

### *Living Streets Walk to School Programme*

In September 2023, the Department for Transport announced the National allocation of £5m towards the continuation of Living Street's Walk to School Outreach Programme. This funding will help more pupils enjoy the fresh air, freedom and fun that walking to school brings in Sandwell. Living Streets will continue to work with us in the West Midlands until 31 March 2025.

Sandwell has 27 schools currently involved in the Living Streets 'Walk Once a Week' Programme.

### **Walking and Cycling Programme**

#### *Development Work Stream*

Sandwell will be using TCF funding to complete a study on the route A457 Corridor, Oldbury Town Centre to Smethwick High Street and Smethwick Galton Bridge Station.

The Outline Business Case for the Wednesbury to Brierley Hill Metro Corridor Access Improvements was submitted by Sandwell and Dudley to WMCA Corporate Assurance and is now approved.

The area under the bridge at the WBHE and A4123 is being widened to accommodate a cycle route and pedestrian access. This has been funded through TCF (£2m) and is being delivered by Midland Metro Alliance.

A third tranche of ATF3 was awarded to WMCA which included additional funding for Wednesbury to Brierley Hill Metro Corridor Access Improvements at stops for cycling. There is also funding for a regional School Streets programme. Ferndale Primary School will have school street delivered as part of the programme, with Glebefields Primary School a possibility in the future.

TfWM have recently completed a self-assessment for Active Travel England (ATE), which was a requirement ahead of the Capability and Ambition Fund (CAF, formerly Local Authority Capability Fund) and the fourth tranche of ATF. WMCA was awarded a score of 3 overall (out of a maximum of 4) following a submission of evidence. We are one of the few authorities in the country who have received this higher score.

ATE have awarded WMCA £3.4m of CAF following an application process which was submitted on 30 September. The following schemes are planned to be progressed through the development project cycle (e.g. feasibility studies, concept design) with this funding: Blackheath to Oldbury WM LCWIP route, A457 Oldbury to Smethwick Black Country LCWIP route and WM LCWIP Route – Tipton to West Bromwich.

### **Delivery Work Stream**

#### *Friar Park Public Realm Improvements (completed)*

Two applications for the Better Streets Community Fund were submitted within proximity of each other asking for improvements near the Millennium Community Centre and Friar Park Primary School. This project provided improvements at and between these two locations providing a safe and enjoyable space for local people to walk and cycle.

#### *Smethwick Old Church and Dorothy Parkes Community Centre Public Realm Improvements*

This project improved the public space outside of Smethwick Old Church and Dorothy Parkes Community Centre by reducing traffic speed and making it easier for people to walk and cycle in their local community.

#### *Access improvements to existing crossings (completed)*

The Better Street Community Fund contributed to improving the accessibility of an existing crossing for cyclists and those with mobility issues by providing small amount of dropped kerb. The crossing in Blackheath formed part of an existing cycle route between Blackheath and Rowley Regis Train Station and this small improvement helped to improve this route.

#### *YMCA Cycle Parking (completed)*

This project provided public cycle parking outside of the YMCA in West Bromwich Town Centre allowing people attending the YMCA and the wider town centre to be able to park their bikes securely.

#### *Workwise*

TfWM's Employment Outreach is now a team of two which includes Employment Outreach Lead and Employment Outreach Assistant Administrator Apprentice. The teamwork with Job Centres to promote discounted travel to those gaining new employment. This approach has been successful and was extended to include libraries, local employers and training providers.

A popular discounted travel scheme is Workwise which offers discounted tickets in the first three months of employment.

The offer includes two 4-week tickets FREE then a third 4-week ticket at a 50% discount from the standard price on selected bus, tram and nNetwork passes.

119 applicants in the Sandwell area were helped with travel to work through Workwise in the last six months<sup>1</sup>.

The Employment Outreach team continues to expand promotion to a portfolio of virtual advertising and engagement activity alongside non-virtual activity. This includes online

recruitment events, online jobs fairs and social media engagement tools as well as digital newsletters and information packs.

Non-virtual activity includes attendance at jobs fairs, careers fairs and meetings throughout Sandwell. Partnerships with job centres in the Sandwell area have been established to help provide support for their clients in the transition from benefits to their first pay days in employment.

<sup>1</sup> Figures are from December 2022 to May 2023 to be in line with report dates

## **7. Safety, Security and Emergency Planning including Regional Transport Co-ordination Centre**

The Safer Travel Partnership is a collaboration of organisations including TfWM, West Midlands and British Transport Police forces, Transport Operators and the 7 regional local authorities. They work together with the purpose of making the public transport network safer.

The Partnership is responsible for delivering the Safer Travel Partnership's 'Safer Travel Plan' the latest version was agreed with West Midlands Police Crime Commissioner, The West Midlands Mayor and the British Transport Police Authority in March 2022.

Since 2021 Safer Travel have employed 3 Transport Safety Officers (TSOs) whose primary role is to provide a visible presence on the Public Transport Network in the West Midlands, providing good Customer Service to Staff and Passengers to tackle low level Anti-Social Behaviour and improve the perception of safety for users of the transport network. The approach to be followed by the TSO's can be summarized as Engagement, Education, Encouragement and where necessary Enforcement. Following a successful bid to the Department of Transport last year, there are now 7 active TSOs in post. An additional 6 TSOs will join us in January 2024. All of the 13 TSOs are trained in all Civil Interventions (including Byelaws) as well as their Traffic Power to stop and direct traffic. They will be getting some new training for Violence Against and Girls and linked behaviours.

In 2023 YTD the 7 Transport Safety Officers have been on patrol for **8,682** hours which equates to **79%** of their total duty time, **7,726** of which were directly linked to our Tasking priorities. A milestone figure of **5,486** Verbal warnings were given out, **175,334** interactions with travellers and staff were made and **43,003** engagements with travellers and staff were carried out.

The Transport Safety Officers have provided a highly visible presence around the transport interchanges in Sandwell, the three bus stations at Cradley Heath, Wednesbury and West Bromwich, Metro stations and bus shelters and they have travelled on all modes of public transport dealing with issues identified in the Safer Travel Tasking process or by partners. They have visited West Bromwich Bus garage to meet with drivers to inform them of their role and to encourage reporting of incidents by drivers. They assisted with our Metro colleagues with the uplift in patronage due to the rail strike during the West Bromwich Albion Home games. They have also continued to work closely with the West Bromwich Neighbourhood Policing Team to deal with the long-term issue of Street Drinkers at West Bromwich Bus Station with members of the group receiving ASB warning letters and being dealt with for breaches

of a criminal behaviour order as well as joint patrols with the West Brom BID team. There have been several drone flights carried out by the qualified TSOs in support of Traffic Management issues linked to West Bromwich Albion match day traffic specifically at M5 junction 1 and the Black country spine route in the Great Bridge area.

The RTCC continues to work with and alongside Sandwell Council Highways team monitoring performance around West Bromwich Interchange, a known hotspot for congestion. This will progress towards the end of October when signal upgrade works commence with temporary signals in place. The RTCC will monitor performance and coordinate with internal and external stakeholders to ensure the junction runs as efficiently as possible, with supplementary CCTV being installed giving sight of all key routes towards the interchange.

Additionally, the RTCC, along with Traffic Network Coordination colleagues, have been monitoring the key corridor of the A41 from West Bromwich Interchange and into Birmingham due to an anticipated increase in vehicular use, following significant works commencing on the SRN (M6 J6-7) meaning there is no dynamic hard shoulder available through to June 2024. This is anticipated to increase traffic levels through Sandwell as road users divert. As always football events at The Hawthorns are closely monitored due to the uplift in congestion at ingress / egress times.

The Emergency Planning Team assist Sandwell's Safety Advisory Group with their major event planning, seeking to minimise any transport disruption that may result from particular events such as religious processions and upcoming fireworks night and Christmas light switch on events. Both teams also liaise closely with the regions Local Resilience Forum to ensure resilience communication and situational awareness is maintained across the region.



## Appendix 1 – Network Monitoring

Monitoring ensures TfWM understands changes in the performance of the transport system arising from schemes, for example the punctuality of public transport, modal usage, patronage and customer satisfaction. Covid-19 has had a major impact on the public transport network, but patronage is now starting to increase across all modes.

### - Headline Measures

The table below shows performance change in August 2023 compared to the previous report (January 2022). Annual data (2021/22 and 2022/23) is also provided where available. Data is annualised (unless stated otherwise) and for the whole of the West Midlands Combined Authority area.

	Jan-23	Aug-23	% Change	2021/22	2022/23	% Change
Bus Patronage	211.2m	217.0m	+2.7%	174.7m	210.9m	+20.7%
Rail Patronage	56.4m	56.2m	-0.3%	39.8m	56.6m	+42.0%
Tram Patronage	4.9m	7.5m	+51.4%	4.8m	5.5m	+15.80%

### Bus

Since January 2021 bus patronage has started to recover each month with current annualised bus patronage (September 2022 – August 2023) standing at 217.0 million an increase of +10.6% compared to 196.3 million in August 2022 (annualised). Bus patronage in 2022/23 increased by +20.7% compared to 2021/22. Monthly bus patronage (August 2023) is now at 91.3% of pre-covid levels (August 2019).

During 2022/23 81% of those surveyed were satisfied with the overall journey experience compared to 78% in 2021/22. (Source: Travel Trends and Behaviours Survey 2022/23 Annual Report, Human Intelligence, TfWM).

### Rail

Rail patronage has also been impacted by Covid-19. Current annualised rail patronage is approximately -24.0% of pre-covid patronage and stands at approximately 56.2 million per year (a decrease of -0.3% compared to January 2023). Rail patronage in 2022/23 was 56.6 million (+42.0%) compared to 39.8 million in 2021/22.

During 2022/23 90% of those surveyed were satisfied with the overall journey experience compared to 85% in 2021/22 (Source: Travel Trends and Behaviours Survey 2022/23 Annual Report, Human Intelligence, TfWM)

### Tram

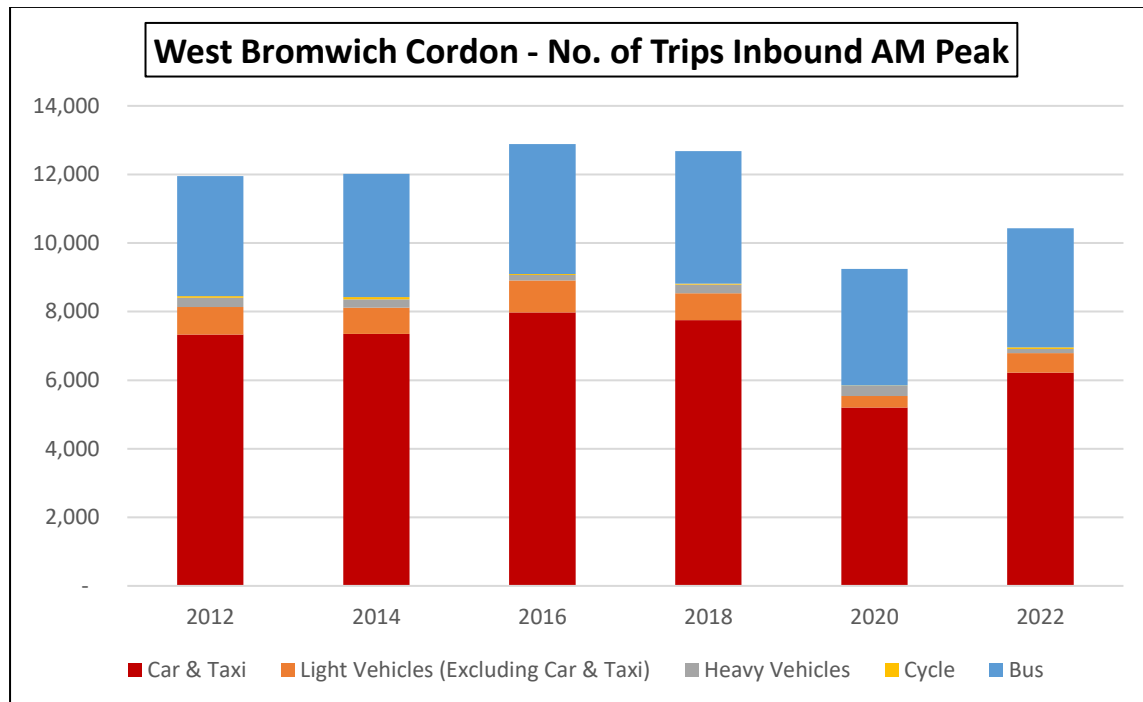
Tram patronage decreased from 8m passengers during the year period April 2019 to March 2020 (pre-covid) and is now 7.5m annually (September 2022 to August 2023),

an increase of +51.4% compared to January 2023. The most recent annual tram patronage (2022/23) is 5.5m, an increase of +15.8% on 2021/22.

During 2022/23 98% of those surveyed were satisfied with the overall journey experience compared to 95% in 2021/22. (Source: Travel Trends and Behaviours Survey 2022/23 Annual Report, Human Intelligence, TfWM).

### Modal Share West Bromwich

The latest West Bromwich cordon survey was undertaken in March 2022 and will be undertaken again in March 2024.



The AM Peak (07.30-09.30) public transport mode share has decreased slightly in 2022 to 40.0% (bus 35.3%, tram 4.7%) from 40.4% in 2020, mainly due to an increased in trips using private vehicle modes (except heavy vehicles) and a decrease in tram trips.

Bus trips have increased by +2.0%, cycle trips by +370% (37 extra cycles), car and taxi by 19.4% and light vehicles by +73.2%.

Heavy vehicle trips decreased by -58.4% and tram trips by -18.6%. Overall public transport trips decreased by -0.9%.

Overall, all trips into West Bromwich (March 2022) have increased by +11.0%. The previous survey in West Bromwich was in March 2020, 2 weeks before the national lockdown.

Further details on modal share for all strategic centres can be found here: <https://community-engagement-tfwm.hub.arcgis.com/pages/modal-split>



## **West Midlands Police and Crime Panel Update October 2023**

### **Sandwell Metropolitan District Council**

**Date: October 2023**

Report of the Panel Lead Officer: Kevin O' Keefe Chief Executive Dudley MBC

#### **1 Purpose**

- 1.1 Bi-annual reports on the activities of the West Midlands Police and Crime Panel are presented to Sandwell Metropolitan Borough Council for consideration. This report reflects on the work of the Panel between May and October 2023.
- 1.2 Sandwell is represented on the Panel by Cllr Syeda Khatun. Cllr Mohammed Jalal Uddin and Cllr Vicki Smith are named substitute members.

#### **2 Recommendation**

- 2.1 It is recommended that the information contained in the report be noted.

#### **3 Role of the Police and Crime Panel**

- 3.1 The Panel is a joint scrutiny body of the West Midland authorities with a dual role to 'support and challenge' the work of the Police and Crime Commissioner (PCC).
- 3.2 The Panel acts as a critical friend to the PCC on behalf of West Midlands residents and must perform the following statutory functions:
  - Review and comment on the PCC's draft Police and Crime Plan.
  - Review the PCC's Annual Reports.
  - Scrutinise decisions and actions of the PCC.
  - Review (with the power to veto) the PCC's proposed Council Tax precept.
  - Hold confirmation hearings before the PCC makes certain senior appointments (Chief Constable, Deputy PCC, Chief Executive and Chief Finance Officer), with the power to veto the Chief Constable appointment.
  - Handle non-criminal complaints about the conduct of the PCC and Deputy PCC, referring serious complaints to the Independent Office for Police Conduct (task delegated to the Birmingham Monitoring Officer).
  - Appoint an acting PCC if required.
  - Suspend the PCC if charged.
- 3.3 The Panel's work programme consists of statutory tasks (listed above) and wider exploratory work to build knowledge and insight into the strategic policing

and the wider community safety and criminal justice landscape to fulfil its role to hold the PCC to account.

- 3.4 The Panel must maintain a strategic focus when scrutinising the work of the PCC, rather than operational detail.

#### **4 Panel Membership**

- 4.1 The Panel consists of 12 councillors representing the 7 West Midland districts. The membership reflects the political balance of the region and are appointed annually. Named substitutes are appointed for each councillor member. Three independent members also serve on the Panel.
- 4.2 The Panel elected Councillor Jasbir Jaspal (City of Wolverhampton) as Chair and Kristina Murphy (Independent Co-opted Member) as Vice Chair for the 2023/2024 Municipal Year.

#### **5 Meetings and agenda papers**

- 5.1 Meeting papers, meeting dates, published reports, together with more information about the Panel can be found on the [Panel's website: www.westmidlandspcp.org.uk](http://www.westmidlandspcp.org.uk). Meetings are livestreamed for the public.

#### **6 Panel Resources and Officer Support**

- 6.1 The Panel continues to operate within the limits of the Home Office Grant. The Panel agreed in 2012 that members would not use this to draw special responsibility allowances, but travel and carer expenses can be claimed.
- 6.2 Dudley Metropolitan Borough Council's Chief Executive provides lead officer support. Birmingham City Council acts as secretariat and provides legal support. Solihull Metropolitan Borough Council supports the Panel with its scrutiny of the PCC budget and precept.

#### **7 Key activity by the Police and Crime Panel**

- 7.1 May 2023: The annual appointment process of councillor panel members was managed through the district AGMs in May. This saw a 50% turnover of councillor panel members.
- 7.2 June 2023: All panel members and named substitute members participated in induction **training**. The session focussed on the role and responsibilities of the PCC and the Panel, developing an effective work programme, and scrutiny of performance information.
- 7.3 July 2023: The Panel conducted a **Confirmation Hearing** for the new Chief Finance Officer for the Office of the Police and Crime Commissioner. The Panel has a key role in the appointment process of senior positions and must hold a public hearing to question the preferred candidate to assess their suitability. The

PCC must then have regard to the Panel's recommendation. The Panel recommended the PCC appoint his preferred candidate.

- 7.4 September 2023: The Panel examined the delivery of **Police and Crime Plan objectives to improve road safety** for all users and how the PCC was holding the Chief Constable to account on action undertaken by WMP, as well as his partnership work with Local Authorities. The Panel called for improved communication with local communities and councillors about the range of initiatives, and supported the PCC's campaign seeking to retain speeding fix penalty fines locally to be invested in new road safety projects.
- 7.5 The Panel also welcomed a **public question** at the meeting about scrutiny of the PCC's Police and Crime Plan objective to maintain **PCSOs numbers** and as a result of this question has sought further information about PCSO capacity and staff morale.
- 7.6 Anyone who lives, works or studies in the West Midlands can ask a question relating to the Panel's role in scrutinising the PCC, questions should be submitted in writing to the Panel Officer. More details can be found on the [West Midlands Police and Crime Panel getting involved webpage](#).
- 7.7 Panel members have continued to undertake **training** to support them in their role and improving core knowledge on policing functions, for example call handling and neighbourhood policing.
- 7.8 In September 2023, members visited Lloyd House Police Head Quarters where the PCC provided an outline of his role and responsibilities and the Chief Constable explained the **new police operational model** and responded to questions. Members also received briefings on performance monitoring and the Office of the Police and Crime Commissioner work on **tackling Drug Harm**. This was followed by a tour of the **WMP Force Contact Centre**.

## **8 Forward Plan**

- 8.1 In November the Panel will review the PCC's Annual Report that sets out progress made towards his Police and Crime Plan objectives. In January, the Panel will scrutinise the Commissioner's budget proposals and proposed policing precept ahead of formally reviewing the policing precept for 2023-24 at its 5 February meeting.
- 8.2 As the Panel shapes its work programme for the 2023/24 Municipal Year to assess the impact, actions and decisions of the PCC, there are opportunities for further dialogue and closer working with local scrutiny committees.

## **9 Finance Implications**

- 9.1 There are no direct finance implications associated with this update report.

## **10 Legal Implications**

- 10.1 A Police and Crime Panel must be maintained to carry out scrutiny functions and responsibilities as set out in the Police Reform and Social Responsibility Act 2011. The Panel membership must represent all the districts and reflect the political composition of the region.

## **11 Equalities Implications**

- 11.1 This Police and Crime Panel is a joint committee of West Midlands Local Authorities. Therefore, it has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:
- 11.1.1 Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under the Act.
  - 11.1.2 Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
  - 11.1.3 Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 11.2 The Panel considers these duties during work programme development, the scoping of work, evidence gathering and making recommendations. Including how policy issues impact on different groups within the community, particularly those that share a relevant protected characteristic; whether impact on particular groups is fair and proportionate; whether there is equality of access to services and fair representation of all groups within the West Midlands; and whether any positive opportunities to advance equality of opportunity and/or good relations between people are being realised.

## **12 Background Papers**

- 12.1 West Midlands Police and Crime Panel Minutes and Agenda:  
[www.westmidlandspcp.org.uk](http://www.westmidlandspcp.org.uk)

## **13 Contact officers:**

Panel Lead Officer: Kevin O' Keefe Chief Executive Dudley MBC

Overview and Scrutiny Manager (Birmingham City Council): Sarah Fradgley  
(0121 303 1727)

# Report to Council

**24 October 2023**

<b>Subject:</b>	West Midlands Combined Authority - Update
<b>Director:</b>	Director Regeneration & Growth Tony McGovern
<b>Contact Officer:</b>	Senior Lead Officer, Jane Alexander Jane_Alexander@sandwell.gov.uk

## 1. Recommendations







1.1 That Council notes the update report and is asked to consider any other opportunities for the Borough arising in connection with the West Midlands Combined Authority.

## 2. Reasons for Recommendations

- 2.1 This is a follow up report to the previous report submitted to Council on 28 March 2023, giving an update on key developments.
- 2.2 Being a constituent member of the West Midlands Combined Authority offers Sandwell Council access to funding and initiatives that positively impact the borough and the people of Sandwell.



### 3 How does this deliver objectives of the Corporate Plan?

		Participation as a constituent member of the West Midlands Combined Authority offers opportunity to contribute positively to all strategic outcomes contained in the Corporate Plan.
		
		

### 4. Context and Key Issues

#### Deeper Devolution Deal

- 4.1 The Deeper Devolution Deal (DDD - formerly referred to as the Trailblazer Devolution Deal) provides additional funding to the West Midlands Region and some additional powers to make local rather than national decisions.
- 4.2 The deal contains over 190 commitments of different types. These include:
- A. Commitments to provide new funds to the Combined Authority and its constituent authorities, such as for housing and regeneration.
  - B. Commitments to increase flexibility and local decision-making power over existing and future funds, particularly through the single settlement.
  - C. Commitments to new partnerships and co-working with government to design and deliver programmes, such as employment support, culture and heritage and working with Great British Railways; and
  - D. Commitments to undertake further work with government on regional priorities, including transport innovation.



- 4.3 The detail of the DDD was subject of a report to Cabinet on 13<sup>th</sup> September 2023, whereby Cabinet authorised the Leader to vote in favour of the DDD when considered by the WMCA Board. The Cabinet report can be accessed via the following link:  
<https://sandwell.moderngov.co.uk/ieListDocuments.aspx?CId=143&MId=6576&Ver=4>
- 4.4 The benefits that could flow from this Deeper Devolution Deal for residents and businesses in Sandwell include the following:
- A. Growth Incentives arising from the Sandwell Levelling Up Zone from Wednesbury to Tipton based around the new Metro extension.
  - B. Further investment in the Wednesbury to Brierly Hill Metro extension so that Sandwell residents can access employment opportunities more easily.
  - C. Higher level of investment in affordable homes as Sandwell is only meeting 50% of the social housing need in the Borough.
  - D. Housing regeneration funding for the derelict Chances Glassworks site that has important heritage monuments on site (expression of interest submitted for £20.8m gap funding) and to acquire and remediate brownfield land around the new Midland Metropolitan Hospital in Smethwick to facilitate new homes.
  - E. Further funding to combat digital exclusion in the Borough – Sandwell has one of the highest levels of digital exclusion in the Region.
  - F. Funding to support business to decarbonise their operations as part of the commitment to Net Zero.
  - G. Investment in public realm technology through Smart sensors that could assist Sandwell in multiple ways.





- H. The devolution of the Bus Service Operators Grant opens an opportunity to transition to low carbon / EV buses in Sandwell – currently there is very little low carbon buses in the Borough despite Sandwell having the poorest air quality in the West Midlands region.
- I. Funding to improve the Cultural Offer in Sandwell which is a priority area for Arts Council funding due to low spend baseline on cultural facilities.

4.5 There will be further decision points required as the process for implementation of the DDD is developed. Currently, engagement is underway between the WMCA and Local Authority Officer on the more detailed aspects of the deal implementation.

### **West Midlands Levelling Up Zones**

4.6 Officers continue to work with WMCA to develop proposals for a Levelling Up Zone along the new Wednesbury to Tipton metro corridor. A regional working group of Senior Officers from the Black Country authorities, Birmingham and Solihull has been established which meets fortnightly. Key issues are still being worked through and further reports and necessary approvals will be required from Cabinet before any Levelling Up Zone is established.

4.7 Eight sites within the corridor have been identified that could benefit from Business Rate retention over a 25-year period above a yet to be agreed baseline to fund regeneration within the corridor. The sites were identified in consultation with the Leader and Cabinet Member for Regeneration and Growth and have been submitted to Government for consideration. Final detailed feedback from Government is awaited. The sites are:

- A. Coneygre, Tipton
- B. Rattlechain, Dudley Port
- C. Land east of Whitehall Road, Great Bridge
- D. Land south of Great Bridge Street, Great Bridge
- E. Land west of Danks Way, Great Bridge
- F. Land north of Harvills Hawthorn, Great Bridge





- G. Land north of Bilport Lane, Wednesbury
- H. Land north of Smith Road, Wednesbury

- 4.8 The inclusion of sites within Wednesbury Town Centre for Business Rate retention was discounted following negative feedback from Government. However, investment for Wednesbury Town Centre has recently been secured via the Levelling Up Partnership.
- 4.9 Additional employment and housing land within the new metro corridor, including the sites in Wednesbury Town Centre, would be able to benefit from the retained business rates – this would be subject to further Cabinet approvals.
- 4.10 Officers and the WMCA continue to explore whether the use of a Tax Increment Financing (TIF) model to help fund infrastructure works would be feasible in this context. Consultancy support has been procured to assist Officers in developing proposals for the Levelling Up Zone.

### **City Region Sustainable Transport Settlement (CRSTS)**

- 4.11 The City Region Sustainable Transport Settlement (CRSTS) is a five-year capital settlement to enable the city regions to achieve their ambitions in terms of transport investment. The fund is overseen by DfT and in the West Midlands it aligns with the planned publication of a new Local Transport Plan (LTP). CRSTS commenced in 2022-23 with £8.9m previously allocated to the West Midlands in 2021-22 to assist with preparation and delivery of the settlement. The confirmed allocation to the WMCA for 2022-23 to 2026-27 is £1.05bn.
- 4.12 CRSTS is now the main source of transport capital funding for local transport schemes with a scheme cost of £50m or less. CRSTS draws under one heading, a number of transport funding streams including the final year of the (already allocated) Transforming Cities Fund (TCF), as well as the Integrated Transport Block (ITB) and Highways Maintenance Block (HMB). For the time being, the Active Travel Fund (ATF), which covers walking and cycling investment, remains separate.
- 4.13 The approved CRSTS programme includes the following projects which are, either wholly or partially, located in Sandwell:



Project	Allocation
A34/A45 SPRINT Corridor (Phase 2)	£56.60m
A4123 Walk, Cycle and Bus Corridor	£29.00m
A461 Walk, Cycle and Bus Corridor, Sandwell	£12.00m
Black Country ULEV Charging Scheme	£7.00m
Dudley Port Integrated Transport Hub (Phase 1 & 2)	£2.40m
Local Cycling & Walking Infrastructure Plan (Black Country Package)	£8.00m
Smethwick to Birmingham Inclusive Growth Corridor Transport Package	£19.00m
Wednesbury to Brierley Hill Metro Extension (Sustainable Access Measures)	£16.00m
West Midlands Metro Line 1 Upgrades	£30.00m
West Midlands Metro Wednesbury Depot Expansion	£37.90m
West Midlands Metro Traction Power (Phase 2)	£12.60m

- 4.14 The projects support not only the WMCA objectives, but also the regeneration priorities of the emerging Sandwell Local Plan and Sandwell's Regeneration Strategy and approved pipeline. In total, these projects represent over £260m of investment in the transport network with impacts in Sandwell over the five years of the CRSTS programme.
- 4.15 Many of these projects will be moving to their delivery stage over the next 12-18 months, will all anticipated to be delivered by March 2027.

### UK Shared Prosperity Fund (UKSPF)

- 4.16 UKSPF is a central pillar of the UK Government's Levelling Up agenda. Its primary goal is to build pride in place and increase life chances across the UK, with three key investment priorities around 'Community and Place', 'Supporting Local Business', and 'People and Skills'.
- 4.17 WMCA has been identified as the lead authority and accountable body for UKSPF across the seven local authority metropolitan area, with responsibility for developing its investment plan, and for delivery of the Fund. WMCA has been leading a strategic approach, working with local authorities to identify local and regional investment priorities that support the region's levelling up ambitions.
- 4.18 The overall UKSPF allocation for the region is £88.5m over the period 2022-2025. It is critical that the funds are allocated where they can have most impact for places, residents, and businesses across the region.



4.19 Sandwell Council has secured £6.99m of UK Shared Prosperity Funding from the WMCA for investment in business support, skills and specific place-based projects especially in one of the most deprived areas of the Borough.

4.20 The position for Sandwell is as follows:

- Local allocation of £4.7m for Sandwell over three years to support local Place / Skills / Business priorities
- Plus £2.3m business support resources for SME advisors at LA level over 3 years from 22/23 to 24/25. The Sandwell Business Growth Team have now established the Business Support Customer Journey and has commissioned and recruited SME advisors.
- Plus potential benefits to Sandwell businesses from the Specialist Business Support Programmes at CA / Regional level – e.g. the Decarbonisation Programme. The Sandwell Business Growth Team await instruction from the WMCA as to when the regional business support grant programmes are live. In anticipation of this the Sandwell Business Growth Team have established a pipeline for potential grant recipients.
- The final elements of potential benefit is where the CA have identified MULTIPLY funding and some Adult Education Budget could be allocated to more deprived LAs to compensate for the low weighting that need / deprivation has been given in the SPF allocation process.
- A ringfenced Voluntary sector allocation was commissioned for year 2 UKSPF Communities and Place with four successful providers which included 3 consortia. The funding experienced a delayed start of July 2023 due to late receipt of the funding contract from WMCA.
- Within this programme £1.48m Sandwell Valley – education and community engagement outreach programme. Providing education and classroom facilities at Sandwell Valley and Forge Mill Farm to deliver an education and outreach programme that develops knowledge and community building capacity around green space development and ownership, animal welfare and conservation, and horticulture and land-based education. And to:
  - Transformation of the Railer / Cracker green corridor, Tipton:
    - Deliver major opportunities for green careers (grounds maintenance, horticulture, green spaces) and skills and community capacity building.
    - Develop this important green corridor to improve walking, running, and cycling links between residential areas and community places.



- Develop community spaces (green space) for community empowerment and engagement initiatives (community events and activities, local sporting, community allotments).
- Develop community based built facilities for the development of a green careers programme (thereby sustaining the development and maintenance of the land, whilst also providing pathways to green careers for all ages), with community engagement activities at the heart of this approach.
- Deliver a Green Careers Programme and Community Place Capacity Building programme through the innovative use of this green space and improved infrastructure.

## Common Wealth Games Legacy Funding

- 4.21 Sandwell Metropolitan Borough Council has developed a Business Justification Case with the WMCA to secure funding from the £70m underspend of the Commonwealth Games 2022 to support the significant increase in utility costs at the Sandwell Aquatics Centre over the next two financial years. The proposal was supported by the WMCA Investment Panel on 25 September 2023 and will be presented to the WMCA Investment Board on 16 October.
- 4.22 The Skills and Employability Service are due to deliver a programme utilising this funding at a value of £801,714.23 for jobs and skills provision, paid work placements and NEET prevention work in schools. The funding is split into 30% this financial year, with 70% of funding due to be spent in 2024/5.

## Employment and Skills

- 4.23 Sandwell MBC continues to play an active role in the WMCA Employment and Skills officers group; the meeting includes representatives from all constituent member local authorities. This group also considers regional approaches and best practise sharing across the local area, with each local authority having their own Employment and Skills partnership to feed information to and from. WMCA colleagues are being consulted in the development of the Sandwell Skill and Employment strategy to ensure plans are aligned such as the Economic Growth Plan.



- 4.24 Strategic meetings are now being held in Sandwell with Sandwell College, DWP and WMCA to discuss place-based issues and solutions. Meetings to date have focussed on the skills mismatch to vacancies and meeting employer demands for Sector based work academy provision.
- 4.25 Sandwell MBC is successfully delivering a strand of the Multiply contract supporting financial literacy in the borough, our Welfare Rights team are working alongside the Citizens Advice Bureau and Sandwell Consortium to build numeracy skills and financial resilience. The first year of funding achieved 178 achievements between Jan – March 2023.

### **NEET reduction**

- 4.26 The Council is due to deliver the Careers and Enterprise contract following the transfer to WMCA from the Sandwell Consortium.
- 4.27 This includes two part funded secondments from the Connexions service with additional funding for Careers education activities.

### **Adult Education Budget 2022-2025 Strategy**

- 4.28 WMCA has issued its Adult Education Budget 2022-2025 Strategy. It sets out their vision for a responsive and flexible adult skills offer which will support a people-centred approach to ensure that the skills needs of businesses are met and that everybody can benefit from economic growth.
- 4.29 WMCA key priorities are:
1. Getting residents into employment
  2. Upskilling and reskilling to respond to the regional economy and net zero
  3. Providing a good basic education up to Level 2 for those who need it and increasing higher-level provision in all local authority areas to ensure a good balanced offer is in place
  4. Supporting our communities to be stronger and benefit from inclusive growth
  5. Ensuring there is a strong Community Learning offer in place, which addresses digital inclusion, family learning, sustainability and health & wellbeing.





4.30 WMCA are conducting place based reviews to analyse the effectiveness of Adult education budget funded courses against the current labour market vacancies and employer demands. This information is being shared with stakeholders to inform future delivery and will be fed into the Local Skills improvement plans.

### **Wednesbury to Dudley (Phase 1) (Brierley Hill- Phase 2) Metro Extension**

4.31 The 11km extension will branch off the current West Midlands Metro line just east of the Wednesbury Great Western Street Metro stop, before heading through Tipton and Dudley on its way to Brierley Hill. The extension will be delivered in two phases with the first to Dudley town centre expected to open for passenger services in 2024. The second phase will see the route further extended to Brierley Hill at the earliest opportunity. This phased approach is due to a combination of factors including a rise in construction and energy costs, at the same time as a reduction in the farebox income as a result of the Covid pandemic. This is the largest transport investment in the Black Country with a scheme value of circa £450m.

4.32 There are plans for up to 14 trams stops along the route:

- Phase one will see up to nine new stops from Wednesbury to Flood Street, Dudley
- Phase two will include the addition of five stops between Flood Street and Brierley Hill, with provision for one additional stop

4.33 Phase One is fully funded and opens to passenger services in December 2024 but Phase Two from Dudley to Brierley Hill is not currently funded.

4.34 The headline benefits of this route are...

- Attracting investment and regeneration to Sandwell and Dudley, and in phase two, to Brierley Hill
- An important driver for this route is the creation of a link from this part of the Black Country to HS2 and everywhere in-between supporting economic growth by linking jobs and people
- The Wednesbury to Brierley Hill Extension will enhance public transport accessibility across the Black Country as a whole and reduce journey times as well as improve air quality and reduce noise



- 4.35 Main construction for the first phase of the scheme to Dudley town centre commenced in March 2020. Since then, much activity has taken place, including laying of track in Castle Hill, Dudley, utility upgrades and diversions, removal of the existing road surface, creation of concrete track beds elsewhere in Dudley town centre, and more recently preparation of the route through Tipton. Work is now underway to construct the 'Y' junction at Wednesbury which connects the extension to the existing Birmingham to Wolverhampton line.
- 4.36 Meanwhile, a number of aged railway bridges along the route were replaced in 2021 to make way for new purpose-built structures which are fit for a modern tramway. Further bridge replacement works have also taken place.
- 4.37 The metro extension from Wednesbury through Tipton also represents a 'growth corridor' for Sandwell Metropolitan Borough Council and is the geography upon which our proposal for a Levelling Up Zone is based.

### **Friar Park Housing Development**

- 4.38 The Council and WMCA are working together in a legally binding Joint Venture Agreement to develop a challenging brownfield site in the Borough (Friar Park) that could deliver 630 new homes including 25% affordable homes.
- 4.39 A Masterplan for the site was approved by Cabinet in March 2023 following a 6 week consultation period.
- 4.40 At that meeting Cabinet also approved the procurement strategy for developer selection and Sandwell and WMCA officers are in the process of developing necessary tender documentation.
- 4.41 The challenging factor in bringing the project forward is scheme viability due to the requirement for extensive remediation. However, funding has been secured via the Levelling Up Partnership to address the viability gap.



## 5 Alternative Options

- 5.1 Become a non-constituent member of WMCA - Participation as a constituent member of the WMCA enables Sandwell to deliver improvements to the locality that would otherwise be more difficult to achieve. In addition, through WMCA activity, we can ensure that Sandwell residents have the skills to access new employment opportunities both here in Sandwell and across the region, with excellent public transport available connecting the whole of the West Midlands. These benefits would be lost if Sandwell became a non-constituent member.

## 6 Implications

<b>Resources:</b>	The contribution to the Combined Authority from Sandwell Council for 2023/24 is £0.611 million.
<b>Legal and Governance:</b>	Part 6 of the Local Democracy, Economic Development and Construction Act 2009 (“the 2009 Act”) provides for the establishment of combined authorities for the areas of two or more local authorities in England. Combined authorities are bodies corporate which may be given power to exercise specified functions of a local authority under sections 104 and 105 of the 2009 Act, and power to exercise specified functions of any other public authority under section 105A of the 2009 Act.
<b>Risk:</b>	Section 21 of the West Midlands Combined Authority (Functions and Amendments) Order 2017 has the effect that where costs are incurred by the Combined Authority and are not met from other sources of income, then they fall to be met by the seven constituent councils, including Sandwell.
<b>Equality:</b>	The priorities of the West Midlands Combined Authority reflect the equality and diversity of the West Midlands, including striving to create prosperity through a strong and collective economic strategy and the policy aspiration to champion all that makes the West Midlands a Great Place to Live. The equality impact of any specific proposals will need to be addressed in reports to the WMCA Board or the appropriate decision-making body.





<b>Health and Wellbeing:</b>	All constituent members of the WMCA are be better placed to contribute and influence the Health and Social Care offer for local residents and create: <ul style="list-style-type: none"> <li>• A more sustainable local health and care economy;</li> <li>• Improved quality and experience of care;</li> <li>• Improved population health.</li> </ul>
<b>Social Value</b>	There is potential in all schemes and initiatives, particularly those delivered directly in Sandwell, to have a positive impact on Social Value.

## 7. Appendices

None

## 8. Background Papers

Report to Cabinet on West Midlands Deeper Devolution Deal 13 September 2023



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## Report to Council

24 October 2023

<b>Subject:</b>	Political Balance of Committees and Boards
<b>Director:</b>	Surjit Tour - Director of Law and Governance and Monitoring Officer
<b>Contact Officer:</b>	Surjit Tour Surjit_tour@sandwell.gov.uk







### 1 Recommendations

- 1.1 That Council approve the political balance of the committees, boards and other fora for the remainder of 2023-24, as set out in Appendix A.

### 2 Reasons for Recommendations

- 2.1 Following a change in political balance, the Council is asked to approve the political balance of committees, boards and other fora.

### 3 How does this deliver objectives of the Corporate Plan?

		The Council's decision-making structures are designed to support the delivery of the Corporate Plan.
		
		



## 4 Context and Key Issues

4.1 Section 15 of the Local Government and Housing Act 1989 provides, amongst other things, that where a local authority is divided into different political groups, it will have regard to the allocation to the different political groups on the Council, of all of those seats on any ordinary committee, sub-committee and Joint Authorities established pursuant to Part IV of the Local Government Act 1985.

4.2 The regulations provide for a political group to comprise two or more elected members of a local authority.

4.3 Notification has been received of 2 groups –

Labour	60
Conservative	11
Independent	$\frac{1}{72}$

The seats on committees have been allocated according to proportionality rules (as set out in Appendix A).

4.4 A political group represented on the Council may choose to allocate a proportion of its allocation of seats to an elected member who is not in a political group on the Council, without affecting proportionality.

## 5 Alternative Options

5.1 There is no alternative option, the Council has a duty to allocate seats according to political party, in accordance with the Act and appointment of elected members to committees and other/outside bodies can only be made by full Council.



## 6 Implications

<b>Resources:</b>	There are no direct resource implications arising from this report.
<b>Legal and Governance:</b>	There is a duty on the Council to allocate seats to political groups, as per the Local Government and Housing Act 1989. Council can determine the making of non-executive appointments to committees and other fora. Council is under a legal and constitutional obligation to make appointments to its committees, boards and other fora to ensure the effective operation of the Council's functions and other obligations, duties and responsibilities.
<b>Risk:</b>	There are no direct implications arising from this report.
<b>Equality:</b>	
<b>Health and Wellbeing:</b>	
<b>Social Value</b>	
<b>Climate Change</b>	
<b>Corporate Parenting</b>	

## 7. Appendices

Appendix A – Political Balance of Committees and Boards

## 8. Background Papers

None



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**Sandwell Metropolitan Borough Council  
Constitution of Boards, Committees and  
Other Fora 2023/24**

	<b>Labour</b>	<b>Conservative</b>	<b>Total</b>
<b>Scrutiny Boards</b>			
Health and Adult Social Care	9	2	11
Economy, Skills, Transport and Environment	10	1	11
Safer Neighbourhoods and Active Communities	10	1	11
Children's Services and Education	9	2	11
			44
<b>Constitutional and Quasi-Judicial Committees/Panels</b>			
Audit and Risk Assurance Committee	6	1	7
Planning Committee	13	3	16
Licensing Committee	12	3	15
General Purposes and Arbitration Committee	6	1	7
Governance and Constitution Review Committee	7	1	8
Land and Asset Management Committee	6	1	7
Ethical Standards and Member Development Committee	7	1	8
Chief Officer Terms and Conditions Committee	6	1	7
Emergency Committee	6	1	7
			82
	<b>107</b>	<b>19</b>	<b>126</b>

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## Report to Council

**24 October 2023**

<b>Subject:</b>	Revisions to Committees/ Boards/Other Bodies
<b>Director:</b>	Surjit Tour – Director of Law and Governance and Monitoring Officer
<b>Contact Officer:</b>	Trisha Newton Senior Democratic Services Officer Trisha_newton@sandwell.gov.uk

### 1 Recommendations







- 1.1 To receive and approve revisions to appointments to committees, boards and other bodies established by the Council, as set out in Appendix A.
- 1.2 To approve the revised Health and Wellbeing Board Constitution.
- 1.3 That subject to 1.1 above, the nominations received be approved and appointed to those bodies with immediate effect.

### 2 Reasons for Recommendations

- 2.1 Appointments to positions on committee/boards/other bodies, and their associated terms of reference/constitution is a matter for Council to determine.



### 3 How does this deliver objectives of the Corporate Plan?

		The Council's decision-making structures are designed to support the delivery of Sandwell's Vision 2030.
		
		

### 4 Context and Key Issues

4.1 The Council's Constitution sets out the executive, scrutiny and constitutional functions and the rules and procedures for how the Council operates, it also prescribes the issues that the Council should address at its Annual Meeting in identifying the person(s) or bodies it wishes to carry out its functions as a local authority and the portfolios and terms of reference for those persons and bodies.

#### Wednesbury Levelling Up Partnership Board

4.2 At its meeting held on 13 September 2023, Cabinet gave approval to the setting up of a Wednesbury Levelling Up Partnership Board to be created to bring partners together to oversee the programme and to:

- develop a shared understanding of the Levelling up needs in Wednesbury and add to the evidence base (informing future plans for Wednesbury)
- Input to and steer the development of LUP interventions
- Act as critical-friend challenge through project delivery
- Agree project change requests (within agreed limits); and
- Review monitoring and evaluation of project impact.



The approved Terms of Reference sets out that the following appointments are required:-

- Cabinet Member
- Town Lead Member
- Deputy Town Lead Member
- One Member from each Ward (Friar Park, Wednesbury North, Wednesbury South) not covered by Town Lead and Deputy Town Lead appointments

## Health and Wellbeing Board – Constitution

4.3 The Health and Wellbeing Board is a formal statutory committee of the local authority, established under Section 194 of the Health and Social Care Act 2012, as a forum where political, clinical, professional and community leaders from across the health and care system come together to improve the health and wellbeing of our local population and reduce health inequalities.

Following changes to NHS structures in 2022, the Board has reviewed its membership. The Board’s constitution has also been refreshed to recognise the membership changes and to support the efficient transition of business.

## 5 Alternative Options

5.1 There is no alternative option. Appointment of elected members to committees and other/outside bodies and revisions to constitution of a committee can only be made by full Council.

## 6 Implications

<b>Resources:</b>	There are no direct resource implications arising from this report.
<b>Legal and Governance:</b>	Council can determine the making of non-executive appointments to committees and other fora. Council is under a legal and constitutional obligation to make appointments to its committees, boards and other fora to ensure the effective operation of the Council’s functions and other obligations, duties and responsibilities.



<b>Risk:</b>	A risk assessment is not required.
<b>Equality:</b>	An equality impact assessment is not required.
<b>Health and Wellbeing:</b>	The proposals have no direct implications.
<b>Social Value:</b>	The proposals have no direct implications.
<b>Climate Change:</b>	The proposals have no direct implications.
<b>Corporate Parenting:</b>	There are no direct implications.

## 7. Appendices

Appendix A – Revision to Appointments to Committees, Boards and Other Bodies

## 8. Background Papers

None.



## Appendix A

Committee/Board/Other Body	Revision/nomination
General Purposes and Arbitration Committee	Councillor Williams to replace Councillor Kalari
Chief Officers Terms and Conditions Committee	Councillor Trumpeter to replace Councillor Fisher Substitute – Councillor Fisher to replace Councillor Kalari
Economy, Skills, Transport and the Environment Scrutiny Board	Councillor Luke Davies to be added Change Councillor Chapman to substitute member
Safer Neighbourhoods and Active Communities Board	Councillor Keith Allcock to be added Change Councillor Trumpeter to substitute member
Health and Wellbeing Board	Add Councillor Trumpeter (Substitute: Dunn)
<p>Wednesbury Levelling Up Partnership Board</p> <ul style="list-style-type: none"> <li>- Cabinet Member</li> <li>- Town Lead Member</li> <li>- Deputy Town Lead Member</li> <li>- One Member from each Ward (Friar Park, Wednesbury North, Wednesbury South) not covered by Town Lead and Deputy Town Lead appointments</li> </ul>	<p>Councillor Hughes Councillor L Giles Councillor Chidley Councillor Fitzgerald</p>
West Midlands Rail Ltd – substitute member	Replace Councillor Millard with Councillor Hughes



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## **SANDWELL HEALTH AND WELLBEING BOARD CONSTITUTION**

DRAFT

## Introduction

The Health and Wellbeing Board is a formal statutory committee of the local authority, established under Section 194 of the Health and Social Care Act 2012 as a forum where political, clinical, professional and community leaders from across the health and care system come together to improve the health and wellbeing of our local population and reduce health inequalities.

The Board is treated as if it were a committee appointed by the local authority under section 102 of the Local Government Act 1972. (Section 194(11) However, to facilitate the membership of the specified officers the Local Authority (Public Health, Health and Well-being Boards and Health Scrutiny) Regulations 2013 disapply Section 104(1) of the LGA 1972 (which prohibits officers from being members of local authority committees).

Whilst the Board has limited formal powers; it plays an important role in encouraging integrated working between health and social care commissioners, including partnership arrangements such as pooled budgets, lead commissioning and integrated provision. It also has a statutory responsibility to produce:-

- Joint Strategic Needs Assessment (JSNA) which provides a wide source of information and data for health, care and wellbeing planning and commissioning, customised to the needs of the area and developing over time, and inform the development of a Joint Health and Wellbeing Strategy;
- Joint Health and Wellbeing Strategy (JHWS) sets out the vision, priorities and actions agreed at the Board to improve the health, care and wellbeing of local communities and reduce inequalities for all ages;
- a pharmaceutical needs assessment (PNA) for the area.



## **1 Membership and Voting Rights**

1.1 The Health and Social Care Act (Section 194(2)) sets out the Board's core membership as follows:-

- the Director of Adult Social Services;
- the Director of Children's Services;
- the Director of Public Health;
- a representative of the Local Healthwatch organisation;
- a representative of the local Integrated Care Board (formally known as Clinical Commissioning Group);

beyond this, membership is at the discretion of the local authority.

1.2 Councillor representatives are nominated by the Leader and appointed by the Council. (Section 194(3)(a) The political balance arrangements do not apply to Councillor representation on the Board.

1.3 The Chair of the Board shall be appointed by the Council from amongst the Councillor representatives.

1.4 The Vice-Chair of the Board shall be appointed by the Board from amongst its membership.

1.5 Healthwatch shall appoint one representative, and two named substitutes. (Section 194(5))

1.6 The Black Country Integrated Care Board (ICB) shall appoint two members (Section 194(6)).

1.7 The Board may appoint such additional persons to be members of the Board as it thinks appropriate. (Section 194(8))

1.8 The local authority must consult the Board before making any appointments to the Board after its establishment. (Section 194(9))

Membership of Sandwell's Board can be found at Appendix 1.

## **2. Quoracy**

2.1 The Board shall be quorate when the following individuals are present:-

- 1 Councillor representative (with voting rights)
- 1 Director representative
- 1 Healthwatch representative
- 1 ICB representative

2.2 Healthwatch Sandwell may nominate two named substitutes at the start of each Municipal Year to attend in the event that the substantive member is unable to attend.

2.3 Where a meeting is inquorate, the meeting may go ahead, to discuss information items only, and the minutes of the meeting shall be qualified with a statement that the meeting was inquorate.

## **3. Meetings and Public Attendance**

3.1 The Board will meet at least quarterly. Extraordinary meetings may be called by the Chair as and when appropriate.

3.2 Meetings of the Board will be open to the public and subject to the Access to Information Procedure Rules at Part 4 of the Council's Constitution.

3.3 The agenda, reports and previous meeting minutes will be available on the Council's modern.gov website at least five working days in advance of each meeting.

3.4 Members of the public may submit questions in relation to items on the published agenda in writing, no later than three working days before the day of the meeting. A response will be tabled at the meeting, and provided to the questioner in writing. Where it is not possible to table a response at the meeting, the written response will be provided to the questioner as soon as possible after.

#### **4. Sub-Committees**

The Board may establish sub-committees to advise the Board with respect to any matter relating to the discharge of its functions.

#### **5. Decision Making**

- 5.1 All decisions of the Board shall be taken in accordance with the Council's Procedure Rules set out in Part 4 of the Council's Constitution.
- 5.2 Six members may request that the names of those voting for and against any decision and those abstaining shall be recorded.
- 5.3 Any member may request that their vote (for or against) or their abstention shall be recorded.

#### **6 Disorderly Conduct**

If any member of the Board, or member of the public, persistently disregards the ruling of the person chairing the meeting, by behaving improperly or offensively or deliberately obstructs the business of the meeting, the person chairing the meeting may direct that person or those persons leave the meeting or that the meeting be adjourned for a specified period.

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## Minutes of Cabinet

**Wednesday 21 June 2023 at 3.30pm  
in the Council Chamber, Sandwell Council House**

**Present:** Councillor Piper (Vice-Chair in the Chair);  
Councillors Hackett, Hartwell, Khatun, Padda and Rollins.

**In attendance:** Councillors Fenton, Lewis, Moore and Owen.

**Also present:** Shokat Lal (Chief Executive), Surjit Tour (Director of Law and Governance and Monitoring Officer), Gillian Douglas (Director of Housing), Tony McGovern (Director of Regeneration and Growth), Simone Hines (Director of Finance), Elaine Newsome (Service Manager – Democracy), Connor Robinson (Democratic Services Officer), Anthony Lloyd (Democratic Services Officer) and Suky Suthi-Nagra (Democratic Services Manager).

**60/23      Apologies for Absence**

Apologies were received from Councillors Carmichael and Taylor.

**61/23      Declarations of Interest**

There were no declarations of interest made.

**62/23      Additional Items of Business**

There were no additional items of business to consider as a matter of urgency.

**63/23      2022/23 Financial Outturn**

Approval of the Revenue Contributions to Capital Outlay (RCCO) and reserve transfer of £32.388m was sought.

£33m of reserves had been used, some of which were planned and some of which were used to address budgetary pressures. The main variance to budget was the way in which the Council managed debt; this provided a saving of approximately £3.7m. The cost of living crisis and pay award offer to Council staff had a significant impact on the budget. SEND transport costs were also noted as significantly contributing to costs.

Following questions from the Vice Chair of the Economy, Skills, Transport and Environment Board, on behalf of the Chair of the Economy, Skills, Transport and Environment Board, the following responses were provided:-

- underspend was held in reserves and distributed by Leadership Team upon request;
- there was a significant increase in the number of Education and Healthcare Plans and as a result, more children were using services outside of the borough due to inadequate local provisions within Sandwell;
- cheaper options such as public transport, parent mileage payments, multi occupancy mini-buses and taxis were considered on a process of elimination when transporting pupils;
- the Council received income from the Airport totalling £100k per annum.

### **Reason for Decision**

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.

### **Alternative Options Considered**

Cabinet could have varied the proposed treatment of the year end variances from budget.

### **Resolved:-**

- (1) that the financial outturn reports of each directorate service area ([Appendices 1A to 1J](#)), the Housing Revenue Account ([Appendix K](#)) and the ISB ([Appendix L](#)) be referred to the Budget and Corporate Scrutiny Management Board for consideration and comment;

- (2) that approval is given to the Revenue Contributions to Capital Outlay (RCCO) and reserve transfers of £32.388m set out in [Appendix 1](#) and [Appendix 3](#).

64/23

### **Adoption of Housing Strategy 2023-28**

Approval of the Housing Strategy for Sandwell 2023-28 was sought.

The housing strategy detailed the Council's ambitions, priorities and objectives and how the Council planned to address the key housing challenges across Sandwell. The strategy covered the period leading up to 2028 and was formed using housing need data and feedback from residents to help build sustainable and cohesive communities across the borough. Actions including delivering new Council-build housing, regeneration schemes and initiatives to improve housing standards within the strategy.

Following questions from both the Vice Chair of the Economy, Skills, Transport and Environment Scrutiny Board, on behalf of the Chair of the Economy, Skills, Transport and Environment Scrutiny Board and the Chair of the Safer Neighbourhoods and Communities Scrutiny Board, the following points and clarifications were made:-

- across housing directorate team had been created in December 2022 comprising of surveyors, housing officers and trade operatives to ensure that the Council could respond quickly to reports of damp and mould in tenant's homes;
- the team was shaping a strategy to help ready the Council to respond to the likely increase of damp and mould reported inside tenant's properties in the winter months;
- work was underway that assessed the scale of the damp and mould problems in order to set out a longer-term strategy that would include more substantial measures;
- although vital information had been received, it was acknowledged that only a modest number of responses had been received following consultation. Future use of Citizenspace for consultation via the Council's website would be used to help stimulate greater interest in future surveys;
- the assessing officer, as part of the assessment, would consider adaptations to meet the needs of the tenant, including wheelchair users.

### **Reasons for recommendations**

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.

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.

### **Alternative options considered**

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.

**Resolved** that approval be given to the Housing Strategy for Sandwell 2023-28 as set out in [Appendix 1](#).

65/23

### **Application For and Adoption Of Moving Traffic Contraventions Enforcement Powers**

Approval was sought to authorise the Director of Borough Economy to make an application to the Department for Transport for powers to enable the enforcement of Moving Traffic Contraventions (MTCs) in accordance with Part 6 of the Traffic Management Act 2004 across the whole of Sandwell Council adopted road network. Acquiring these powers would allow Sandwell Council to be more proactive in improving road safety, air quality, congestion and network management. Enforcement would be undertaken by number plate recognition cameras and would be prioritised at locations where events were taking place regularly. Enforcement would be cost-neutral, and consultation was planned to commence in July 2023.

Following questions from Scrutiny Chairs, it was highlighted that the new powers would be extremely beneficial for the Council regardless of the current policies and circumstances facing the West Midlands Police Force. Enforcement would take place through static cameras that could be deployed and moved between different



locations and static speed cameras in the borough would continue to operate under the control of the Police.

### **Reasons for Decision**

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 for certain moving offenses 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.

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.

### **Alternative Options Considered**

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 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.

### **Resolved:-**

- (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;
- (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;

- (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:
- the development and management of operational policy regarding enforcement, site selection and operation;
  - 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;
- (4) that subject to Resolutions (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.

66/23

**Asset transfer of Charlemont Community Centre, Beaconview Road, West Bromwich**

Approval was sought to authorise the Director of Housing to transfer of Charlemont Community Centre, Beaconview Road, West Bromwich asset to Sandwell African Caribbean Mental Health Foundation (SACMHF) based on a full repairing lease for 99 years with a rental of £1 per annum.

**Reasons for decision**

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 Council's current Asset Transfer Policy had been in place, a successful asset transfer of Brasshouse Community Centre had taken place and two further asset transfers were agreed by Cabinet in 2022/23.

Following an extensive consultation and negotiation period with local voluntary organisations and all relevant stakeholders, the authority had identified SACMHF as a preferred partner for Charlemont Community Centre.

**Alternative options considered**

To retain Council operational management, the site would require 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. 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.

**Resolved:-**

- (1) that approval be given to authorise the Director of Housing to transfer the Charlemont Community Centre, Beaconview Road, West Bromwich, B71 3PJ asset to Sandwell African Caribbean Mental Health Foundation 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;
- (2) that, in relation to Resolution (1) above, 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.

67/23

**Asset transfer of Hurst Road Community Centre, Oldbury**

Approval was sought to authorise the Director of Housing to transfer the Hurst Road Community Centre, Oldbury asset 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.

The Chair of the Safer Neighbourhoods and Active Communities Scrutiny Board sought clarification on the abilities of either party to terminate the lease. In response, it was confirmed that the agreed statement between parties was being maintained and reviewed regularly. If the nature of the organisation's model was to change so that it could no longer deliver services, then the lease would allow the Council to charge a commercial rent on the premises. If the organisation was unable to meet the commitment, the Council retained the right to break the lease. Additionally, it was highlighted that due diligence would be taken to ensure that any funding applications made by the organisation was sustainable and deliverable.

### **Reasons for decision**

Since June 2022, the Housing Directorate had been actively exploring long-term options to secure the future of three of its community centres.

Following an extensive consultation and negotiation period with local voluntary organisations and all relevant stakeholders the Authority had identified SAFS as a preferred partner for Hurst Road Community Centre.

### **Alternative options considered**

To retain Council operational management, the site would require 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.

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.

### **Resolved:-**

- (1) that approval be given to authorise the Director of Housing to transfer the Hurst Road Community Centre, Oldbury, B67 6ND asset to Sandwell Asian Family Service 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;
- (2) that, in relation to Resolution (1) above, 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.

68/23

### **Equalities, Diversity and Inclusion (EDI) Commission**

Approval was sought to the establishment of the Equality, Diversity and Inclusion Commission (EDI Commission). The Council, over recent months, had delivered many EDI initiatives ranging from promoting and celebrating PRIDE, Black History month, Disability History month, International Women's week as well as Supporting the Queen's Baton Relay. The Council recently refreshed the

equality policy and a new EDI learning module had been launched. Staff networks had been revised and EDI bulletins had been released.

The Council recognised Sandwell's rich and diverse communities and were keen to celebrate; it was highlighted that these celebrations were key to achieving a strong healthy and prosperous borough. The equalities commission played a crucial role in and outside of the Council for EDI. The commission focussed on being a critical friend and would raise Sandwell's profile regionally and nationally. The board would be chaired by the Leader of the Council and would include members from various backgrounds with differing views and opinions. Establishing the EDI commission was important for the infrastructure of the Council. The Council's five staff networks: Disability Network, LGBTQ+ Network, Ethnic Minority Network, Women's Network and the Age Smart Network would all be represented on the Board.

#### **Reasons for decision**

The Equalities Commission (EC) Terms of Reference expired on 31 March 2023. Refreshing the EC was a key strategic deliverable in the Sandwell Improvement Plan.

#### **Alternative options considered**

The alternative option would be to do nothing and not to have the Equalities Commission. The council was not legally obliged to have an Equalities Commission.

#### **Resolved:-**

- (1) that approval be given to the establishment of the Equality, Diversity and Inclusion Commission (EDI Commission);
- (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](#).

69/23

#### **Feasibility of establishing a Council Owned Housing company**

This item was deferred for consideration at a future meeting.

## **Rolfe Street Masterplan – Approval**

Approval of the revised Rolfe Street Masterplan was sought. The masterplan proposed over 600 new homes, with a mixture of apartments and family housing with links to the Canal Network and additional open space areas. The masterplan suggested reduced parking provision, however, further reasoned justification and evidence would be needed for future proposals. Consultation with the public had taken place through a variety of mediums which produced positive results with many in favour of the vision of the masterplan.

In response to questions from scrutiny members, assurance was provided that the Council's social value team would engage with the developers of the scheme to encourage the creation of job opportunities for local people. This team would also ensure that local businesses would be represented in the supply-chain.

### **Reasons for decision**

Authority to undertake community consultation on the Draft Rolfe Street Masterplan was granted by Cabinet on 18 January 2023. The Masterplan had been prepared following engagement with officers, members, members of the public and stakeholders.

The period of consultation was undertaken between 6 February 2023 and 20 March 2023. From the consultation process, 41 responses were received on the online questionnaire with additional letters received from other stakeholders. The Masterplan had subsequently been amended, wherever possible, to reflect local views.

### **Alternative options considered**

Not progressing with a Masterplan for the area would result in taking away 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.

### **Resolved:-**

- (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;

- (2) that, in relation to Resolution (1) above, approval be given to the Rolfe Street Masterplan, as amended.

71/23

### **Parking Charges Policy with Hybrid Working Benefits**

Approval was sought to revise and update the schedule of fees and charges for parking in Sandwell that relate to on-street and off-street locations.

The proposed changes had been advertised from 18 August 2022 until 30 September 2022 on social media and the Council's website. Representations received from public consultation were considered by the previous portfolio holder at a public meeting. Individuals making representations were invited to the meeting to speak about their response to the public consultation.

Assurance was sought by the Chair of the Budget and Corporate Scrutiny Management Board on what assessment had been made of the impact that the newly introduced charges would have on local businesses. The Cabinet Member for Highways and Environment highlighted that the new charges were consistent with rates across the Black Country. Although free parking was considered for shorter stays, this was not feasible due to the subsequent need to increase long stay charges to off-set the cost. This would have greatly impacted residents working within the borough's town centres.

#### **Reasons for decision**

Adjustments were proposed to mitigate the major concerns raised during public consultation from 18 August 2022 to 30 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.

#### **Alternative options considered**

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.

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.

A further option, in response to concerns about town centre trade 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.

**Resolved:-**

- (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);
- (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;
- (3) that the proposed scales of parking charges are not applied to Sandwell Valley car parks;
- (4) that for off-street car parking, the scale of charges is 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	2023	2024	2025
30 mins	40p	20p	30p	40p
1 hr	40p	50p	60p	70p
2 hrs	80p	£1.00	£1.10	£1.20
3 hrs	£1.20	£1.50	£1.60	£1.70
4 hrs	£1.60	£2.00	£2.10	£2.20
Day	£4.00	£4.00	£4.50	£5.00

### Within West Bromwich

Up to No. of Hours	2016 to 2023	2023	2024	2025
30 mins	40p	40p	60p	80p
1 hr	40p	£1.00	£1.20	£1.40
2 hrs	80p	£2.00	£2.20	£2.40
3 hrs	£1.20	£3.00	£3.20	£3.40
4 hrs	£1.60	£4.00	£4.20	£4.40
Day	£4.00	£8.00	£8.50	£9.00

- (5) that parking shall be free of charge at the following times with increased concessions over Christmas:-
- 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)
- (6) that short stay on-street parking charges will remain unchanged;
- (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;
- (8) that West Bromwich long stay Season Tickets are valid for all Council long stay car parking on the nominated days;
- (9) that the annual charges for long stay season tickets that 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	2016 to 2023	2023	2024	2025
1	£175	£140	£40	£45	£50
2	£175	£140	£100	£115	£125
3	£175	£140	£200	£225	£250
4	£175	£240	£300	£330	£350
5	£175	£240	£400	£450	£500

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

No, of Days per Week	2015	2016 to 2023	2023	2024	2025
1	£390	£140	£60	£70	£80
2	£390	£140	£150	£170	£190
3	£390	£140	£300	£330	£360
4	£390	£240	£450	£490	£530
5	£390	£240	£600	£650	£700

- (10) that for all zero emission electric vehicles, a 50% reduction in season ticket prices will apply;
- (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;
- (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;

- (13) that the Off-Street Parking Places order is updated with the following changes;
- remove Bull Street Multi Storey, West Bromwich and Morrisons car park and Market Place car park, Wednesbury;
  - 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;
- (14) that the income from parking charges is used to meet the 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;
- (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 due to the requirements of their job;

- (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;
- (17) 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;
- (18) that the Director of Borough 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;
- (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.

72/23

### **Social Housing Decarbonisation Fund – Wave 1 Delivery**

Approval was sought to extend the external improvement works contract with Vinci Construction Ltd to 30 September 2023 to enable the delivery of the works awarded under the Grant for Social Housing Decarbonisation Fund (SHDF) Wave 1.

#### **Reasons for decision**

Approval was granted by Cabinet on 23 February 2022 to accept the grant funding and to authorise the Director of Housing to instruct the Council's delivery partner, Vinci Construction Ltd, to deliver energy improvement works under the existing contract.

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 existing contract term.

Following engagement with Legal Services and Corporate Procurement, the recommendation was to extend the term of the contract with Vinci Construction Ltd from 31 December 2022 for a further 9 months to 30 September 2023 in order to allow sufficient time to deliver the positive impacts that this programme would bring.

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.

#### **Alternative options considered**

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.

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.

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 Housing Revenue Account (HRA).

#### **Resolved:-**

- (1) that the Director of Housing be authorised to extend the External Improvement Works contract with Vinci Construction Ltd to 30 September 2023 to enable the delivery of the works awarded under the Grant for Social Housing Decarbonisation Fund (SHDF) Wave;
- (2) that the Director of Housing be authorised to grant a contract variation to the External Improvement Works contract 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.

73/23

### **Wednesbury Conservation Area Appraisal and Management Plan; Approval to carry out public consultation**

Approval was sought to authorise the Director of Regeneration and Growth to undertake public consultation on Wednesbury's Conservation Area Appraisal and Management Plan. Wednesbury Marketplace was designated as a conservation area in 1980 due to its special architectural and historical interest.

The Chair of the Safer Neighbourhoods and Active Communities Scrutiny Board reflected concerns around the low consultation feedback recently experienced in Sandwell. Re-assurance was sought on what strategy would be used to ensure maximum participation within this consultation period.

The Cabinet Member for Regeneration and WMCA expressed that the following strategies would be implemented or considered:-

- external consultants may be involved in the appraisal process;
- a database of immediate societies would be used to draw down information;
- an e-flyer would be prepared to promote the review;
- town and ward members would be actively encouraged to promote the consultation;
- pop up sites would be constructed in the area to receive feedback from the public;
- promotional material would be prepared to support the event;
- a social media campaign would be conducted by the Council's communications team;
- Citizenspace, a resident engagement platform, could also be used to improve the Council's consultation going forward.

#### **Reasons for decision**

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.

Although there was no statutory requirement 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, 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.

### **Alternative options considered**

The option exists to not consult on the appraisal and management plan.

#### **Resolved:-**

- (1) that the Director of Regeneration and Growth be authorised to undertake public consultation on Wednesbury's Conservation Area Appraisal and Management Plan as set out in [Appendix A](#);
- (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.

Meeting ended at 4.15pm

Contact: [democratic\\_services@sandwell.gov.uk](mailto:democratic_services@sandwell.gov.uk)

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## Minutes of Cabinet

**Wednesday 12 July 2023 at 3.30pm  
in the Council Chamber, Sandwell Council House**

**Present:** Councillor Carmichael (Chair);  
Councillors Hackett, Hartwell, Khatun, Padda, Piper and  
Rollins.

**In attendance:** Councillors Fenton, E Giles, Lewis, Moore and Taylor.

**Also present:** Shokat Lal (Chief Executive), Surjit Tour (Director of Law and Governance and Monitoring Officer), Gillian Douglas (Director of Housing), Michael Jarrett (Director of Children's Services), Tony McGovern (Director of Regeneration and Growth), Simone Hines (Director of Finance), Suky Suthi-Nagra (Democratoc & Member services Manager), Connor Robinson (Democratic Services Officer and Ant Lloyd (Democratic Services Officer).

### **74/23 Apologies for Absence**

Apologies were received from Councillors Hughes, Millard and Owen.

### **75/23 Declarations of Interest**

Councillor Taylor declared an interest in relation to Minute No. 91/23 (West Bromwich Heat Network – Approval for final development) on the basis that she had met with the managers of the privately owned large Energy from Waste Plant, Kelvin ERF.

76/23 **Minutes**

**Resolved** that the minutes of the meeting held on 7 June 2023 be approved as a correct record.

77/23 **Urgent Item of Business - Local Authority Housing Fund**

An additional item of business was considered as a matter of urgency.

Approval was sought to draw down the offer of £1.8m of Capital Grant Funding from the Department of Levelling Up, Housing and Communities (DLUHC). Due to limited funds and financial pressures from the Council's responsibility to maintain and update existing properties, including the need to address damp and mould conditions.

Concern was expressed that the required matched-funding that the Council was required to make was not realistic. The purchase of 19 properties was deemed too large a task with the funding available and therefore, the Cabinet Member for Housing and Built Environment moved a recommendation that officers relay the concerns around finances to the Department for Levelling Up, Housing and Communities.

In response to questions from Scrutiny Chairs, the Cabinet Member for Housing and Built Environment confirmed that as part of Sandwell's journey to become a borough of sanctuary, the Borough of Sanctuary Sandwell Partnership had been set up in 2020 between Sandwell Council, local organisations and residents who wanted to play a part in making Sandwell a more welcoming place for migrants, refugees and asylum-seekers.

**Reason for Decision**

Sandwell Council had been offered the opportunity to draw down £1.8m of Capital Grant Funding in return for the provision of 19 units of accommodation, 17 for settled accommodation and 2 units of temporary accommodation. A further £20,000 per property was also available to account for other costs (including refurbishment).

**Alternative Options Considered**

Sandwell Council was not required to draw down the capital funding offered. Alternatively, Sandwell could have requested to draw down part of the funding.

### **Resolved:-**

- (1) that approval be given to draw down the offer of £1.8m of Capital Grant Funding from the Department for Levelling Up, Housing and Communities (DLUHC);
- (2) that the Director Housing be authorised to match fund £2.195m from unallocated Housing Revenue Account reserves and/or through prudential borrowing for the purpose of acquiring 19 units of accommodation to support the resettlement of families supported by the Home Office's Afghan Relocations and Assistance Policy (ARAP) and the Afghan Citizens Resettlement Scheme (ACRS);
- (3) that the Director of Housing be authorised to contact the Department for Levelling Up, Housing and Communities expressing concern that the Council can only draw down 40% of the capital spend and is expected to find the majority funds to support this approach.

78/23

### **Award of Contract for use of Enforcement Agents**

Approval was sought to award a contract for the use of Enforcement agents following a compliant procurement process from 1 December 2023.

It was highlighted that the Council could employ their own enforcement agents, but this would prove costly and difficult to manage. Very few local authorities used their own enforcement agents as it was believed that it was good practice for agents to be independent from the Council to avoid any unnecessary challenges.

By jointly awarding a contract with neighbouring local authorities, the Council would ensure a consistent approach was taken whilst also gaining the benefits of reduced costs.

### **Reason for Decision**

The contract for the use of enforcement agents would end on the 30 November 2023. Sandwell was committed to ensuring effective collection of unpaid Council Tax, Business Rates, High Court and County Court judgements, Commercial Rent arrears, Business Improvement District (BID) charges and sundry debts, including housing benefit overpayments. The use of enforcement agents was

crucial in ensuring the Council maintain and improve current levels of performance and was always used as a last option.

### **Alternative Options Considered**

If a contract was not in place to provide additional assistance with the recovery of unpaid Council Tax, Business Rates, High Court and County Court Judgements, Commercial Rent arrears, Business Improvement Districts (BID) charges and sundry debts, including Housing Benefit overpayments, the recovery actions available to the Council would be limited. Recovery rates would reduce affecting income available to the Council to provide services.

### **Resolved:-**

- (1) that the Director of Finance – Section 151 Officer, in consultation with Cabinet Member for Finance and Resources, be authorised to award a contract for use of Enforcement Agents for a 5-year period (3 + 2), following a successful competitive exercise in accordance with Contract Procedure Rules;
- (2) that the Director of Law and Governance – Monitoring Officer be authorised to execute any documentation necessary to enable the action referred to in Resolution (1) above to proceed.

79/23

### **Budget and Corporate Scrutiny Management Board – Customer Journey Scrutiny Review**

On 22 March 2022, the Secretary of State for Levelling Up, Housing and Communities announced an intervention package and a set of Directions to ensure the council was able to comply with its best value duty under Part 1 of the Local Government Act 1999. These Directions were in-part influenced by the Grant Thornton report following their Value for Money Governance Review of December 2021. In response, the Council developed an Improvement Plan which included proposed mechanisms for governance and assurance.

One of the objectives within the Plan was to improve the customer journey experience to meet residents' needs and demands. This was a corporate priority for the authority. Subsequently, in 2022, the Budget and Corporate Scrutiny Management Board agreed to undertake an in-depth Scrutiny Review into the Customer Journey

to analyse how customers, residents and service users were navigating Council services.

Consideration of the recommendations made by the Budget and Corporate Scrutiny Management Board was sought. The Chair of the Budget and Corporate Scrutiny Management Board expressed that the Council's customer services were not quite where the Council should be. The recommendations and accompanying report were designed to be helpful and constructive and it was highlighted that despite the concerns raised, good examples of excellent customer service had been realised and experienced during the review.

The Cabinet Member for Adults, Social care and Health, on behalf of the Cabinet, thanked members of the Budget and Corporate Scrutiny Management Board for undertaking scrutiny work and welcomed the recommendations provided. Whilst the Cabinet Member for Adults, Social Care and Health moved the recommendations of scrutiny, recommendation 1.2(10) was not moved due to a lack of resources to enable the reduction in wait time for responses. Despite this, it was stated that a wider remit of work was underway to review timescales.

### **Reasons for recommendations**

In 2022, the Budget and Corporate Scrutiny Management Board agreed to investigate the experience of Sandwell residents when accessing or requesting Council services; this would be referred to as the "Customer Journey". This was in response to:-

- concerns raised by residents about response times to queries;
- member's experiences when trying to contact services/individual officers (e.g. delayed/no response);
- addressing the objectives of the Council's Improvement Plan to improve the customer journey experience;
- to improve communication between residents and the council.

The Board recognised that significant improvements needed to be made in order to help the Council leave intervention. Customer services was of public interest and aligned with the Council's corporate priorities.

The Budget and Corporate Scrutiny Management Board subsequently conducted a scrutiny review, establishing a Working Group to carry out the review and ascertain an understanding of the

current customer journey experienced by residents and users of Sandwell Council's services.

### **Alternative options considered**

There are no alternative options. The Cabinet may approve all, some, or none of the recommendations.

**Resolved** that the following recommendations arising from the Customer Journey Scrutiny Review of the Budget and Corporate Scrutiny Management Board be approved:-

- (1) that the Director of Regeneration and Growth/Assistant Chief Executive, in consultation with the Cabinet Member for Finance and Resources and Cabinet Member for Adult Social Care, be authorised to agree a customer care standards/charter, and staff responsibilities in relation to those standards to ensure;
  - a) that "back-office" staff take ownership and accountability of customer requests received via Contact Centre Agents;
  - b) a standard approach is taken to making officer contact numbers available on Outlook and to customers to prevent additional calls being made to the Contact Centre;
  - c) a standard approach to the complaints process and deadlines for responding to complaints are clear and accessible across all Council services;
  - d) that key contacts are identified within each service area to aid Customer Service Agents in their enquiries;
  - e) that residents are regularly updated and informed about the current process of their request/query.
  
- (2) that the Director of Regeneration and Growth/Assistant Chief Executive be authorised to commission/develop a customer training package that incorporates the following topics:-
  - a) The completeness of response letters
  - b) Methods to manage customer expectations and awareness around the Council's remit and responsibilities.

- (3) that the Director of Regeneration and Growth/Assistant Chief Executive ensure that all members of staff undertake training around customer care standards as identified in Resolution (2) and that staff performance against these standards be incorporated within the appraisal process;
- (4) that mandatory corporate customer service training be included as part of the induction process for all staff;
- (5) that the Director of Regeneration and Growth/Assistant Chief Executive, in consultation with the Director of Finance, investigate options for procuring a single joint Customer Relations System across the Council;
- (6) that the Director for Director of Regeneration and Growth/Assistant Chief Executive considers the introduction of automated feedback surveys and that regular feedback on Council enquires/complaints are analysed and shared with Directorates;
- (7) that the Director for Director of Regeneration and Growth/Assistant Chief Executive introduces corporate guidelines in relation to the use of Council contact numbers to ensure that all officers are contactable and that contact details are updated regularly;
- (8) that the Director of Regeneration and Growth/Assistant Chief Executive considers the feasibility of amalgamating the current three contact centres (Corporate Contact Centre, Revenues and Benefits Contact Centre and Adult Social Care Care) into a single contact centre number with staff specialising in various areas;
- (9) that the Director of Regeneration and Growth/Assistant Chief Executive, as part of the refresh of the Council's website, ensures the Council continues to promote the use of Sandwell Digital First and the Council's website as the first point for accessing information and raising an issue/request.

## **Octopus Affordable Housing Scheme**

Approval was sought to authorise the Director of Regeneration and Growth to utilise a recently formed affordable housing scheme by Octopus. If successful, the land would be sold to Octopus who would then deliver the scheme. The Council would benefit from capital receipt from the land as well as nomination rights. Delivery of the scheme would kickstart the Rolfe Street area regeneration.

Emerging evidence had highlighted that housing delivery was slowly improving. Financial constraints and market conditions had limited the methods that could be utilised by the Council to deliver affordable housing. It was explained that an increasing number of private funders were now working with public landlords to deliver housing schemes to meet ever-increasing demand.

In response to questions from the Chair of the Economy, Skills, Transport and Environment Scrutiny Board, reassurance was provided that both of the parties involved were subject to regulatory requirements which included assessments of financial governance; this had been undertaken by the Regulator of Social Housing. Although the prospect of liquidation for either organisation was low, appropriate financial suitability checks would be carried out.

In the event that liquidation was to take place, the regulatory framework would have permitted an application to Court for a Housing Administration Order, which resulted in the affairs, business and property being managed by an Housing Administrator.

### **Reasons for Decision**

There was a significant regeneration priority to increase the level of supply of housing of all tenures in the Borough. Specifically, the shortfall in the supply of Affordable Housing needed to be overcome in order to meet identified need.

### **Alternative Options Considered**

The alternative options to provision were as follows:

- **Do Nothing:**  
In this scenario, the provision of affordable housing, utilising more traditional models of s106 obligations and delivery through the provision of Registered Providers Development Programmes was likely to continue on a similar trajectory to previous years, with identified need going unmet.



- Seek an Alternative provider:  
Octopus Real Estate was not the only private sector providers in the market, and the Council could have sought to establish relationships with alternative operators. However, it was not clear how long it would take to find such an alternative operator, and whether they would invest on the same basis as Octopus.

**Resolved:-**

- (1) that approval be given to authorise the Director of Regeneration and Growth to seek investment opportunities to deliver affordable housing provision working in partnership with Black Country Housing Group and Octopus Real Estate;
- (2) that the Director of Regeneration and Growth be authorised to progress a scheme at the former Rolfe St Baths site in partnership with Black Country Housing Group comprising sufficient information to enable the submission of an Initial Business Case for consideration by Octopus Real Estate;
- (3) that, in the event that the Initial Business Case is approved by Octopus Real Estate, the Director of Regeneration and Growth, in consultation with the Cabinet Member for Growth and WMCA and the Director of Law and Governance and Monitoring Officer, be authorised to enter into a formal agreement with Black Country Housing Group to enable them to progress the delivery of the scheme, specifically including the following areas of responsibility:

**Black Country Housing Group**

- Obtaining all necessary consents (including planning, network rail consents and other permits/licences deemed necessary) to enable the scheme to proceed;
- Procurement of contractors;
- The Construction Contract and its implementation
- Financial control of the project overall
- The Development Agreement with Octopus Real Estate
- Reimbursement of SMBC costs incurred at the Initial Feasibility stage

- The Management Agreement with Octopus Real Estate
- Providing SMBC with appropriate nomination rights for future occupants
- Underwriting of any cost overrun after contingency allowances on a 50/50 basis, subject to a maximum sum.

### **SMBC**

- Progress the disposal of the Rolfe St Baths site to Octopus Real Estate, subject to further Cabinet approval.
  - Underwriting of any cost overrun after contingency allowances on a 50/50 basis subject to a maximum sum.
  - Obtain 100% nomination rights
- (4) that the Director of Regeneration and Growth be authorised to progress detailed negotiations on the disposal of the former Rolfe St Baths site, and to present a further report on those negotiations to Cabinet prior to disposal.
- (5) that a sum of £800,000 is allocated from the s106 contributions for Affordable Housing to under-write any potential construction cost overruns, subject to confirmation that a matching amount is provided from Black Country Housing Group;
- (6) that the Director of Regeneration and Growth be authorised to allocate resources from the Regeneration and Growth budget to support the progression of Resolution (1) – (5) above.

81/23

### **Regeneration Programme & Towns Fund Bi-Annual Update**

Approval of the proposed amendments to the Regeneration Project Pipeline was sought.

The regeneration pipeline brochure was published in May 2023 alongside a new bespoke website which showcased the pipeline. In total, the pipeline contained 67 live projects with 24 in concept stage, 10 in business case stage, 8 in delivery stage, 25 on-site and 20 sites with planning permission.

Clarification was requested if any regeneration projects were planned for Greets Green and Lyng in the coming years. In response, it was confirmed that the West Bromwich Masterplan presented a long-term 20-year growth strategy for the town, Phase 4 of the masterplan (2034-38) proposed the Lyng as a long term mixed use development zone which supports the potential delivery of homes should the economic picture change significantly across the site.

### **Reasons for decision**

On the 23 March 2022, Cabinet approved the Regeneration Strategy, Regeneration Project Pipeline and the Inclusive Recovery Action Plan for Business. Taken together, they set out the corporate regeneration priorities for the period 2022 to 2027. The pipeline was a live document, and Cabinet resolved for it to be monitored via a report submitted to Cabinet every 6 months. In addition, Cabinet resolved that approval be sought to make additions to the project pipeline and for updated pipelines to be published on the council website and the Regenerating Sandwell website.

### **Alternative options considered**

This was a bi-annual update requested by Cabinet on 23 March 2022. In accordance with the Cabinet Decision, Cabinet were to consider additions to the project pipeline. There was no alternative option.**Resolved:-**

- (1) that the progress made on projects within the Regeneration Project Pipeline Performance Report, including Towns Fund Programme, be received;
- (2) that the following amendments to the Regeneration Project Pipeline be approved:-
  - Archives Centre, Smethwick project be added to the pipeline;
  - Netomnia Full Fibre project be added to the pipeline;
  - Brownfield Land One Public Estate (OPE) sites (if approved) be added to the pipeline;
  - Breakdown of programmes to articulate individual sites/projects (where appropriate);

- (3) that in connection with Resolution (2) above, the Director of Regeneration and Growth be authorised to implement the amendments to the Regeneration Project Pipeline and for this to be published on the council website.

82/23

### **Appointment of a non-executive director of Sandwell Children's Trust**

Approval was sought to the appointment of Councillor Pam Randhawa as Council appointed member non-executive director of Sandwell Children's Trust. No objections had been received from the Secretary of State regarding the appointment.

#### **Reasons for decision**

On 22 March 2017, Cabinet agreed that the Council would consider only elected members or officers for the non-executive director roles on the board. Furthermore, the Cabinet recommended to the Council, and it was agreed, that one elected Member and one officer be identified as the two Council appointed non-executive directors, and that the identification of the officer (Council appointed non-executive director) be delegated to the Chief Executive.

#### **Alternative options considered**

The alternative option was to reject the recommendation. However, in line with the Governance Side Agreement with the Department for Education (DfE) and the Trust's Articles of Association there would have been a vacancy on the board that would still need to be filled. An alternative candidate would need to be nominated to Council and the process of consulting with the Secretary of State would need to be undertaken again. This would have left a potential gap in the governance arrangements of the Trust for a period as at least one of the Council appointed NED are required for Trust board meetings to be quorate.

**Resolved** that Cabinet, on behalf of the Council as the sole owner of Sandwell Children's Trust:

- a) notes the completed sequence of events that are contractually required to appoint a non-executive director of Sandwell Children's Trust;

- b) notes and takes into account in its decision-making, the response from the Secretary of State for Education; and
- c) approves the appointment of Councillor Pam Randhawa as Council appointed Member non-executive director of Sandwell Children's Trust.

83/23

### **Children's Social Worker recruitment and retention**

Approval to increase the contract sum to Sandwell Children's Trust was sought to improve recruitment and retention and reduce reliance on agency workers and project teams.

Following questions from the Chair of the Economy, Skills, Transport and Environment Scrutiny Board, it was confirmed that Sandwell Children's Trust had a series of key priorities as part of their transformation plan including a priority around people. A comprehensive programme of support ranging from financial support coupled with opportunities for professional development, career progression and a focus on wellbeing had been created.

It was also highlighted that although there were no guarantees to overseas social workers being recruited, the funding would be used to provide an extensive package of wrap around support to attempt to convince those recruited to remain long-term. Members were minded that Sandwell Children's Trust were continuing to pursue "grow your own" with a new cohort of newly qualified social workers commencing in autumn.

#### **Reasons for decision**

In line with many other councils and Trusts across the country, Sandwell Children's Trust (SCT) faced workforce challenges regarding the recruitment and retention of social workers. Discussions with the Department for Education and regional colleagues had shown that the demand for talented and experienced social workers outweighed the supply. Additional funding was being sought to implement the Sandwell Deal with a view to improve recruitment and retention and reduce the overall reliance on more expensive agency workers and project teams

#### **Alternative options considered**

##### **Option 1 – Continuation of the Market Supplement**

A market supplement payment was a payment made to hard to fill roles to improve the base salary primarily due to the current salary

not being competitive compared to other Local Authorities/Trust. The analysis had indicated that the current market supplement of £2,500, had placed SCT in a more favourable position within the region with regard to Social Workers.

### **Option 2 – Introduction of a Retention Payment over Three Years**

A retention payment was a lump sum payment outside of an employee's base pay that was offered as an incentive to retain an employee within SCT for a certain period of time. It would be payable dependent on the period of time the social worker remained with the Trust i.e. after 12 months, 24 months and 36 months. The analysis had indicated that the payment of a retention payment would assist in securing a more stable permanent workforce if offered over a period of time.

### **Option 3 – Recruitment of International Social Workers**

Alongside the Sandwell Deal the Trust was considering the recruitment of International Social Workers. International Social Workers had been sourced by a significant number of local authorities to help fill their permanent vacancies. The Trust was proposing the recruitment of up to 12 qualified international social workers for financial year 2023/2024.

The recruitment would involve a package of support for the sponsorship fees and relocation and agency fees at a cost of £46k per worker. The maximum cost of recruiting 12 workers was £556k, the total cost would have been reduced if fewer than 12 workers were recruited.

#### **Resolved:-**

- (1) that approval be given to increase the contract sum to Sandwell Children's Trust by a maximum of £260,000 to continue the payment of a market supplement of £2,500, plus on costs, for 2023/24 to all permanent case holding social workers;
- (2) that approval be given to Sandwell Children's Trust adopting a retention payment policy for all permanent case holding social workers and permanent team managers, payable based on length of service at a maximum additional cost to the Council of £310,000 in year 1, £585,000 in year 2 and £1.136m in year 3;

- (3) that approval be given to authorise Sandwell Children's Trust to recruit up to 12 International Social Workers in 2023/24 at a maximum additional cost of £556k;
- (4) that in connection with Resolutions (1) – (3), approval be given for the total maximum cost of £1.126m for 2023/24 to be funded from the Social Care Earmarked Reserve;
- (5) that the Director of Finance, in consultation with the Director of Children's Services, review the Sandwell Deal Policy in December 2023 to evaluate its effectiveness in recruiting and retaining social work employees and consideration given to funding ongoing costs through the Council's Medium-Term Financial Strategy.

84/23

### **Green Spaces Annual Report 22/23 and Programme of Works 2023/24**

Approval of the planned programme of works for green spaces for the financial year 2023/24 was sought.

The 2022/23 programme of works had aimed to improve the quality and value of Sandwell's green spaces whilst also retaining green flag status for those parks that had. 90% of the works scheduled for 2022/23 were completed. 41 play areas had been improved, 1 new play area had been established, 9 outdoor gym sites had been refurbished, all zip slides and swing baskets had been replaced and repaired and 33 allotments had been brought back into use. 160 sites had been cleared and work had been completed on West Smethwick Park. 30 new cricket pitches had also been created.

The 2023/24 programme had been created based on urgent improvements to sites that were of the highest priority. Work was underway to better understand the future needs for green spaces and to develop a funding plan for the next 5 years to continue sustained improvements. A safer parks strategy and allotment strategy was also under consideration.

In response to questions from the Chair of the Economy, Skills, Transport and Environment Scrutiny Board, it was confirmed that there had not yet been any consideration given to bringing outsourced allotments back into the Council, however, these issues would be addressed when the allotment plan was developed. Additionally, in relation to nuisance bikes across Sandwell,

Sandwell Council had partnered with West Midlands Police to address the issue.

Further questions were asked by the Chair of the Budget and Corporate Scrutiny Management Board. In response, the following comments were provided:-

- the programme of works was decided on site assessments completed by parks officers or play area inspectors, prioritising health and safety issues first. Quality scores from 2018 had been validated by improvement plans that were completed for 202 sites in May 2023;
- the quality scores for green spaces aligned mostly with deprivation levels across the borough. The green flag parks with the highest scores were often surrounded by houses from high income groups with more vocal participants. As a result, resources had been focussed on green spaces with the lowest scores;
- ward members and members of the public had been able to nominate hot spots for consideration for this teams work since March 2023 via email.

### **Reasons for decision**

The Green Spaces Strategy 2022 – 25 set out an approach for Cabinet to approve and publish an annual report and an annual programme of planned works for green spaces. The planned programme of works included all funding sources, whether Council funded or externally funded.

### **Alternative options considered**

To not approve the programme of works for 23/24. This would have required a new set of works to be drafted, with a new criterion for selecting these works determined.

### **Resolved:-**

- (1) that the annual report for the programme of green spaces works in 2022/23 be noted and that approval be given to carry over any outstanding works to 2023/24 as set out in [Appendix A](#) and [Appendix A1](#);
- (2) that approval be given to the planned programme of works for green spaces for the financial year 2023/24, as set out in [Appendix B](#), [Appendix C](#), and [Appendix D](#);



- (3) that the Director of Borough Economy, in consultation with the Cabinet Member for Leisure and Tourism, be authorised to approve further works for green spaces, if additional funding becomes available, to spend during the financial year, based on the priority works identified in the green space improvement plans;
- (4) that the Director of Borough Economy be authorised to approve additional works, when required, to rectify immediate health and safety issues.

85/23

### **Commonwealth Games Legacy Plan**

Approval of the Commonwealth Games Legacy Plan was sought. The legacy plan detailed how the Council would deliver against three key strategic objectives that spanned multiple directorates:-

- improve health, wellbeing and physical activity;
- inspire community engagement and collaboration;
- support growth in economy and place.

The plan had been in development since 2019 and was created by a legacy working group. The group comprised of officers from across Sandwell Council. The plan was a key opportunity to reflect and capitalise on the games.

#### **Reasons for decision**

The Commonwealth Games was a once-in-a-lifetime opportunity to promote Sandwell, attract investment and engage the community through sport. It was imperative that SMBC implement a framework of Legacy activity to ensure the benefit of the games did not stop at the end of the competition in August 2022. Sandwell Council's Commonwealth Games Legacy Plan aimed to capitalise on the benefits created by being a host venue at the 2022 Commonwealth Games.

#### **Alternative options considered**

Do nothing - Sandwell was currently the only delivery partner that has not published a CWG Legacy Plan. Failure to capitalise on the Legacy benefits of the CWG would represent a missed opportunity.

**Resolved** that the SMBC Commonwealth Games Legacy Plan, as set out in [Appendix 1](#), be approved.

## **Performance Management Framework – Q4 Monitoring**

Approval of the Quarter 4 monitoring report was sought. The monitoring report was part of a series of regular updates to Cabinet on progress against the performance management framework, following the Grant Thornton external review.

Continued growth within the authority had been realised and the overall plan was on track. Highlights from 2022/23 included the improvement in Children's Services as seen in the Ofsted reports, town investment plans, conclusion of the Sandwell Aquatics Centre and success of the commonwealth games.

Following questions in relation to waste services, it was confirmed that garden waste collection subscriptions continued to grow and fewer crews were needed. Further collection efficiencies were to be made once the service had reached maturity. Additionally, the opening time at the household waste recycling centre had been an hour earlier, 7am, during the summer months.

In response to a query from scrutiny embers, the Cabinet member for Finance and Resources endeavoured to consider the feasibility of extending the opening times further to enable those who work during the day to attend the site later on.

### **Reasons for decision**

Since April 2023, the corporate Performance Management Framework had been further refined and built into business processes. The report on performance during Quarter 4 (Q4) of 2022/23 (January-March 2023) sought to build on the intelligence gathered for previous quarters of the financial year and offered the opportunity to assess end of year progress.

### **Alternative options considered**

The Directions issued by the Secretary of State, including the requirement to have a performance management framework in place, were a statutory requirement and the council had a legal obligation to respond appropriately. Failure to do so would have likely resulted in further intervention measures.

**Resolved** that Cabinet receive details of the progress on the further development of the Corporate Performance Management Framework and approve the Quarter 4 monitoring reports.

## **Recommendations from Budget and Corporate Scrutiny Management Board in response to quarter 3 budget monitoring report 2022/23**

Consideration of the recommendations arising from the Budget and Corporate Scrutiny Management Board in relation to the Quarter 3 Budget Monitoring Report 2022/23 was sought.

### **Reasons for decision**

The Budget and Corporate Scrutiny Management Board had considered the quarter 3 budget monitoring report for 2022/23 and expressed concern that:-

- significant overspends in a number of budget areas and looking at introducing additional control measures to ensure there was authorisation obtained to approve transactions on general spend and recruitment;
- the year on year increase in costs associated with children's placements and SEND and looking at the feasibility of in house provision to reduce costs, including those associated with adult social care placements;
- considering current outstanding section 106 spend, including details of deadline for spend and how ward members are consulted;
- meeting with the Cabinet Member for Children's Services to understand the high cost associated with Sandwell Children's Trust.

### **Alternative options considered**

In accordance with the Localism Act 2011, Cabinet was requested to respond to the recommendations of the Scrutiny Management Board within two months, setting out any approved recommendations, and how they will be implemented.

### **Resolved:-**

- (1) that Directors review and update any pages they hold on the Council's website;
- (2) that the Cabinet Member for Finance and Resources and the Director for Finance consider the introduction of additional financial controls on general spend, in particular, matters relating to recruitment and day to day spend where necessary;

- (3) that the Director of Children's Services, Director of Adult Social Care and Director of Finance, in consultation with the Cabinet Member for Children, Education and Young People, Cabinet Member for Health and Adult Social Care and Cabinet Member for Finance and Resources, be authorised to explore the feasibility of providing in house care for young people in care, SEND placements and adult social care placements;
- (4) that, in connection with Resolution (1) – (3) above, a further report be submitted to the Budget and Corporate Scrutiny Management Board, within 2 months' time, on the decision of Cabinet.

88/23 **Exclusion of Public and Press**

**Resolved** that the public and press be excluded from the rest of the meeting to avoid the possible disclosure of exempt information under Schedule 12A to the Local Government Act, 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, relating to the financial and business affairs of any person, including the authority holding that information.

89/23 **Cashless Strategy**

Approval was sought to introduce the phased removal of cash, cheque and postal order payments at Oldbury Council House. A further report would be provided to Cabinet in due course regarding the phased removal of cash and cheque postal order payments at all Council establishments. 1.1% of all transactions were carried out via cash transaction. It was deemed that the cost of administering these payments far outweighed the benefits. Pay points and post offices were still available to be used throughout the borough for those who wished to make any cash transactions. The resulting footfall to post offices would also be a benefit. If fully implemented, savings of £250k would be realised.

An appropriate Equality Impact Assessment and subsequent consultation would take place following approval. If requested, outcomes of the consultation and a copy of the Equality Impact

Assessment would be circulated to Cabinet and Scrutiny Chairs. The vast majority of all transactions were already via Direct Debit, online or bank transfers and the Council's current and future systems were resilient.

### **Reasons for decision**

If all cash and cheque handling transactions were stopped, staff savings in the cashier's office would have been between £200k - £250k per annum. The savings would be phased over the project timeline in line with the recommendation to stop taking cash and cheques at Oldbury Council House first, followed by a phased approach across other Council locations. Savings would be confirmed as the Project Plan progressed.

### **Alternative options considered**

Do nothing, continue as is.

Implement non-acceptance of cash and/or cheques & postal orders only at Council House, Oldbury, with other council services such as libraries and Sandwell Valley remaining out of scope. A decision would also be required whether to retain the internal kiosks.

Adopt a longer-term phased approach, commencing with implementation at Council House, Oldbury, followed by other council services and establishments, such as libraries and neighbourhoods within an agreed timeframe.

### **Resolved:-**

- (1) that the principle of 'Going Cashless' at all Council establishments is approved and endorsed;
- (2) that the Director of Finance – Section 151 Officer be authorised to introduce the phased removal of cash, cheque and postal order payments as follows:
  - i) stop accepting cash, cheques and postal orders at Oldbury Council House, including through the kiosks;
  - ii) consider the opportunity to stop accepting cash, cheques and postal orders in all council locations and a further report be brought back to Cabinet once further consultation has been undertaken;
  - iii) cease the use of cheques for payments to suppliers and customer refunds;

- iv) where Council locations do require continued acceptance of cash & cheques, arrange direct banking collections and deposits and authorise the Director of Finance to undertake the appropriate procurement arrangements for the provision of this service;
- (3) that Phase One of the Project Implementation Plan as seen in Appendix 1 be approved including carrying out appropriate consultation and Equality Impact Assessments;
- (4) that a further report be brought back to Cabinet prior to the implementation of Phase 2 of the Project Plan.

90/23

### **Procurement of a Strategic Delivery Partner for the Regeneration Pipeline**

Approval of the scope of a strategic delivery partner was sought. Due to supply chain issues and high costs associated with low carbon developments, the Council was facing multiple challenges in delivering projects as seen in the regeneration pipeline. Expertise provided by a procurement partner would help advise the Council on the best use of its assets. Procurement of a single delivery partner, rather than individual development procurement partners would allow the Council to deliver projects more efficiently in terms of cost, outcomes and social value.

#### **Reasons for decision**

The Council needed to take a longer-term approach to delivering key strategic projects in the approved Regeneration Pipeline by procuring a suitable partner to work with rather than the multiple single fixed price procurements and one-off relationships. Construction cost inflation had a major impact on the Regeneration Pipeline as bidders built in large elements to cover unknown risk. A longer-term approach would enable the Council to maximise private sector expertise, share risk more equally in a cost-effective way; increase social value and local spend benefits and generate more opportunities for apprenticeships.

#### **Alternative options considered**

The alternative option was to continue procuring delivery partners as per current practice.

## **Resolved:-**

- (1) that approval be given to the scope of a Strategic Delivery Partner for the following:-
  - West Bromwich Masterplan
  - Grove Lane Masterplan
  - Rolfe Street Masterplan (subject to Cabinet approval)
  - Delivery of the Housing Revenue Account Council Home Newbuild programme (All sites and to include MMC)
  - Transport Pipeline – three CRSTS Schemes (Birmingham to Smethwick Inclusive Growth Corridor; A4123: Multi Modal; A461: Multi Modal totalling circa £40m)
  - Delivery of all Retrofit programmes in HRA homes
  - Asset Rationalisation and Surplus Assets
  - Other Residential Sites – some or all of the Friar Park Masterplan site; Council owned sites suitable for residential development.
  - Tipton Town Regeneration Scheme
  - Regeneration Sites in proposed Sandwell Levelling Up Zone (Wednesbury to Birmingham Rd, Tipton) – subject to approval
  - Other projects added to the Pipeline as determined by Cabinet
  
- (2) that approval be given to authorise the Director of Regeneration and Growth to accept a contract period of up to 15 years with break points at three, seven, ten and fifteen years for a long-term partnership subject to value for money and acceptable performance;
  
- (3) that the Director of Regeneration and Growth be authorised to commence a Pagabo Framework procurement process for a Strategic Delivery Partner;
  
- (4) that the Director of Regeneration and Growth is authorised to award a contract for the procurement of external legal advisers from existing budgets to advise on the procurement, the contract documentation and drafting of Joint Venture legal agreements and structures in connection with Resolution (1) above;

- (5) that in connection with Resolution (1) above, the Director of Regeneration and Growth be authorised to procure a commercial adviser from existing budgets to advise on the procurement, the proposed partnership and Joint Venture agreements as appropriate;
- (6) that details of the risks in relation to the procurement and the delivery partner of this approach be received;
- (7) that the Director of Regeneration and Growth submit a further report in 2024, after the Pagabo procurement process has completed, to determine which Strategic Delivery Partner should be selected and any other issues requiring Cabinet approval.

91/23

### **West Bromwich Heat Network – Approval for final development**

Approval of a single preferred West Bromwich Heat Network business model was sought.

The government was targeting just under 20% of heat demand by 2050 and was supporting delivery by providing financial support and introducing new regulation. The Energy Security Bill which was moving through Parliament was expected to introduce obligations on councils to plan and support the implementation of heat networks. It would also place obligations on owners and developers of large buildings to actively consider connection to existing or developing heat networks.

Following a Heat Mapping and Master Planning exercise during 2017, West Bromwich was identified as the focus for a feasibility study which looked at potential for a heat network. The Council also recognised an opportunity for future expansion to the Cape Hill area of Smethwick, with connection to the Midland Metropolitan University Hospital and proposed new housing development sites.

#### **Reasons for decision**

A heat network was a system of pipes that takes heat from a central source and delivers it to multiple buildings. These systems were a cost-effective way of reducing carbon emissions related to heating as they could be used to exploit low carbon energy sources, including recovered heat from industrial processes. Heat networks could also incorporate energy storage potential, which was



important given the highly variable nature of demand for heat across a typical year. It may also have been plausible to integrate cooling and power supply into the heat network project.

At a local level, the development of heat networks would provide various benefits including substantial inward investment, job creation and reduced energy costs for businesses and residents. In addition, heat networks could demonstrate a firm commitment towards achieving carbon reduction targets and climate change initiatives.

### **Alternative options considered**

All options had been considered for decision. There were no other known alternatives.

#### **Resolved:-**

- (1) that approval be given to the following preferred West Bromwich Heat Network business model:

Joint Venture ESCO (50/50) at an estimated capital cost of £18.1m (or £15.5m if GHNF grant is successful)

- (2) that approval be given to:
  - a) give retrospective approval for submission of a Green Heat Network Fund (GHNF) grant application as agreed with the Cabinet Member for Regeneration and WMCA;
  - b) fund the associated revenue implications as reflected in Appendix 1 from earmarked reserves for 2023/24 and future years be considered as part of the budget setting cycle and the medium-term financial plan;
  - c) create a capital budget for 2023/24 (per Appendix 2) for the cost of equity (plus up to £940k of commercialisation costs in the event that the application for GHNF funding be unsuccessful) and to be fully funded through prudential borrowing:

Joint Venture ESCO – Capital Budget £6.41m (max' requirement).

- d) commission an external contractor to deliver the Commercialisation stage of work in accordance with Contract Procedure Rules;
  - e) establish and resource appropriate governance arrangements and a project management team within the Council;
  - f) connect relevant Council buildings, including high-rise blocks, to a heat network, subject to consultation and feasibility;
  - g) include plans for network connection within the redevelopment proposals for West Bromwich Town Centre;
- (3) that the Director of Regeneration and Growth, in consultation with the Cabinet Member for Regeneration and WMCA and the Director of Law and Governance and Monitoring Officer, be authorised to:
- a) sign any contractual arrangements associated with a successful GHN application to ensure receipt of funding;
  - b) procure and appoint a contractor to undertake Commercialisation in accordance with Contract Procedure Rules;
  - c) establish internal governance and project management arrangements;
- (4) that the Director of Regeneration and Growth submit a further report to Cabinet in due course to set out the detail of the preferred option and any relevant funding strategy and procurement arrangements.

Meeting ended at 4.47pm

Contact: [democratic\\_services@sandwell.gov.uk](mailto:democratic_services@sandwell.gov.uk)

## Minutes of Cabinet

**Wednesday 13 September 2023 at 3.30pm  
in the Council Chamber, Sandwell Council House, Oldbury**

**Present:** Councillor Carmichael (Chair);  
Councillors Piper (Vice- Chair), Hackett, Hartwell, Hughes,  
Khatun, Padda and Rollins.

**In attendance:** Councillors E Giles, Lewis, Randhawa and Taylor.

**Also present:** Surjit Tour (Director of Law and Governance and Monitoring Officer), Michael Jarrett (Director of Children's Services), Tony McGovern (Director of Regeneration and Growth), Brendan Arnold (Interim Section 151 Officer), Elaine Newsome (Service Manager – Democracy), Harpreet Sandhu (HR Resourcing Partner), Nicki Gobran (Interim Senior HR Business Partner), Matthew More (Communications and Corporate Affairs Manager), Suky Suthi-Nagra (Democratic & Member Services Manager) and John Swann (Democratic Services Officer).

### 92/23 **Apologies for Absence**

Apologies for absence were received from Councillors Millard, Fenton and Moore.

### 93/23 **Declarations of Interest**

Councillor Hackett declared an interest in relation to Minute No. 96/23 (Levelling Up Partnership), in that he was a Trustee and Board Member of the Friar Park Millennium Centre.

94/23 **Minutes**

**Resolved** that the minutes of the meetings held on 21 June and 12 July 2023 be approved as a correct record.

95/23 **Additional Items of Business**

There were no additional items of business to be considered as a matter of urgency.

The Leader reported that consideration of the West Bromwich Indoor Market Funding Package item had been deferred to a future meeting and the Recommendations from the Budget and Corporate Scrutiny Management Board in response to Sickness Absence Outturn 2022/23 item had been withdrawn.

96/23 **Levelling Up Partnership**

Approval was sought to enable Wednesbury Town (Wednesbury North, Wednesbury South and Friar Park) to be given the geographical focus for the Sandwell Levelling Up Partnership and to commence the delivery of Levelling Up Partnership Interventions.

The Leader also sought to recommend to Council to grant an exception from Section 5.1 of the Council's Financial Regulations in relation to Levelling Up Partnership Proposals.

The Cabinet Member for Regeneration and WMCA endorsed the Levelling Up Partnership and outlined that the scheme had presented an opportunity to boost connectivity in the locality and further regeneration proposals.

In response to a question from the Chair of the Economy, Skills, Transport and Environment Scrutiny Board, the Leader confirmed that the positions on the Wednesbury Levelling Up Partnership Board were voluntary in nature, including the position of the Independent Chair. This was also the case for the Towns Fund Local Boards.

### **Reason for Decision**

Sandwell was one of 20 places to have been invited to form a Levelling Up Partnership (LUP) which presented the Council with 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 improvements to 4 green spaces.

### **Alternative Options Considered**

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 Department for Levelling Up, Housing and Communities (DLUHC) and Cabinet Members, which took into account the 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.

Alternative interventions were put forward to DLUHC for consideration as part of the initial deep dive activity. 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.

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.

### **Resolved:-**

- (1) that approval be given to the geographical focus for Sandwell LUP as Wednesbury Town (Wednesbury North, Wednesbury South and Friar Park);

- (2) that the Director of Regeneration and Growth and S151 Officer in consultation with the Leader be authorised to review and formally accept the Levelling Up Partnership offer/ grant conditions from Department for Levelling Up, Housing and Communities;
- (3) that approval be given to commence delivery of Levelling Up Partnership interventions, subject to S151 Officer authorisation and acceptance of grant conditions from Department for Levelling Up, Housing and Communities as set out in Resolution (2) above;
- (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 a Wednesbury Levelling Up Partnership Board and associated Terms of Reference;
- (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;
- (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;
- (7) that subject to acceptance of grant conditions as set out in Resolution (2) above, 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:

- 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 that impact on the JVA now that the Council is the primary funder using LUP resources;
- 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;
- 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;
- d. in relation to the Greenspaces project that capital expenditure of up to £1.65m be approved for improvements to green spaces in Wednesbury;
- 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);

- (8) that subject to acceptance of grant conditions as set out in Resolution (2) above, approval be 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;
- (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);
- (10) that the Director of Regeneration and Growth, in consultation with the S151 Officer and Cabinet Member for Regeneration and WMCA, be authorised to approve:
- 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;
  - b. any decrease to mandatory indicators of outputs and outcomes of the Levelling Up Partnership projects;
  - 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;
- (11) that the Director 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;



- (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 necessary action/powers necessary to deliver the Levelling Up Partnership interventions;
- (13) that subject to acceptance of grant conditions as set out in Resolution (2) above, 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;
- (14) that approval be given to add the Wednesbury Town Centre Improvement project to Regeneration Project Pipeline;
- (15) that a further report be submitted to the Cabinet on the performance of the Levelling Up Partnership Programme after 6 months;
- (16) that Council be recommended to grant an exception from Section 5.1 of the Council's Financial Regulations in relation to the Levelling UP Partnership Proposals.

(Councillor Hackett left the Chamber during the consideration of this item and did not take part in the discussion).

**97/23 West Midlands Combined Authority Devolution Deal**

Approval was sought to the West Midlands Combined Authority (WMCA) Devolution Deal following the West Midlands Combined Authority having been identified as an area for a significant devolution of powers and resources within the Government's Levelling Up White Paper in August 2022.

The benefits that could occur as a result of the West Midlands Devolution Deal had been assessed and included greater certainty over retaining business rates locally, further investment for the Wednesbury to Brierly Hill Metro extension and an opportunity to transition to low carbon/electric vehicle buses in Sandwell via the Bus Services Operators Grant.

It was proposed that Sandwell Council would work proactively with the West Midlands Combined Authority and regional stakeholders to maximise the benefits of the WMCA Devolution Deal.

### **Reason for Decision**

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.

### **Alternative Options Considered**

Sandwell Metropolitan Borough Council could have decided not to support the final Devolution Deal at WMCA Board on 13 October 2023. However, this alternative option was recommended as the Council would not have been able to benefit from significant financial commitments from 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.

### **Resolved:-**

- (1) that approval be given to the West Midlands Deeper Devolution Deal as set out in [Appendix 1a](#) and [Appendix 1b](#), [Appendix 2](#), [Appendix 3](#), which includes the in-principle award of the Bus Operator's Grant as a Mayoral function;
- (2) that the Leader of the Council be authorised to vote in favour of the Deeper Devolution Deal when it is considered at the West Midlands Combined Authority Board;

- (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;
- (4) that the Director of Regeneration and Growth, the Director of Finance and the Monitoring Officer be authorised to engage on the detailed implementation of the agreed elements of the Deeper Devolution Deal;
- (5) that further reports be submitted to 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;
- (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 to give effect to the Deeper Devolution Deal where it is considered expedient and necessary to do so;
- (7) that details of the financial benefits and risks associated with the West Midlands Deeper Devolution Deal be received.

98/23

### **Quarter 1 Budget Monitoring 2023/ 24**

Approval was sought to the Treasury Outturn for 2022/ 23 and Quarter 1 position for 2023/ 24. Due to inflationary pressures and an estimated increase in the pay award, the projected outturn for the General Fund was an overspend of £2.188m.

The Cabinet Member for Finance and Resources advised that Appendices 1- 3 had been amended subsequent to publication and were available via the Council's website.

The reports were due to be referred to the Budget and Corporate Scrutiny Management Board for consideration and comment.

## Reasons for recommendations

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 supported the financial sustainability of the council.

## Alternative options considered

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.

### Resolved:-

- (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;
- (2) that approval be given to the Treasury Outturn for 2022/23 and Quarter 1 position for 2023/24, as set out in [Appendix 6](#) and [Appendix 7](#);
- (3) that approval be given to the following virements above £1m in line with the revised delegated limits for Cabinet Members and Directors:

Virements above £1m for approval by Cabinet		£'000	£'000
Borough Economy Contingency	Correction to budget savings applied	1,000	
	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 – correction to corresponding expenditure budget relating to Social Care Grant		2,478
Creation of COMF budgets Inc	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	
<b>TOTAL</b>		<b>6,875</b>	<b>6,875</b>

99/23

### **Additional Licensing and Article 4 – Options Appraisal**

Approval was sought to commence consultation on proposals to expand an additional licensing scheme within Sandwell. It was proposed that the consultation would include details of the evidence base which supported the proposal, the proposed fee structure and the proposed license conditions.

The Council acknowledged that a significant proportion of Houses of Multiple Occupancy (HMOs) were poorly managed and were resulting in problems affecting the tenants and members of the public – such as anti- social behaviour and poor housing conditions.

It was proposed that the Council would utilise the register of licensed smaller HMOs to identify their location and areas of concentration to provide evidence relating to Article 4 designation.

The proposals had been considered by the Safer Neighbourhoods and Active Communities Scrutiny Board on 31 August 2023. Whilst the Cabinet Member for Housing and Built Environment was minded to approve the recommendation of the Scrutiny Board in relation to the Council working closely with external bodies, agencies and individuals to identify un-registered Houses in Multiple Occupation and welcomed the approach to support, in relation to the recommendation to the planned consultation endeavouring to obtain at least 1,000 consultees per town, the Cabinet Member requested that this not be approved as it was felt to be unobtainable and an arbitrary figure in terms of securing that number of consultees for each town. The Council would however ensure that all over avenues would be explored.

### **Reasons for Decision**

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.

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.

### **Alternative Options Considered**

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.

#### **Resolved:-**

- (1) that approval be given to the consultation on the expansion of additional licensing across Sandwell;
- (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 borough to remove permitted development rights for the change of use of dwelling houses (C3 use) to small houses in multiple occupation (C4 use);
- (3) that the following recommendation of the Safer Neighbourhoods and Active Communities Scrutiny Board be approved:

- a. that 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;
- (4) that a further report be submitted to the Safer Neighbourhoods and Active Communities Scrutiny Board, within 2 months' time, on the decision of Cabinet, in relation to (3), above.

100/23 **Hamstead Infant School and Hamstead Junior School – Proposed Closure and Expansion**

Approval was sought to formally close Hamstead Infant School and to increase the age range of Hamstead Junior School from 8- 11 years to 3- 11 years to accommodate the displaced pupils from Hamstead Infant School.

Cabinet had considered the outcome of Stage 1 statutory consultation upon the proposed changes and acknowledged that the formal amalgamation of the two twinned schools would form a 420 statutory place primary school, with 39 full time equivalent place Nursery.

**Reasons for decision**

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.

**Alternative options considered**

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.

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. 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.

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.

**Resolved:-**

- (1) that having taken the results of consultation into account, approval be given to the publication of a Statutory Proposal to:
  - a. formally close Hamstead Infant School, Tanhouse Avenue, Great Barr B43 5AS;
  - b. increase the age range of Hamstead Junior School, Hamstead Road, Great Barr B43 5BE from the ages of 8-11 years old to 3-11 years old to accommodate the displaced pupils from Hamstead Infant School;
- (2) that subject to no objections being raised during the statutory representation period for the Statutory Proposal as set out in Resolution (1) above, the 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, Young People and Education;
- (3) that in the event that any unresolved objections are raised during the statutory representation period for the Statutory Proposal, a further report is submitted to the Cabinet Member for Children, Young People and Education with full details of representations received to inform a final decision on the proposal.



**Temporary Accommodation – Award Approval**

Approval was sought to appoint providers for the provision of Bed and Breakfast and temporary accommodation for homeless households.

The Council had a duty to provide temporary accommodation where there was reason to believe an applicant was homeless, eligible and had priority need. Accommodation would continue to be provided if the household was awarded homeless priority until the duty was discharged; most commonly through an offer of accommodation. This function was provided by the Housing Solutions Service.

An initial tender exercise had commenced on 30 June 2023 and concluded on 2 August 2023 and the compliant tenders were being evaluated via the criteria stipulated within the Council's Temporary Accommodation Procurement and Placement Policy.

**Reasons for decision**

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.

**Alternative options considered**

The Council had a statutory duty to provide temporary accommodation under certain circumstances. As many households had 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.

There was a drive to make 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.

### **Resolved:-**

- (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;
- (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 with an annual gross spend of approximately £750,000 per annum.

102/23

### **Moat Farm Infant School – Making Significant Changes (Prescribed Alternations) Consultation Outcome for Change of Age Range**

Approval was sought to publish the appropriate statutory proposals and make a determination in relation to the proposed prescribed alteration to change the age range of Moat Farm Infant School.

#### **Reasons for decision**

Lavender Farm Day Nursery (the nursery), Brookfields Road, Oldbury was a Children's Centre, Nursery Plus site, and was currently run by the school's governing body under its community powers.

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 would attend the nursery.

#### **Alternative options considered**

The Council could have taken no action and have kept the age range at the existing range of 2-7 years, however, the 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.

The school could have 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.

**Resolved:-**

- (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:
  - a. publication of the appropriate Statutory Proposal;
  - 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, Young People and Education;
  - 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, Young People and Education with full details of representations received to inform a final decision on the proposal.

103/23

**Adoption of Sandwell Borough of Sanctuary Strategy**

Approval was sought to the Sandwell Borough of Sanctuary Strategy.

The strategy had been developed between the Council and Sandwell’s local Borough of Sanctuary network. The network was made up of local organisations (particularly the voluntary and community sector and public sector organisations), council officers, residents and councillors who supported individuals and families arriving in the borough.

The development of the strategy was a required step in the application process to become a recognised Council of Sanctuary.

The Cabinet Member for Housing and Built Environment delivered a presentation to Cabinet and outlined the vision for Sandwell that welcomed those fleeing persecution and violence in their own countries and protected the rights of all migrants, asylum seekers and refugees.

The Deputy Leader and Cabinet Member for Finance and Resources and the Chair of the Economy, Skills, Transport and Environment Scrutiny Board endorsed the strategy and highlighted the importance of welcoming and integrating individuals and families who arrived in the Borough.

### **Reasons for decision**

It was important for Sandwell to be 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' was a borough which provided a welcoming place of safety for people who were asylum seekers, refugees, and migrants.

### **Alternative options considered**

The Council could decide not to be borough of sanctuary.

**Resolved** that the Council be recommended to approve the Sandwell Borough of Sanctuary Strategy.

(Councillor E Giles joined the meeting during consideration of this item).

### 104/23 **Schools Capital Programme; Shenstone Lodge School, The Brades Lodge, City Road, Tividale, Oldbury – Proposed Expansion**

Approval was sought to allocate funds from the Department of Education's (DfE) High Needs Provision Capital Allocation to the extension works at The Brades Lodge.

Local authorities must ensure there were sufficient school places for all pupils including those with Special Educational Needs and Disabilities (SEND).

There had been a significant rise in demand for specialist places in the Borough with over 3,000 children and young people with SEND requiring additional support through an Education, Health and Care Plan (EHCP). Furthermore, predictions indicated that if the current population growth rate was sustained, approximately 3,500 children and young people would require an EHCP by 2025.

A feasibility study and outline design had been produced and had identified that the Brades Lodge site could support an increase in capacity. The new accommodation would enable the school to provide between 60 -70 total pupil places dependent of the needs of the children from September 2024. The proposed works were scheduled for completion by August 2024.

### **Reasons for decision**

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.

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.

### **Alternative options considered**

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.

Adaptation of the existing school had been considered to re-model and extend the existing buildings, however, this was cost prohibitive due to the extent of demolition and reformation that was required to provide a conducive teaching environment.

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.

## **Resolved:-**

- (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 Brades Lodge, Shenstone Lodge School, Lower City Road, Tividale, Oldbury, West Midlands B69 2HA as part of the Schools Capital Programme 2023-26;
- (2) that subject to Resolution (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 People and Education;
- (3) that subject to Resolution (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;
- (4) that, in connection with Resolution (1) and (2) above, the following actions identified within the appraisal report be implemented to avoid exposure to significant risks in achieving objectives:
  - a. that cost estimates are reviewed for reasonableness and to ensure that additional costs could be managed within the allocated funding;
  - 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;
  - c. that the corporate risk register is reviewed to ensure that all risks are appropriately identified and assessed, with adequate mitigation;

- d. that the post project evaluation includes specific outcomes, along with benchmarking of final costs to assess value for money.

105/23

### **Contract for the provision of temporary agency workers to the Council**

Approval was sought to access a collaborative framework agreement via Yorkshire Purchasing Organisation Agreement Managing Temporary and Permanent Recruitment to allow the Council to access recruitment solutions to fill vacant roles.

Temporary workers were used for a variety of reasons across the council and were an essential resourcing tool to ensure effective service delivery.

#### **Reasons for decision**

The contract which was in place, through Birmingham City Council's Managed Service Framework for the Provision of Temporary Workers, 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.

#### **Alternative options considered**

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.

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 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.

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.

**Resolved:-**

- (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;
- (2) that whilst the Yorkshire Purchasing Organisation Framework Agreement and contract is implemented, Sandwell 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;
- (3) that the Assistant Director of HR be authorised to sign any framework call off documents or Access agreements that are required;
- (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;



- (5) that any necessary exemptions be made to the Contract Procedure Rules to enable the actions set out at Resolution (1) and (2) above to proceed.

106/23

## **Information Governance – Records Retention**

Approval of the Council's Corporate Retention Schedule was sought.

The review of the Corporate Retention Schedule was conducted on an annual basis and had been completed by each Directorate, through their Information Governance Board representatives, and final sign off had been provided by the Council's Information Governance Board (IGB), Senior Information Risk Owner (SIRO) and the Data Protection Officer (DPO).

### **Reasons for decision**

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).

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 members and anyone working for and on behalf of SMBC.

### **Alternative options considered**

That 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.

### **Resolved:-**

- (1) that approval be given to the Council's Corporate Retention Schedule as now submitted;
- (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;
- (3) that the Director Law and Governance and SIRO, in consultation with the Leader, be authorised to amend the Corporate Retention Policy to comply with changes in good practice and legislation as and when required.

107/23

### **Professional Services Partnership 4**

Approval was sought for the Council to continue with its membership of the Midland Highways Alliance Professional Services Partnership Framework (PSP 4).

Midlands Highway Alliance Plus (MHA+) was formed from the merger of three regional efficiencies groups, the Midlands Highway Alliance, the Midlands Service Improvement Group and the West Midlands Highway Alliance. The new MHA+ Alliance had a membership of 35 highways authorities from across the Midlands and the wider region.

The purpose of the Professional Services Partnership Framework (PSP4) was to ensure members had efficient access to consultancy services and offered good value for money through economies of scale.

The ability to use a 'ready-made' consultancy service framework contributed to Sandwell's Corporate Plan objectives by providing the Council with direct access to specialist expertise, seconded staff when required and web-enabled collaboration tools with the associated governance processes.

### **Reasons for decision**

Membership of the Midland Highway Alliance Plus provided Sandwell Council the opportunity to share best practice, benchmark and improve performance and deliver efficiency savings through working collaboratively together with other members.

### **Alternative options considered**

The alternative proposals set out a cycle of hiring specialists on temporary contracts and 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.

For these reasons, discontinuing with membership of the MHA + PSP framework was not recommended.

**Resolved** that approval be given for Sandwell Council to continue with membership of the Midland Highways Alliance Professional Services Partnership Framework (PSP 4).

### 108/23 **Improvement Plan Quarterly Performance**

Cabinet received the progress update related to the improvement plan up to 3 August 2023.

To ensure that senior officers and members had oversight of delivery against the Improvement Plan, Council had approved that progress would be monitored by Leadership Team monthly and reported to Cabinet quarterly. This was proposed to continue until all actions had been completed, or the changes had been embedded into normal working practices. This report was the fifth update to Cabinet on the progress of the Improvement Plan.

The Improvement Plan Quarterly Performance report was due to be referred to the Budget and Corporate Scrutiny Management Board and the Audit and Risk Assurance Committee for consideration and comment.

### **Reasons for decision**

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 Challenge and the CIPFA Financial Management Review, as well as the Statutory Directions from the Secretary of State for Levelling Up, Housing and Communities.

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.

### **Alternative options considered**

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 measures.

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.

### **Resolved:-**

- (1) that the progress against the Improvement Plan up to 3 August 2023 be received;
- (2) that the Improvement Plan Risk Register be received;
- (3) that changes to the Improvement Plan be received;
- (4) that it be noted 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.

109/23

### **Recommendations of the Budget and Corporate Scrutiny Management Board in response to Sickness Outturn 2022/ 23**

This item had been withdrawn

**Contract award for the provision of Digital Autopsy services on behalf of the Black Country Coroner**

Approval was sought to award a contract for the provision of Digital Autopsy services on behalf of the Black Country Coroner to Advanced Visualisation Technologies Ltd.

In order for the Coroner to ascertain the cause of sudden or unexplained deaths it was often necessary for post-mortem examinations to be undertaken. By awarding this contract, Sandwell Council as 'the relevant authority' for the coroner's service, would have supported the coroner in the discharge of their judicial responsibilities.

**Reasons for decision**

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.

**Alternative options considered**

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.

**Resolved:-**

- (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;

- (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.

Meeting ended at 4.11pm

Contact: [democratic\\_services@sandwell.gov.uk](mailto:democratic_services@sandwell.gov.uk)

**24 October 2023**

The following summary report relates to those minutes of the Cabinet which contain a recommendation to the Council.

<b>Meeting Date</b>	<b>Subject</b>
13 September 2023	Levelling Up Partnership.

# Report to Cabinet

**24 October 2023**

<b>Subject:</b>	Levelling Up Partnership
<b>Cabinet Member:</b>	Leader Councillor Kerrie Carmichael
<b>Director:</b>	Director of Regeneration and Growth Tony McGovern  Director of Borough Economy Alice Davey  Director of Finance Simone Hines  Director of Law and Governance Surjit Tour  Interim Director of Public Health Liann Brookes-Smith
<b>Key Decision:</b>	Yes
<b>Contact Officer:</b>	Senior Lead Officer Rebecca Jenkins rebecca_jenkins@sandwell.gov.uk

## 1 Recommendations

- 1.1 That approval be given to the geographical focus for Sandwell LUP as Wednesbury Town (Wednesbury North, Wednesbury South and Friar Park)
- 1.2 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



- 1.3 That approval be given to commence delivery of Levelling Up Partnership interventions (paragraph 2.5), subject to S151 Officer authorisation and acceptance of grant conditions from DLUHC as set out in recommendation 1.2.
- 1.4 That approval be given for the Council to act as the Accountable Body for the Levelling Up Partnership Programme, adopt programme governance arrangements (paragraphs 4.20-4.24) and establish a Wednesbury Levelling Up Partnership Board and associated Terms of Reference (appendix 3).
- 1.5 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.
- 1.6 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.
- 1.7 That subject to acceptance of grant conditions as per recommendation 1.2, 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:
  - 1.7.1 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 re-negotiate 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 that impact on the JVA now that the Council is the primary funder using LUP resources.
  - 1.7.2 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
  - 1.7.3 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

- 1.7.4 In relation to the Greenspaces project that capital expenditure of up to £1.65m be approved for improvements to green spaces in Wednesbury
- 1.7.5 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).
- 1.8 That subject to acceptance of grant conditions as per recommendation 1.2, that approval be 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.
- 1.9 That the Director 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).
- 1.10 That the Director Regeneration and Growth, in consultation with the S151 Officer and Cabinet Member for Regeneration and WMCA, be authorised to approve:
  - 1.10.1 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
  - 1.10.2 Any decrease to mandatory indicators of outputs and outcomes of the Levelling Up Partnership projects.
  - 1.10.3 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

- 1.11 That the Director Regeneration and Growth, in consultation with Director 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.
- 1.12 That the Director Regeneration and Growth, Director Borough Economy and Director 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 necessary action/powers necessary to deliver the Levelling Up Partnership interventions.
- 1.13 That subject to acceptance of grant conditions as per recommendation 1.2, 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.
- 1.14 That Cabinet approve the Wednesbury Town Centre Improvement project to be added to the Regeneration Project Pipeline
- 1.15 That Cabinet receive a report on the performance of the Levelling Up Partnership Programme after 6 months

## **2 Reasons for Recommendations**

- 2.1 In March 2023, the Chancellor of the Exchequer announced that Sandwell was one of 20 places to be invited to form a Levelling Up Partnership (LUP).
- 2.2 Levelling Up Partnerships are targeted interventions designed to identify practical, tangible actions to support priority places to 'level up' and to help government develop a more holistic understanding of place. Up to £20m capital funding is available for the 20 places.
- 2.3 The development of a LUP between Government and Sandwell has been led by the Department for Levelling Up Housing and Communities (DLUHC). An initial deep dive has been conducted including place engagement, field work and developing priority actions.




- 2.4 The initial deep dive activity included joint exploration between DLUHC and Cabinet Members of the target geographical area for Sandwell's LUP taking into account a range of factors including the indicators used to select major opportunities for capital spend to deliver against the levelling up missions. The geographical area focused on during the initial deep dive has been Wednesbury with a focus on Friar Park and this is proposed for Cabinet's approval.
- 2.5 A series of priority interventions have been discussed and agreed between Sandwell Metropolitan Borough Council and DLUHC for the LUP and a funding offer of £20m capital and £350K revenue is agreed. A Grant Funding Agreement is expected to be made imminently to Sandwell to confirm the delivery of 5 interventions as follows:
- Friar Park Urban Village
  - Wednesbury Community Safety Scheme
  - Wednesbury Town Centre Improvements
  - Wednesbury Greenspaces Improvements
  - Friar Park Millennium Centre expansion
- 2.6 The proposed interventions will enable:
- 630 new homes (157 affordable)
  - Land acquisition for future housing delivery
  - New and upgraded CCTV and environmental cameras
  - Nuisance bike inhibitors
  - Improvements to 4 green spaces and 10ha new public open space for sport and recreational use
  - An extended community centre offer in Friar Park
  - Improved public realm
- 2.7 Indication of the contents of the formal offer / grant conditions from DLUHC are that the capital allocation to Sandwell is predominantly for expenditure in financial year 2023-24. In order to deliver the LUP interventions within the two-year delivery timetable, as set out in the Chancellor's announcement for the Levelling Up Programme, the grant will be managed within the Council's overall capital allocation. Existing schemes in the Council's Capital Programme have been identified that can be funded from the LUP grant in 2023/24 and Council resources will then be used to deliver the remaining LUP projects in 2024/25.
- 2.8 A formal LUP offer and/or grant conditions have not yet been received from DLUHC but are expected imminently. Indications have been given to the amount of funding and interventions that will be supported by




DLUHC. In order to prevent delays to the establishment of the LUP programme and the delivery of interventions to the ambitious timescale, Cabinet approval is sought to delegate approval of the grant conditions to the S151 Officer, and Director of Regeneration and Growth in consultation with the Leader.

- 2.9 The establishment of the LUP and delivery of its interventions is an ambitious programme within a short delivery period. Delivery of the LUP interventions will be managed as a programme. To bring partners together to oversee the LUP programme, and to develop a shared understanding of the Levelling up needs in Wednesbury to shape future planning, the proposal is for a LUP Board to be established. This is based on learning from the Towns Fund Programme governance model. Terms of Reference and Membership are set out in appendix 3.

### 3 How does this deliver objectives of the Corporate Plan?

The formation of a Levelling Up Partnership and delivery of the interventions within the LUP will contribute to all objectives of the corporate plan

	<p><b>The Best Start in Life for Children and Young People</b></p> <p>Opportunities for children and young people will be strengthened through an extended offer at Millennium Centre, Friar Park; a significant number of new homes and improved quality and safety of public spaces and greenspaces in Wednesbury.</p>
	<p><b>People Live Well and Age Well</b></p> <p>The interventions proposed for inclusion within the LUP will strengthen the quality and safety of greenspaces and public spaces in Wednesbury; encouraging physical activity. The interventions will enable a significant number of new quality homes.</p>
	<p><b>Strong Resilient Communities</b></p> <p>The interventions proposed for inclusion within the LUP will strengthen the deterrents for crime and ASB in Wednesbury.</p>

	<p><b>Quality Homes in Thriving Neighbourhoods</b></p> <p>The interventions proposed for inclusion within the LUP will enable a significant number of new homes to be delivered and will improve the quality of neighbourhoods through improvements and enhanced safety measures in green spaces and public spaces.</p>
	<p><b>A Strong and Inclusive Economy</b></p> <p>The interventions proposed for inclusion within the LUP will increase the adult skills offer in Wednesbury and will improve the quality of public spaces in Wednesbury Town Centre; helping the town to thrive and retain and attract businesses.</p>
	<p><b>A Connected and Accessible Sandwell</b></p> <p>The interventions proposed for inclusion within the LUP will enable better connections through green spaces for walking and cycling and improvements to routes between Wednesbury Town Centre and the Metro.</p>

## 4 Context and Key Issues

### Background to Levelling Up Partnerships (LUP)

4.1 The Chancellor of the Exchequer made several new announcements as part of the Spring Budget on 15<sup>th</sup> March that are intended to benefit local government and local communities as part of the Government's Levelling Up agenda. These included:

- Two Devolution Deals - with West Midlands MCA and Greater Manchester MCA. The centrepiece of these Deals are beneficial agreements for business rates retention with the benefits shared between LA's and the MCA.

- Twelve Investment Zones across the U.K. including one guaranteed for the West Midlands. These will be focused on promoting growth and will normally be based around a research institution / university. (location unknown at this stage and will be decided by WMCA).
- A Regeneration Fund of £211m to fund 16 local projects which includes confirmation that the £20m for the regeneration of Tipton will be funded (previously unsuccessful bid in Round 2 of the Levelling Up Fund).
- Confirmation that there will be a Round 3 of the Levelling Up Fund bidding process.
- Twenty places in England selected as a Levelling Up Partnership area

4.2 Levelling Up Partnerships are targeted interventions designed to identify practical, tangible actions to support priority places to ‘level up’ and to help government develop a more holistic understanding of place. The aim is to development a deeper understanding of the unique challenges and opportunities in priority areas, and via a partnership approach harness collective powers to tackle the most pressing issues.

4.3 The LUP approach is to put place at the heart of levelling up by;

- **Understanding local barriers and opportunities including;** local performance against levelling up indicators/ local growth potential and a place’s unique selling points
- **Aligning cross Government activity in place;** to ensure that central government, local government and private resources are used most efficiently.
- **Unlocking powers, resources, or flexibilities;** to empower local leaders to drive progress against the missions and secure local growth.

4.4 Sandwell Metropolitan Borough Council is one of the twenty places in England selected to have a Levelling Up Partnership.

4.5 The twenty places were selected based on the following four indicators using a three-year average generally across January 2019 to December 2021:

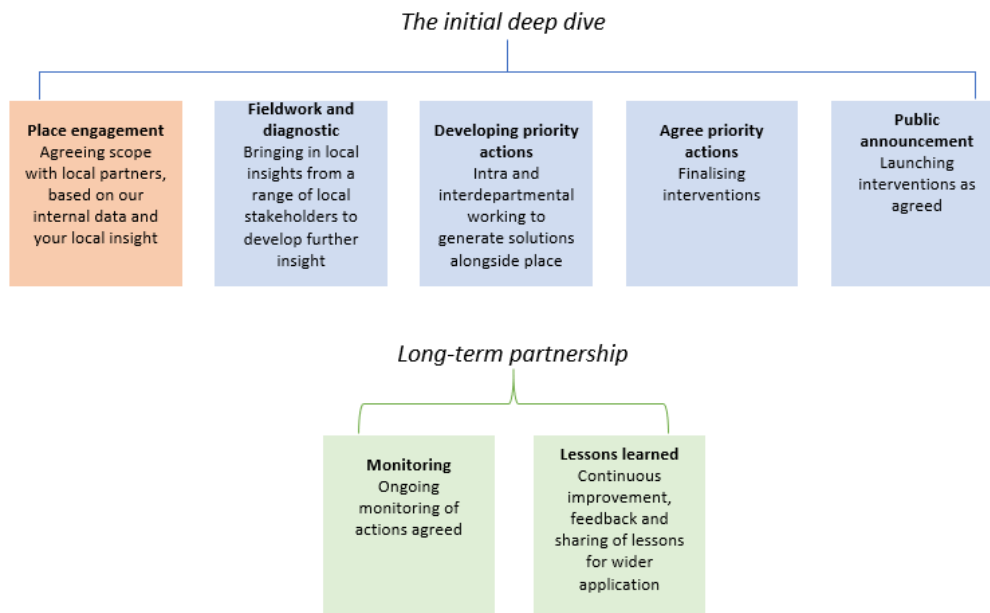
- NVQ Level 3+ (% of total population)
- Healthy Life Expectancy
- Median Gross Weekly Pay (£)

- Gross Value Added (GVA) per Hour Worked (ONS 2018 to 2020)

4.6 The priority list of twenty places were selected as they are all in the bottom quartile for three or more of the four indicators above. £400m has been set aside to support the 20 LUP areas so on average, each place could expect to secure up to £20m (capital) for in financial years 2023/24 and 2024/25.

## Developing the Partnership

4.7 The development of a Levelling Up Partnership (LUP) between Government and Sandwell has been led by the Department for Levelling Up Housing and Communities (DLUHC). The development of the LUP has been set out in two phases.



4.8 Civil Servants have been active in Sandwell engaging with a range of key stakeholders, partners, SMBC Cabinet Members and Officers to support the initial deep dive activity.

4.9 The initial deep dive activity included joint exploration between DLUHC and Cabinet Members of the target geographical area for Sandwell's LUP taking into account the indicators used to select Levelling Up Partnership areas, areas that may 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. The geographical area focused on during the initial deep dive has been Wednesbury with a focus on Friar Park.

- 4.10 To shape emerging thinking around the priority actions for the LUP, a set of themes and a long list of interventions was produced by council Officers taking into account the levelling up challenges for Wednesbury with a focus on Friar Park, the Council's strategic priorities, work already underway the likely amount of capital available and the ambitious two year LUP delivery programme.
- 4.11 Public Health programmes that contribute to levelling up are set out in appendix 1 and include a focus on:
- Life expectancy: healthy aging app and anticipatory care
  - Infant mortality: healthy pregnancy
  - Obesity: reception age and year 6 obesity
  - Economic wellbeing – Worklessness: preventing and tackling economic inactivity and Sandwell Language network
  - Mental wellbeing of children: Wellbeing in vulnerable groups and wellbeing in children with SEND
- 4.12 Sandwell's 7 Family Hubs were launched in 2023. They aim to help families to thrive by providing the right support, in the right place, at the right time so that parents and carers can nurture their babies and children, improving health and education outcomes for all. This offer will contribute to a reduction in inequalities in health and education outcomes for babies, children and families across England by ensuring that support provided is communicated to all parents and carers, including those who are hardest to reach and/or most in need of it.
- 4.15 In Wednesbury, the Family Hub already offers a wide range of services including access to Health visitors, welfare rights, benefit advice, parenting and many groups for families to attend. A satellite site in North Wednesbury is also delivering services to families and there are lots of opportunities to develop this site further to become a Levelling up Family Hub spoke.
- 4.13 A formal offer and/or grant conditions are expected to be issued to the Council following DLUHC's internal business case processes. It is expected to include an offer of £20m capital and £350,000 revenue for 5 interventions that build on current approaches to levelling up in

Wednesbury. The interventions are summarised below and contained in appendix 2.

## LUP Priorities

4.14 The LUP offers a unique partnership between Government and local stakeholders in Sandwell to build on current interventions and approaches being undertaken to level up. The opportunity through the 5 identified interventions is for the LUP, with the active support of stakeholders to facilitate:

- Good quality housing in Friar Park and be en-route to delivering more
- Improvement to long-standing derelict land in Friar Park and create new green spaces
- Improved residents' perceptions of crime and safety through reducing crime, and strengthening partnerships to address ASB and crime issues into the future
- Better health outcomes through revitalised green spaces in Wednesbury
- Improvements in residents' skills and attainment through increasing the skills offer to Wednesbury residents
- More capacity for community facilities to support a growing population

4.16 5 interventions are expected to be included in DLUHC's offer to Sandwell which are proposed for Cabinet's approval.

	<b>Summary</b>	<b>LUP Funding Offer</b>
Friar Park Urban Village	Fund land remediation viability gap to deliver Friar Park Urban Village Scheme enabling c.630 new homes.	£11.5m
Community Safety Scheme	Build on partnership work to tackle crime and anti-social behaviour by increasing the deterrents to crime and anti-social behaviour in Wednesbury.  This will include installing new and upgrading CCTV infrastructure in Wednesbury Town Centre and Friar Park, providing deployable cameras to tackle fly-tipping across	£0.4m

	Wednesbury, implementing a radio link scheme, and installing nuisance bike inhibitors.	
Friar Park Millennium Centre Expansion	<p>Extend the existing community centre in Friar Park to meet the demands from extended community (as a result of proposed development of Friar Park Urban Village) and enhance the skills delivery offer.</p> <p>Tackling the skills challenges in the Friar Park ward, current position of 32.6% residents with no qualifications compared to a national rate of 15%. Increasing higher level skills which are 11.1% at Level 4 and above than the national rate at 29.7% (Nomis 08.23)</p>	£2m
Wednesbury Town Centre Improvements	<p>Building on HAZ improvements to further enhance the public realm in Wednesbury Town Centre</p> <p>Following a masterplanning process, the project will enable long standing derelict sites to be improved.</p>	£4.35m
Greenspaces Improvements	Enhancing 4 existing green spaces in Wednesbury to improve safety measures, quality scores, accessibility and provide additional activities.	£1.65m

#### 4.14 The proposed interventions will enable:

- 630 new homes (157 affordable)
- Land acquisition for future housing delivery and regeneration opportunities
- New and upgraded CCTV and environmental cameras
- Nuisance bike inhibitors
- Improvements to 4 green spaces and 10ha new public open space for sport and recreational use
- An extended community centre offer in Friar Park
- Improved public realm

4.15 This will deliver on Levelling Up outcomes of:

- Boosting productivity, pay, jobs and living standards through increasing skills and attainment levels and enabling new housing
- Spreading opportunity and improving public services through tackling crime and ASB hotspots and increasing skills and attainment levels and enabling new housing delivery
- Restoring a sense of community, local pride and belonging through improving perceptions of safety and the quality of built environment and green spaces
- Empowering local leaders and communities through creating long term plans to revitalise Wednesbury Town Centre

## **Financial Resources**

4.18 Civil Servants have advised that the LUP capital allocation is predominantly for 2023-24 with up to £5m carry forward allowed to 2024-25. This presents a significant delivery risk for the council. At the start of the LUP development process, indication was given to the council that funding would be available to Sandwell to be spent in financial years 2023-2024 and 2024-2025, in line with the public announcement around Levelling Up Partnerships.

4.19 To manage this delivery risk, authorisation is expected to be given to the Council from DLUHC to manage the LUP grant flexibly within Sandwell's capital programme. This will enable LUP projects to be delivered over the two-year period.

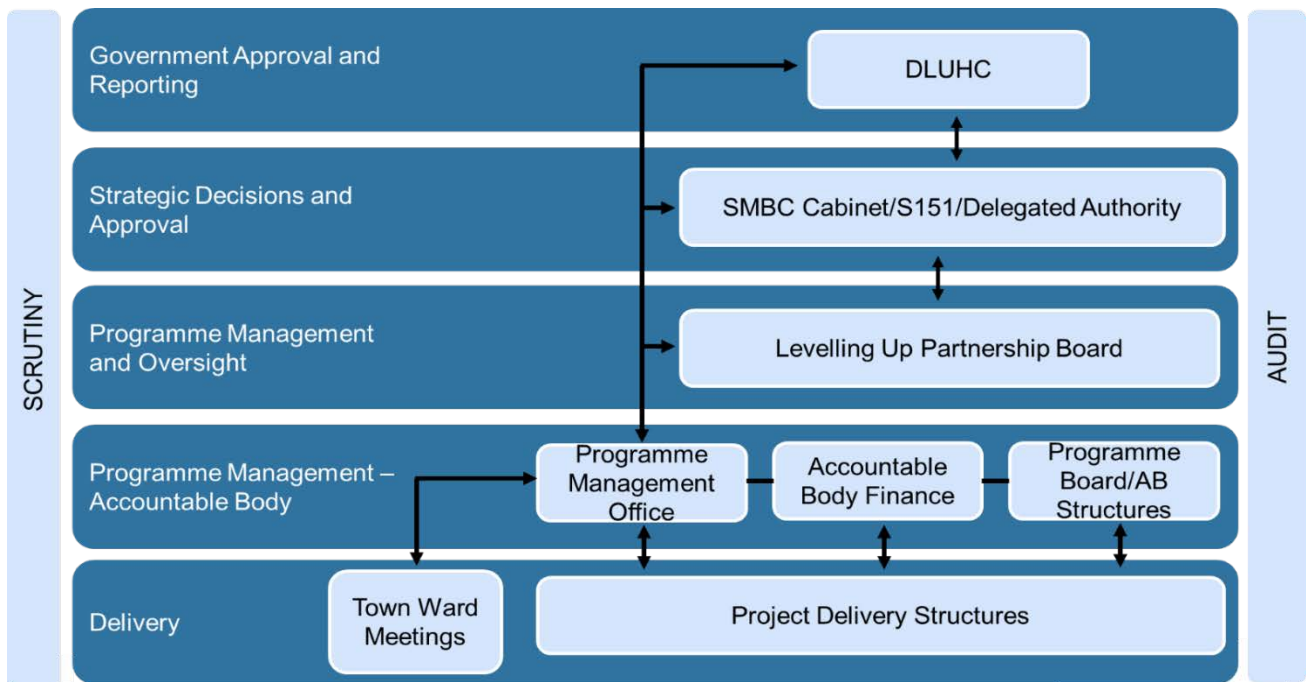
## **Governance and Delivery Arrangements**

4.20 Sandwell Council will be responsible for the delivery of the LUP Programme following Sandwell Council's standard arrangements for procurement, project delivery and delegations. All of the proposed interventions will be led by the Council in partnership with others.

4.21 The establishment of the LUP and delivery of its interventions is an ambitious programme within a short delivery period. As part of the revenue allocation from DLUHC, a Programme Manager will be appointed to oversee and manage the LUP Programme reporting to a new post of Assistant Director for Levelling Up.

- 4.22 Based on learning from the Towns Fund governance model, the proposal is for a Wednesbury Levelling Up Partnership Board to be created to bring partners together to oversee the programme and to:
- develop a shared understanding of the Levelling up needs in Wednesbury and add to the evidence base (informing future plans for Wednesbury)
  - Input to and steer the development of LUP interventions
  - Act as critical-friend challenge through project delivery
  - Agree project change requests (within agreed limits); and
  - Review monitoring and evaluation of project impact

4.23 The governance model is set out as follows:



4.24 Proposed Terms of Reference for the board and membership (including voting rights / participatory roles) are included at appendix 3. Subject to Cabinet’s approval for the Terms of Reference and membership, Elected Member appointments to the Levelling Up Partnership Board will be appointed by Full Council. Partner organisations will be invited to make appointments in line with their governance arrangements. Expressions of interest will be sought for other representatives and the Independent Chair.

## **5. Alternative Options**

- 5.1 Alternative geographical areas could be put forward for the focus of Sandwell's LUP. The selection of Wednesbury Town is the result of joint exploration between DLUHC and Cabinet Members taking into account the indicators used to select Levelling Up Partnership areas, areas that may 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 is acceptable to DLUHC and therefore presents the best chance of Sandwell securing the LUP investment to deliver the shortlisted projects and achieve the outcomes for the LUP.
- 5.2 Alternative interventions were put forward to DLUHC for consideration as part of the initial deep dive activity. 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 present the best chance of Sandwell securing the LUP investment.
- 5.3 Alternative governance arrangements could be put in place for the Levelling Up Partnership. The proposed arrangements reflect learning from the Towns Fund Programme governance arrangements and propose adoption of a similar model of governance.

## 6 Implications

<b>Resources:</b>	<p>The proposals within this report represent a funding opportunity of £20.35m.</p> <p>Approval is sought to £20m capital and £350K revenue expenditure to deliver the Levelling Up Programme.</p> <p>Capacity is required to oversee the LUP Programme and meet reporting requirements of DLUHC. A LUP Programme Manager, and Assistant Director for Levelling Up will be recruited to.</p> <p>The Council will be the lead delivery organisation for all proposed interventions.</p> <p>The capital allocation for LUP will allow a maximum carry forward of £5m into 2024-25. Based on the proposed interventions, the majority of spend is profiled to take place in 2024-2025.</p> <p>Existing schemes in the Council's Capital Programme have been identified that can be funded from the LUP grant in 2023/24 and Council resources will then be used to deliver the remaining LUP projects in 2024/25.</p> <p>Delivery of the projects will be managed through the Wednesbury Levelling Up Partnership Board and a specific project group will be established. Spend will also be monitored through the Council's Corporate Asset Management Board.</p>
<b>Legal and Governance:</b>	<p>The Council will be the lead delivery organisation for all proposed interventions.</p>

	<p>Legal agreements/MoUs may be required to deliver specific projects and will follow standard council process e.g. for CPO.</p> <p>The Levelling up Partnership will be managed as a programme. The development of a Wednesbury Levelling up Partnership Board is being proposed to oversee the programme and partnership.</p>
<b>Risk:</b>	<p>The LUP programme is an ambitious £20m programme.</p> <p>There is a significant programme risk identified that if programme delivery can not be completed by 2024-25, there is a risk of grant clawback, reputational damage, and missed opportunities to deliver the benefits of the programme. Detailed project delivery plans are being prepared setting out key milestones. Any issues relating to the spend profile or delivery timeline will be escalated through LUP governance arrangements.</p> <p>Risks and issues will be reported to DLUHC when financial / legal implications could lead to a breach of grant funding conditions / other agreements e.g. MoUs with Government.</p> <p>A risk register will be maintained for the LUP programme. At project level, LUP projects will be required to identify, assess and control risks on an ongoing basis. Major (red) project risks will be reported to programme level.</p>
<b>Equality:</b>	The proposed interventions are in development stage.



	Through the project development process, consideration will be given to the impact on and improvements that can be made for residents with protected characteristics. Equality Impact screenings and EqlAs will be conducted, as appropriate.
<b>Health and Wellbeing:</b>	The underpinning objective of the LUP is to 'level up' and reduce inequalities. The proposed interventions focus on tackling health inequalities in a multi-faceted way and compliment public health programmes
<b>Social Value:</b>	The proposed interventions will be delivered in accordance with the Council's Procurement and Contract Procedure Rules and will deliver social value in line with the council's requirements.
<b>Climate Change:</b>	<p>The proposed interventions include a range of improvements to the quality of green spaces and public spaces in Wednesbury; making a contribution to biodiversity.</p> <p>Proposals will also enable the delivery of a significant number of new homes and a range of construction work. Options for energy efficiency measures and reducing carbon through the construction process will be considered as part of the detailed design phase and procurement.</p>
<b>Corporate Parenting:</b>	<p>The voice of the child will be incorporated within the LUP governance arrangements through the inclusion of young people's representative(s) on the LUP board. Where consultation is being undertaken as part of the LUP Programme, young people's views and opinions will be sought.</p> <p>The intervention focusing on the extension of the Friar Park Community Centre will include consideration of youth opportunities.</p>

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## **7. Appendices**

1. Public Health Programmes of Work Contributing towards Levelling up.
2. Levelling Up Partnership Scope and Intervention Descriptions
3. Levelling Up Partnership Board Terms of Reference and Membership

## **8. Background Papers**

[Levelling Up Partnerships Methodology Note](#)

## Minutes of Budget and Corporate Scrutiny Management Board

**Thursday 27 July 2023 at 6.00 pm**  
**In the Council Chamber at Sandwell Council House, Oldbury**

**Present:** Councillor Moore (Chair);  
Councillors Anandou, Fenton, Fisher, Hinchliff, Lewis, Taylor  
and Tipper.

**In attendance:** Tony McGovern (Director of Regeneration and Growth),  
Elaine Newsome (Assistant Director – Law and Governance),  
Victoria Lee (Assistant Director – HR), Nigel Collumbell  
(Assistant Director – Housing Management), Colin Marsh  
(Divisional Manager – Adult Social Care), Lee Bentley (HRD  
Strategy & OD Officer), Helen Green (Strategic Improvement  
Manager – Corporate Customer), Connor Robinson  
(Democratic Services Officer) and Anthony Lloyd  
(Democratic Services Officer).

### 48/23 **Apologies for Absence**

Apologies were received from Councillors E Giles and Owen.

### 49/23 **Declarations of Interest**

There were no declarations of interest made.



50/23

## Minutes

**Resolved** that the minutes of the meeting held on 29 June 2023 be approved as a correct record.

51/23

## Additional Items of Business

There were no additional items of business.

52/23

## Sickness Absence Outturn 2022-23

The Board received a presentation on sickness absence outturn for 2022-23.

Overall, as expected, sickness absence rates had increased over the past few years across most directorates. Nationally, many employees had experienced an increase in sickness absence during 2021. Sickness absence rates for the financial year 2022-23 were 10.81 days per employee; this equated to 4.87% working days lost. In comparison, the national average for the UK was 2.6% overall and 3.6% across the public sector.

It was acknowledged that in certain smaller directorates, such as the Law and Governance directorate, one or two sickness absence cases could heavily skew overall stats, especially if staff were on long-term sickness leave. The majority of sickness cases were due to stress, depression and mental health issues which greatly increased in the recent year. The second most common cause of sickness was infectious illness. A notable amount of cases consisted of problems around muscular skeletal issues. Although both short-term and long-term sickness was a concern for the authority, long-term sickness was especially a problem due to resourcing requirements which incurred extra costs for the Council.

In response to questions from members, the following points were stated:-

- the Council did not have an insurance policy to cover the costs of long-term sickness, however, the Council's terms and conditions offered extensive sick pay;
- the Council had a strong in-house Occupational Health provision including a closed suite that could contain doctors, nurses and physiotherapists;

- a variety of reasons could be attributed to sickness across the directorates depending on the type of work. Services that dealt with difficult and emotional problems were more likely to see sickness related to stress;
- the aging workforce meant that a lot of absence was due to family bereavement as well as conditions usually associated with age;
- no evidence was available that indicated that the Council's generous sick pay offer was a reason for high sickness absence levels;
- ill health retirement and redeployment was offered to staff whose condition(s) resulted in them not being able to carry out their work;
- facilities were in place to monitor staff who were regularly sick to identify patterns and address concerns when required;
- the feasibility of introducing incentives and bonuses for staff would be considered and reported back at a later date. Costs of offering the incentive would be weighed against the costs of covering agency staff pay;
- data regarding the impact of long-COVID on the workforce would be circulated to members when the data had been collated and analysed.

Officers were thanked for their attendance.

**Resolved** that the Head of Human Resources, in consultation with the Deputy Leader and Cabinet Member for Finance and Resources, request that the Cabinet consider the feasibility of introducing bonuses and/or incentives to improve staff absenteeism.

53/23

## **Customer Journey Progress Update**

The Customer Journey was one of the most important strategic priorities for the Council following external reviews. Excellent examples of customer service had been seen throughout the service, but many areas were still not to the standard desired. The scale of the work was highlighted to members with over 1.5m contacts with customers in 2022/23. In the last 12 months, the Council had received over 628k phone calls.

Officers hoped that the action plan set out a detailed guide on how the Council would improve the customer journey. A clear vision of where the Council wanted to be had been realised.

Recommendations from the Customer Journey Scrutiny Review, which was carried out by the Board in 2022/23, had also been added to the plan. Performance data was being reviewed daily as this was deemed the key to highlighting demonstrable progress on whether the Council was heading in the right direction.

Ensuring that customers had a wide range of options to contact the Council was important. The use of online services had been by far the most popular way that residents contacted the Council, however, there were still vulnerable individuals who required face-to-face alternatives.

The pilot scheme for community hubs was underway and data had been obtained to steer future decisions. Community hubs had been designed to signpost residents to many of the Council's services, including further referrals to smoking services and health checks, whilst also being a starting point for those who wished to interact with staff in-person. Initial data received was low due to the soft launch of the hub. Although footfall was low, an array of age groups had interacted with the service with many of the enquiries relating to housing and revenues and benefits. 63% of visitors had used the hub as their first point of contact, however, 37% of visitors had stated that this was not their first attempt to resolve an issue. Customer service satisfaction was high in relation to the community hubs and a 12-month extension of the pilot had been agreed.

A procurement process was in motion to provide modern technology to help improve the customer experience – it was hoped that implementation of the new system would take place in 2024. Whilst software used by the Council was becoming out-of-date, it was noted that replacing technology at once could present a significant risk.

Further questions from members were responded to with the following points:-

- training around cultural differences, especially regarding body language, would be incorporated into customer training;
- security officers working in the one-stop shop were agency staff and therefore, the Council had no remit on who was selected;
- members were minded that the Health and Adult Social Care Scrutiny Board were currently conducting a Scrutiny Review on Social Isolation and Loneliness;

- the Council's digital team had been looking into a booking system for the One Stop Shop; further consideration would be made as to whether the system could be expanded across to all services in the Council;
- work was still underway to consult and engage with the public to receive input around what they wanted from the Customer Journey.

Officers were thanked for the report.

54/23

### **Centre for Governance and Scrutiny – The use of call-in: guidance for English authorities**

In April 2023, the Centre for Governance and Scrutiny (CfGS) had published guidance on the use of call-in by English authorities. Sandwell Council's arrangements only allowed key decisions to be subject to call-in. Guidance from the Centre for Governance and Scrutiny highlighted that extending the use of call-in to all executive decisions (i.e. both key and non-key decisions taken by cabinet Members) was best practice to ensure an effective Scrutiny function.

A steer was sought from members on their appetite to request that call-in use be extended. Having considered benchmarking data of neighbouring local authorities, the Board was minded to recommend to the Governance and Constitution Review Committee and Council that all key decisions taken by the Cabinet and non-key decisions taken by Cabinet Members should be subject to scrutiny call-in which would bring the Council in-line with CfGS good practice.

**Resolved** that the Governance and Constitution Review Committee be requested to consider and recommend to Council the expansion of the use of call-in to all executive decisions.

55/23

### **Budget and Corporate Scrutiny Management Board Work Programme 2023-24**

**Resolved** that the Budget and Corporate Scrutiny Management Board Work Programme for 2023-24 be approved.

56/23

### **Cabinet Forward Plan**

The Cabinet Forward Plan was noted by the Board.

57/23

### **Tracking and Monitoring of Scrutiny Recommendations**

Members noted the Scrutiny Action Tracker.

Meeting ended at 7.56pm.

Contact: [democratic\\_services@sandwell.gov.uk](mailto:democratic_services@sandwell.gov.uk)



## Minutes of Governance and Constitution Review Committee

**Thursday 21 September 2023 at 2.32pm  
In Committee Room 1, Sandwell Council House, Oldbury**

**Present:** Councillor Carmichael (Chair);  
Councillors W Gill, Kalebe-Nyamongo, Padda and  
Rollins.

**Also present:** Surjit Tour (Director of Law and Governance and  
Monitoring Officer), Elaine Newsome (Assistant Director  
– Democracy), Suky Suthi-Nagra (Democratic and  
Member Services Manager) and Johane Gandiwa  
(Committee and Constitutional Services Lead Officer).

1/23 **Apologies for Absence**

Apologies were received from Councillor Piper.

2/23 **Members to declare any interests in matters to be  
discussed at the meeting**

There were no declarations of interest.

3/23 **Minutes**

The minutes of the meeting held on 27 May 2022 were agreed  
as a correct record.



4/23 **Urgent Business**

There were no additional items of business to consider as a matter of urgency.

5/23 **Investigation into the feasibility of establishing a shadow cabinet**

The Director of Law and Governance and Monitoring Officer reported that at its meeting on 25 July 2023, Council resolved that the Governance and Constitution Committee would investigate the feasibility of establishing a shadow cabinet and to report back to Council on its findings at the next full council meeting.

The issue of formally recognising shadow cabinet roles was also raised by the Independent Remuneration Panel (IRP), in its 2023 report 'A Review of Member' Allowances for Sandwell Metropolitan Borough Council'. This matter had been raised by Councillor participants in the IRP review activity. The IRP observed that this was a matter for Council as to whether it would wish to recognise these roles and attach a special responsibility allowance.

A benchmarking exercise was conducted across the West Midlands local authorities and beyond to ascertain the prevalence of shadow cabinets. The benchmarking exercise involved analysing constitutions of 26 councils, of which 12 were in the West Midlands. Six of the councils that were considered during the exercise were regarded by the Chartered Institute of Public Finance and Accountancy (CIPFA) in its model as Sandwell's 'nearest neighbours'.

The roles and functions of shadow cabinets varied from council to council. Traditionally, the largest opposition party may establish a shadow cabinet. However, this was not a legal requirement although local authorities were at liberty to establish shadow cabinets.

It was noted that there were varied arrangements and protocols for the establishment of shadow cabinets which included, amongst others, right to attend meetings, right to make statements in cabinet and access to information. However, the right to access information was not absolute as the Executive had a privilege to decide which information to share.

The Committee was further advised of other arrangements where the opposition nominates spokespersons who undertook the roles and functions of a shadow cabinet.

The Committee considered the report outlining the proposed recommendations and options. The following key issues emerged from the Committee's deliberations.

- The Executive was in support of the principle of establishing a shadow cabinet as the practice enhanced scrutiny, accountability, and political challenge.
- Modalities would be considered to ensure that the opposition can speak and make statements in cabinet.
- Concern was raised that the opposition had not been contacted when the various options on the working arrangements for a shadow cabinet were being drafted.
- There was need to provide for legal recognition of a shadow cabinet in the Constitution.
- Further details on the working arrangements for the shadow cabinet would be considered as part of a protocol.

In order to allow the proposals by the opposition group to be considered, it was proposed to set up a Working Group of the Committee, to include Councillor Fisher, to consider shadow cabinet proposals. It was also proposed to authorise the Chair of the Committee, in consultation with the Director of Law and Governance and Monitoring Officer, to agree any proposals and recommend to Council to approve.

In addition, Councillor Gill was also requested to share any proposals for shadow cabinet arrangements in advance of the working group meeting, once considered and agreed by his political group.

## **Resolved:**

- (1) that an Officer Working Group of the Governance and Constitution Review Committee be established comprising of the following members:  
  
Councillors Carmichael (Chair), Fisher, W Gill, Kalebe-Nyamongo, Padda and Rollins;
- (2) that the Opposition Group submit any initial proposals for the shadow cabinet in readiness of the first meeting of the Governance and Constitution Review Committee Working Group;
- (3) that the Governance and Constitution Review Committee Working Group be authorised to draft the shadow cabinet protocol and the Chair of the Governance and Constitution Review Committee Working Group, in consultation with the Director of Law and Governance and Monitoring Officer, be authorised to approve the protocol on behalf of the Committee and submit to Council.

6/23

### **Centre for Governance and Scrutiny – The use of call-in: guidance for English authorities**

The Democratic and Member Services Manager reported that the Centre for Governance and Scrutiny (CfGS) had published “The use of call-in: guidance for English authorities”. The document embedded best practices on call-in procedures with a view to strengthening and developing the Council’s overview and scrutiny function.

The guidance recommended that call-in should be applied to all executive decisions (i.e. cabinet and cabinet member decisions) as opposed to just key decisions (i.e. over £1m in spend/savings or significantly affects two or more wards) which was currently the case within Sandwell.

The results of a benchmarking exercise with neighbouring local authorities had revealed that all Cabinet and Cabinet Member decisions were subject to call in with the exception of one neighbouring authority.

The Budget and Corporate Scrutiny Management Board considered the proposals on 27 July 2023 and recommended that in the interests of openness and transparency, call-in procedures should also apply to Cabinet Member decision making.

The Committee sought clarification on whether the proposed measures would affect the making of urgent decisions by council. In response, it was explained that this was not the case as urgency provisions were currently in place that permit either the Leader or the Chief Executive to make urgent decisions as well as the sign off of the Chair or Vice Chair of a scrutiny board making an exception to scrutiny call in in urgent cases.

**Resolved** That the Council be recommended to approve the changes to the Council's Scrutiny Procedure Rules as set out in Appendix 1 to incorporate changes to the call-in procedure for cabinet member decisions.

7/23

### **Protocol for nominations of Mayor/Deputy Mayor**

Consideration was given to options for the adoption of a protocol for the appointment of Mayor and Chair of the Council and Deputy Mayor/Vice Chair of the Council.

An established procedure for the appointment to the position of Mayor/Deputy Mayor would offer a consistent approach that would afford any and all political parties and independent members with the opportunity to hold the office.

It was for the Council to determine an approach on the recommendation of the Governance and Constitution Review Committee.

In Sandwell, the Council considered and appointed a Mayor and Deputy Mayor elect, normally in the early part of each calendar year, with formal ratification of the appointment at annual Council at the start of the Municipal Year in May. Members holding office, would do so on one occasion (noting the exception in 2020 where the annual general meeting of the Council was postponed due to Covid).

There were no automatic succession arrangements in place and instead Councillors were required to put forward supported nominations that were, once routed through political groups, submitted for consideration by the General Purposes and Arbitration Committee, prior to subsequent consideration by Council. Ultimately, the Council retained responsibility for the appointment to the office of the Mayor/Deputy Mayor.

The currently defined nomination criteria were:

- Nominees shall be serving members of the Council who had not previously served as Mayor.
- Nominees shall have given notable service to the Borough of Sandwell as a councillor and/or within the local community.
- Each nomination shall be submitted by a serving member of the Council supported by five other serving members of the Council regardless of political party.

Sandwell did not currently have in place an automatic succession practice where the Deputy Mayor became Mayor by default in the subsequent municipal year or vice versa.

The Committee considered various options for the nomination of Mayor/Deputy Mayor as follows:-

1. Length of service: awarded on the seniority of service for individual Councillors, this format provided for an automatic appointment. Members considering nomination would be required to have a minimum of 2 years' service as a Councillor remaining, in order that they were able to occupy both Mayor and Deputy roles. Where there was equity in length of service, this would be determined in alphabetical order. Members would be free to accept or decline any potential nomination in advance of formal consideration. Where a Councillor declined the opportunity to become Mayor/Deputy, it would then be offered to the next most senior/alphabetically ordered member. Membership of a political group was not a consideration.

2. Political apportionment by calculation or formula. This method of appointment removed the seniority factor and afforded all members with an equal opportunity to hold office, regardless of length of service and was often considered to be a merit basis for appointment. There were a number of ways that a formula could be applied, however, this was usually tied to the political balance of the Council and, dependent upon approach, could be a simple or more complex format;

Current practice, if no change was to be considered, was primarily to appoint on the basis of “notable service” to the Council or wider community. Whilst often not difficult for Members to provide examples of service, the Council did not currently have a defined mechanism for weighting the contributions identified by members. Whilst multiple nominations in political groups were often refined to one preferred nominee, the Council may wish to consider formalising a system for balancing multiple nominations received from different political groups.

The Committee considered option 1 (length of service: awarded on the seniority of service for individual Councillors) to be the preferable option to recommend to Council to approve, however the Committee was mindful that the boundary review in 2026 may have an impact on all members level of service and therefore the protocol could be reviewed thereafter.

**Resolved** that Council be recommended to approve and adopt:

- (1) a protocol for the appointment of Mayor and Chair of the Council and Deputy Mayor/Vice Chair of the Council, as set out in Appendix 2, based on length of service and awarded on the seniority of service for individual Councillors;
- (2) the automatic accession of the Deputy Mayor into the office of the Mayor or vice versa.

Meeting ended at 3.24pm

Contact: [democratic\\_services@sandwell.gov.uk](mailto:democratic_services@sandwell.gov.uk)

## **Part 4 - Scrutiny Procedure Rules**

### **1. What will be the Arrangements for Scrutiny?**

A scrutiny body is one appointed to discharge the functions conferred by Section 21 (Overview and Scrutiny Committees) of the Local Government Act 2000 and any regulations made under that Section.

The Council will establish the scrutiny boards set out in Article 6 of this Constitution and will appoint members to them as it considers appropriate from time to time.

### **2. Who May Sit on Scrutiny Boards?**

All councillors, except members of the Cabinet, may be members of a scrutiny board. However, no member may be involved in scrutinising a decision that they have been involved in making, or they have declared an interest in, except where the Council was the decision-making body.

### **3. Who Chairs Scrutiny Board Meetings?**

(a) The Chair and Vice-Chair of each scrutiny board will be appointed by the Council at its annual meeting. Where a vacancy arises mid-year, this will be appointed to at a meeting of the Council.

(b) In the absence of both the Chair and Vice-Chair of a scrutiny board, or their inability to act, the board shall appoint a person to preside at that meeting or part of a meeting, from amongst those elected members present.

### **4. Co-opted Members**

(a) The Children's Services and Education Scrutiny Board, will include in its membership, the following non-elected co-opted members:-

(i) 1 non-elected person representing the Church of England dioceses of Birmingham and Lichfield;



- (ii) 1 non-elected person representing the Roman Catholic archdiocese of Birmingham;
- (iii) 2 Parent Governor representatives.

Those members may be appointed to any sub-groups of the Board, but shall only have voting rights on education matters, whether in respect of schools or wider educational issues.

- (b) The Safer Neighbourhoods and Active Communities Scrutiny Board will include in its membership a non-elected co-opted member, without voting rights, from the Tenant and Leaseholder Scrutiny Panel.

## 5. **Meetings of Scrutiny Boards**

Each scrutiny board will normally meet once in each cycle of meetings in a municipal year. Extra meetings may be called:-

- (a) by the chair of the relevant scrutiny board;
- (b) by any four members of a scrutiny board;
- (c) by the Statutory Scrutiny Officer if they consider it necessary or appropriate.

## 6. **Quorum**

The quorum for a scrutiny body will be in line with the Council's Procedure Rules (Standing Orders) in Part 4 of this Constitution. Provision is made within those Rules to enable a meeting to proceed in the event of it being or becoming inquorate. In the event of a quorum not being obtained at the commencement of, or at any point during the meeting, at the discretion of the Chair or the person presiding, the meeting may continue for the purpose of examining the business before it. However:-

- (a) any recommendation, comment or advice by the members present to the Council, the Cabinet, a Cabinet Member, other committees or other persons or bodies shall be qualified by a statement clearly indicating that the recommendation, comment or advice was made whilst the meeting was inquorate;
- (b) any minutes of the meeting shall clearly record that the meeting was inquorate or the point in the record of events at which the meeting became inquorate.

## **7. Work Programme**

- (a) Scrutiny boards will be responsible for their own work programmes, which shall be approved at the first meeting of each board in the municipal year.
- (b) In developing their work programmes, Scrutiny boards will have regard to:-
  - (i) the Council's strategic priorities and policies, including the policy framework and budget and spending plans and their impact on service delivery and outcomes for the people of Sandwell;
  - (ii) the Cabinet Forward Plan and Executive Work Programme;
  - (iii) suggested items/topics arising from annual engagement activities, involving partners and the public;
  - (iv) any necessary engagement with other scrutiny boards on cross-cutting issues.
- (c) Each suggested item/topic shall be assessed using the Scrutiny Prioritisation Tool to determine the appropriateness and the level of priority to be applied to it, before being placed on the Board's work programme.

## 8. Scrutiny Reviews

- (a) Each scrutiny board may include on its work programme, one or more in-depth review of a particular topic, and in determining that topic, shall have regard to: -
- (i) the Council's strategic priorities and policies, including the policy framework and budget and spending plans and their impact on service delivery and outcomes for the people of Sandwell;
  - (ii) the Cabinet Forward Plan and Executive Work Programme;
  - (iii) suggested items/topics arising from annual engagement activities, involving partners and the public;
  - (iv) any previous scrutiny activity on the topic;
  - (v) guidance from the relevant chief officer on the appropriateness and timeliness of the review.
- (b) No boards shall have more than one active scrutiny review taking place at any one time.
- (c) Each suggested review shall be assessed using the Scrutiny Prioritisation Tool.
- (d) subject to (a) to (c) (above), each agreed review shall be scoped using the [Scrutiny Review Scoping Document](#) to ascertain how the review will operate, which can include (but is not limited to):-
- establishing a working group
  - co-opting members onto working groups
  - calling expert witnesses
  - enquiry days
  - spotlight sessions
  - focus groups
  - visits
  - public call for evidence (e.g. press)
  - conducting surveys
  - desktop research

- (e) upon the completion of a review, a scrutiny board shall prepare a report, setting out its findings and any recommendations, for submission to the Cabinet/Council at its next available meeting;
- (f) the Cabinet/Council shall respond to the scrutiny board at the meeting to which the report is submitted, if this is not possible, it shall respond no later than two months;
- (g) the scrutiny board shall monitor progress on implementation of approved recommendations.

## 9. **Agenda Item Requests**

### 9.1 Requests from members for items to be included on the agenda for a scrutiny body:

- (a) Any member of the Council may make a request for an additional item to be placed on any scrutiny board's work programme, or the agenda for the board's next meeting.
- (b) In making such a request, the member shall have regard to:-
  - (i) the Council's strategic priorities and policies, including the policy framework and budget and spending plans and their impact on service delivery and outcomes for the people of Sandwell;
  - (ii) the Cabinet Forward Plan and Executive Work Programme;
  - (iii) any necessary engagement with other scrutiny boards on cross-cutting issues.
- (c) Such requests shall be made in writing, to the Statutory Scrutiny Officer, using the [Scrutiny Agenda Item Request Form](#).
- (d) Upon receipt of such a request, the Statutory Scrutiny Officer shall consult with the relevant scrutiny chair. If they decline to add the item to the board's work programme/agenda, the requesting member may refer the request to the Chair of the Scrutiny Management Board, who may:-
  - (i) confirm the decision not to place the item on the relevant board's work programme;

- (ii) direct the relevant chair/board to consider the item;
  - (iii) place the item on the work programme of the Budget and Corporate Scrutiny Management Board
- (e) If the chair deems it necessary, they may call an additional meeting of the Board to consider the item.
- (f) The member requesting the item shall be expected to attend the meeting at which the item is to be considered and speak on the item.
- (g) A matter will not be included on a scrutiny board's work programme, or an agenda for a particular meeting, where the Statutory Scrutiny Officer considers it to be:-
- (i) frivolous, of mischievous intent, in breach of any statute, regulation or directive or of personal gain to the requestor;
  - (ii) relating to a matter outside those functions set out in the Local Government Act 2000 as amended;
  - (iii) relating to a licensing or planning decision;
  - (iv) relating to an individual body to which there is already a statutory right to a review or appeal (other than to the Local Government Ombudsman);
  - (v) where it has been the subject of scrutiny within the previous 12 months.

9.2 Requests from the Council or the Executive to place an item on the agenda of a scrutiny body:

- (a) A scrutiny board shall respond, as soon as its work programme permits, to requests from the Council and, if it considers it appropriate, the Cabinet or a Cabinet Member, to review particular areas of Council activity.
- (b) The findings of the work shall be reported back to the Cabinet, and/or Council as appropriate: -
- (i) If it is not able to respond at the meeting to which the scrutiny board's report is presented, Council and/or the Executive must respond to the report of the scrutiny body within two months of receiving it, or at the nearest available programmed meeting.

- (ii) If the Cabinet does not accept the recommendations of the scrutiny board it shall set out clearly the reasons why and the Cabinet Member shall attend a meeting of the scrutiny board to discuss their reasons, if requested to do so.

## **10. Recommendations from Scrutiny Bodies**

10.1 Arising from Scrutiny Reviews - see paragraph 8 above.

10.2 Arising from Single Agenda Items:-

- (a) If, upon consideration of an agenda item at a formal board meeting, a scrutiny board wishes to make recommendations to the Cabinet/ Council, those recommendations shall be submitted by way of a formal report to the next available meeting;
- (b) the Cabinet/Council shall respond to the scrutiny board at the meeting to which the report is submitted, if this is not possible, it shall respond no later than two months.
- (c) If the Cabinet does not accept the recommendations of the scrutiny board it shall set out clearly the reasons why and the Cabinet Member shall attend a meeting of the scrutiny board to discuss their reasons, if requested to do so.

10.3 Tracking and Monitoring

Scrutiny boards will monitor progress on the implementation of recommendations approved by way of regular reporting to board meetings.

## **11. Matters Within the Remit of More Than One Scrutiny Board**

Where a matter for consideration by a scrutiny board also falls within the remit of other scrutiny boards, the decision as to which scrutiny board will consider it will be resolved by the Chair of the Budget and Corporate Scrutiny Management Board and in their absence or inability to act, the Vice-Chair.

## **12. Order of Business and Procedure at Meetings**

As a general rule, the order of business and procedure at scrutiny bodies shall be:-

- (i) to receive declarations of interest, including declarations in relation to the application of any political whip;
- (ii) to confirm the minutes of the last meeting;
- (iii) consideration of call-in;
- (iv) response of the Executive to reports from scrutiny;
- (v) programmed items as per the board's work programme;
- (vi) additional items requested by the Executive/Council not listed in the work programme.

## **13. Rights of Scrutiny Members to Documents**

In addition to their rights as councillors, members of scrutiny bodies have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.

## **14. Members and Officers Giving Account**

- (a) As well as reviewing documentation, in fulfilling its scrutiny role, a scrutiny body may require any member of the Executive, Committee Chair or Vice-Chair, and any officer of the Council, to attend before it to assist in its understanding of the matter it is scrutinising, and in the case of chief officers and executive members, hold them to account for their performance;
- (b) Where a member or officer is required to attend a scrutiny body under this provision, at least 10 working days' notice of the meeting at which they are required to attend must be given, unless the individual agrees to a shorter period of time;

- (c) Where the member or officer is unable to attend on the required date, they shall, in liaison with the Statutory Scrutiny Officer and the Chair, make arrangements for a suitably knowledgeable person to attend in their place. If this is not possible, the Chair of the scrutiny body may defer the matter until another meeting.

## 15. Attendance by Others

- (a) A scrutiny body may invite people other than those people referred to in paragraph 14 (above) to address it, to discuss issues of local concern and/or answer questions.
- (b) The attendance of a citizen or member of the public at a meeting of a scrutiny body, other than by direct invitation as a participant, does not grant the individual an automatic right to address the meeting or submit representations.

## 16. Call-In

- (a) Any three members of a scrutiny board (including co-opted members with voting rights relevant to the subject matter), or six members of the Council, may refer for scrutiny any key decision made under Part 4 of the Executive Procedure Rules or decision made by a Cabinet Member.
- (b) The referral shall be made in writing, using the [Notice of Call-In](#) which shall be submitted to the Statutory Scrutiny Officer no later than the fifth working day (beginning the day after the decision is published).
- (c) Nothing in (b) (above) shall prevent the member/members from declaring their intention to call the matter in at the meeting during which the decision is made.
- (d) The Monitoring Officer, in consultation with the Statutory Scrutiny Officer and the Chief Executive, may reject a [Notice of Call-In](#) for the reasons set out below. The reasons for rejection will be reported to the next scheduled ordinary meeting of the Budget and Corporate Scrutiny Management Board:-
  - (i) the cited grounds bear no relevance to the decision that is identified for call-in;



- (ii) the requisition cites grounds for which no relevant evidence is produced in support;
  - (iii) those requisitioning the call-in signed the requisition before it was complete (e.g. signed a blank [Notice of Call-In form](#) in advance);
  - (iv) the call-in includes material which could be defamatory;
  - (v) the requisition is being used for improper purposes (e.g. to admonish an officer); or
  - (vi) the terms of the call-in are substantially the same as for one previously considered within the preceding 6 months.
- (e) The Statutory Scrutiny Officer, in consultation with the Chair of the Budget and Corporate Scrutiny Management Board will determine which board will consider the referral, however, matters relating to crime and disorder issues must be referred to the Safer Neighbourhoods and Active Communities Scrutiny Board.
- (f) The scrutiny board will meet within 15 working days of the receipt of the [Notice of Call-In](#), to consider the matter, unless the relevant chief officer agrees to a longer period that would avoid the need to call an additional meeting of the Board.
- (g) Subject to (f) (above), if the board does not meet within 15 days, the decision of the Cabinet Member/Cabinet will automatically take effect.
- (h) At least one referring member will be expected to attend the meeting of the scrutiny board at which the item will be considered. The relevant Cabinet Member and officers shall also be expected to attend the meeting.
- (i) In the event of all of the referring members failing to attend the meeting, at the discretion of the Chair, the item will be withdrawn from the agenda without discussion and the decision will automatically take effect.
- (j) If the scrutiny board does not refer the matter back to the Cabinet /Cabinet Member for further consideration the decision will take effect at the close of the scrutiny meeting.

- (k) If, having considered the decision, the scrutiny board has concerns about it, then it may refer it back to the decision maker for reconsideration, setting out in writing the nature of the concerns. Within a further 10 working days, the decision maker must reconsider, amending the decision or not, before adopting a final decision.
- (l) If the matter is a strategic matter that requires the consent of the Cabinet or Council, and the Cabinet Member elects not to amend their recommendation to that body, one of the referring members may reserve the right to address the Cabinet or Council.
- (m) If the matter was referred to the Cabinet and subsequently Council and neither the Cabinet nor Council objects to a decision which has been made, then no further action is necessary, and the decision will be effective at the close of the relevant meeting.
- (n) However, if Council does object, (it has no locus to make or overturn decisions in respect of an Executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget), it will refer any decision to which it objects back to the Cabinet/Cabinet Member making the decision, together with the Council's views on the decision.
- (o) The Cabinet Member shall reconsider the matter, within 10 working days of the Council request, and choose whether to amend the decision or not before reaching a final decision and implementing it.

## **17. Exceptions to Call-In**

- (a) Decisions taken in accordance with the Council's urgency provisions/procedures may not be called in.

With the exception of items considered urgent under Part 4 - Budget and Policy Framework Procedure Rules 4(a), the declaration of a decision as urgent is subject to the written agreement of the Chair of the relevant scrutiny board or, in their absence, the Vice-Chair of the relevant scrutiny board.

Decisions taken in this way, as a matter of urgency, must be reported to the next available meeting of the Council, together with the reasons for the urgency.

- (b) Where the Leader has exercised their right to review the decision of an individual Cabinet Member or an Executive body, the call-in procedure referred to above will automatically lapse. Following the Leader's review, their decision will be subject to the call-in procedure.
- (c) Once a particular decision has been called in for scrutiny and that decision has been considered and a final decision made under any of the call-in principles, it shall not be called in again.

## 18. **Councillor Call for Action**

- (a) Before considering whether to invoke the Councillor Call for Action process, members should read the [Call for Action Protocol](#), and seek advice from the Statutory Scrutiny Officer.
- (b) Any member of the Council who wishes to refer a matter that is of concern in their ward for scrutiny under the [Councillor Call for Action Protocol](#), may do so by submitting a completed [Call for Action Referral form](#) to the Statutory Scrutiny Officer.

The Statutory Scrutiny Officer will then review the request and determine:-

- (i) whether the Call for Action meets the relevant criteria;
- (ii) in consultation with the Chair of the Budget and Corporate Scrutiny Management Board, which board will consider the Call for Action. However, matters relating to crime and disorder issues must be referred to the Safer Neighbourhoods and Active Communities Scrutiny Board.

The Statutory Scrutiny Officer will notify the Chair of the relevant board, the relevant cabinet member(s) and chief officer(s) and, where appropriate, partner organisation(s) of the referral and of the identity of the person making the referral.

- (c) Matters referred by a Call for Action during the period between a Notice of Election being issued and the date of that election will not be considered until after that election.
- (d) Where a Call for Action is referred under (a) above, the scrutiny board will consider the matter at its next scheduled meeting, unless the matter is deemed to be of a time-critical nature or its consideration at that meeting would be detrimental to the Board or Board's established work programme. In these instances, with the agreement of the Chair of the Board, an additional meeting may be called to consider the matter.
- (e) The member who has referred the Councillor Call for Action for scrutiny will be expected to attend the meeting. If they are unable to attend, they must appoint another member of their ward to act as their representative and should notify the Statutory Scrutiny Officer of the name of that member prior to the meeting.

In the event of the member or their representative failing to attend the meeting, the Chair may withdraw the item from the agenda without discussion.

- (f) If, having considered the Councillor Call for Action, the scrutiny board feels it necessary, it shall make recommendations to the relevant chief officer/cabinet member/body.
- (g) The relevant chief officer/cabinet member/body shall respond to the scrutiny board within two calendar months starting from the date on which they receive the recommendations.
- (h) In respect of any recommendations made to a NHS body, that body shall be expected to respond to the scrutiny body within 28 days starting from the date on which they receive the recommendations.

- (i) The Statutory Scrutiny Officer shall keep the referring ward member/members informed on developments throughout the process when dealing with the Councillor Call for Action.
- (j) The referring ward member/members shall keep relevant residents/the community up to date on the process and the outcome.

## 19. **Petitions**

Petitions will be dealt with in accordance with the Council's petitions scheme.

## 20. **The Party Whip**

When considering any matter in respect of which a member of a scrutiny board is subject to a party whip, the member must declare the existence of the whip and the nature of it before the commencement of the board's deliberations on the matter. The declaration and the detail of the application of the whip arrangements shall be recorded in the minutes of the meeting.

## LENGTH OF SERVICE BASED PROTOCOL

### APPOINTMENT OF DEPUTY MAYOR/MAYOR ELECT

1. The Deputy Mayor will normally succeed to the Mayoralty in the following year and becomes the Mayor elect for the subsequent Municipal Year.
2. The Office of Deputy Mayor and Vice - Chair of the Council/Mayor elect shall be offered each year to the Member of the Council who has the longest continuous service (as defined below), who has not previously held the Office and who has a minimum of 2 years remaining on their term of office as a councillor.
3. In the event of that Member declining it will be offered to the next longest serving Member willing and able to accept the Office, provided that a Member who declines an invitation to serve in the Office of Deputy Mayor and the Chairman of the Council shall be invited to serve in the following year and, in the event of that person again declining, shall be invited for a third time in the next following year, after which for the purposes of determining longest service they shall be deemed to have served.
4. "Continuous Service" shall relate to service with the Council, subject to the provision that broken periods of service separated by a break not exceeding four years and one month shall be aggregated for the purposes of calculating "continuous service";
5. Where two or more Members have identical service, precedence shall be given to the Member having no or the least number of years break in service;
6. Where the matter is not determinable under paragraphs 3 or 4, regard shall be had to previous service, if any, discounted by reason of paragraph 4 (a break in continuous service) and otherwise to alphabetical order by surname.

7. Any Member who is appointed as the Deputy Mayor part way through a municipal year and who has not previously held the office of Mayor or Deputy Mayor shall be eligible to be offered the Office of Deputy Mayor for any subsequent full municipal year. The relevant Member's service as Deputy Mayor for part of a municipal year shall be disregarded on the application of paragraph 2 and service as Deputy Mayor for the said municipal year shall not be deemed to have taken place when applying the criteria at paragraph 2.

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## Minutes of General Purposes and Arbitration Committee

**3 August 2023 at 6.05pm**

**Present:** Councillor Dhariwal (Vice Chair in the Chair);  
Councillors Johnston and Maycock.

**In Attendance:** Charlotte Leadbetter-Chase (Operations Manager –  
Independent Living Team), Susanne Moore (Business  
Partner – Adult Social Care and Public Health) and  
Trisha Newton (Deputy Democratic Services Manager).

11/23      **Apologies for absence**

Apologies for absence were received from the Chair,  
Councillor Melia.

12/23      **Declarations of Interest**

There were no interests declared at the meeting.

13/23      **Minutes**

**Resolved** that the minutes of the meeting held on 14  
March 2023 be confirmed as a correct record.

14/23      **Urgent Items of Business**

There were no additional items of business to consider as a  
matter of urgency.

15/23

### **Nomination for Honorary Alderwomen**

The Local Government Act 1972 gave authority to the Council to confer the honour of Honorary Aldermen/ Alderwomen of the Borough on elected members who had given eminent service to the Borough.

In accordance with the Council's scheme, a nomination had been received from Councillor Hughes in respect of former councillor Elaine Costigan who had served on the Council for 20 years, sitting on a number of Committees, most notably serving as Cabinet Member for Health and Protection and as Town Lead for Wednesbury, as well as being an active volunteer in the community having served on community and friends groups.

**Resolved** that Council be recommended to confer the title of Honorary Alderwoman on Elaine Costigan in recognition of her eminent service to the Borough of Sandwell.

16/23

### **Leonard Andrews Poole Trust Annual Report 2022/23**

The Committee was informed that the Leonard Andrews Poole Trust was established in 1980 and was registered with the Charities Commission.

The Trust held shares on deposit with COIF Charities Investment Fund managed by the CCLA and interest accumulated from the investment could be utilised for the benefit of care homes managed by Sandwell Council.

No financial expenditure had been incurred during municipal year 2022/23.

The Committee considered the financial position and recommended that options be provided to a future meeting to ensure that the investment was providing the best return for the charity following recent changes to interest rates.

## **Request for Leonard Andrews Poole Trust funds for garden furniture at Harvest View Health and Social Care Centre**

Sandwell's new flagship social care and health facility, Harvest View, opened to residents in November 2022 and offered specialist support from both social care and health staff all under one roof, with 80 en-suite rooms and friendly communal areas as well as lovely outdoor spaces.

The facility enabled people to get back home after a hospital visit and also those who needed some structured support to avoid a hospital stay altogether. Harvest View replicated the home environment, where residents could be encouraged back to their normal health in familiar surroundings. The focus was on maintaining and improving independent living rather than specifically treating the medical condition.

The outdoor areas consisted of lawned areas, flat winding pathways to encourage mobility and raised beds for gardening and growing vegetables. There was a large area that was designed as a communal space to encourage interaction between residents, with a view that this would house tables and chairs for a relaxed outdoor space for residents to enjoy. This could be a place for rest, relaxation, communication or visits from family/friends or an outdoor dining space.

Unfortunately, there were not sufficient funds nor contracts available at the time of the build of Harvest View to source tables and chairs for this outdoor area and an application was now submitted seeking funds. The request aligned with the priorities for the Leonard Andrews Poole Trust funding and would have a great impact on the quality of service provided at Harvest View.

The request for funding was approved, however, going forward, the Committee would welcome wish lists from the two homes who could request funding from the Trust to ensure that the Committee could prioritise spending of funds.

**Resolved** that a procurement exercise be authorised to source garden furniture to meet the needs of the residents at Harvest View Health and Social Care Centre with funding approved at an estimated cost of £5,000.

Meeting ended at 7.07pm

Contact: [democratic\\_services@sandwell.gov.uk](mailto:democratic_services@sandwell.gov.uk)

# Minutes of General Purposes and Arbitration Committee

**22 September 2023 at 5.00pm  
at Sandwell Council House, Oldbury**

**Present:** Councillor Dhariwal (Vice Chair in the Chair);  
Councillors Johnston and Maycock.

**In Attendance:** Tony McGovern – Director of Regeneration and Growth, Manjit Gill – HR Business Partner, Kira Fleck – Principal Officer: Parking and Road Safety, I King - Unison, M Law - Unite, D James - GMB, Trisha Newton - Deputy Democratic Services Manager and Johane Gandiwa - Constitutional and Committee Services Lead Officer.

24/23      **Apologies for absence**

Apologies for absence were received from the Chair, Councillor Melia.

25/23      **Declarations of Interest**

There were no interests declared at the meeting.

26/23      **Minutes**

**Resolved** that the minutes of the meeting held on 3 August 2023 be confirmed as a correct record.

27/23      **Urgent Items of Business**

There were no additional items of business to consider as a matter of urgency.

28/23      **Nominations for Sandwell & West Birmingham NHS Trust for the status of Freedom of the Borough**

The Local Government Act 1972 gave authority to the Council to confer the Freedom of the Borough on any person who had given eminent service to the Borough.

In accordance with the Council's scheme, a nomination had been received from Councillor Hartwell in respect of Sandwell & West Birmingham NHS Trust. The Trust had delivered in a way that had brought distinction to the borough and enhanced the borough's reputation. The Trust had also made a significant improvement to the life of others in the borough through eminent service in relation to public service.

**Resolved** that Council be recommended to confer the title of Freedom of the Borough to Sandwell & West Birmingham NHS Trust in recognition of its eminent service to the Borough of Sandwell.

29/23

### **Exclusion of the Public**

**Resolved** that the public and press be excluded from the rest of the meeting to avoid the possible disclosure of exempt information under Schedule 12A to the Local Government Act, 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.

30/23

### **Failure to Agree – Car Parking**

The Committee considered a failure to agree in relation to car parking at Church Street car parks, Oldbury Council House.

At the meeting of the Joint Consultative Panel held on 17 July 2023, a failure to agree was registered regarding revised parking arrangements at the Council House.

The Committee was advised that the pre-Covid arrangement had been reverted to and there was no authority to grant free parking for anyone – this would be against any policy or officer authorisation.

The Trades Union had identified concerns around lack of consultation with those affected and status-quo did not prevail during this period, resulting in a failure to agree.

Having considered all of the information before them from both parties, the Committee was minded to uphold the decision of officers. All employees should pay for parking, as per policy. It was appreciated that there had been a local decision in place previously, however, policy could not be departed from. It was recognised that there had been a process failure and lack of awareness.

In making its decision, the Committee recommended that officers revisit the employment matter and review arrangements for specific posts where there could be financial detriment when carrying out duties.

**Resolved** that the failure to agree in respect of parking at Oldbury Council House, Church Street car park be dismissed.

31/23

### **Failure to Agree – Lack of consultations on Health and Safety Implications**

The Committee considered a failure to agree in relation to lack of consultation and health and safety implications in relation to car parking at Church Street car parks, Oldbury Council House.

At the meeting of the Joint Consultative Panel held on 17 July 2023, a failure to agree was registered regarding lack of consultation and health and safety implications in relation to revised parking arrangements at the Council House.

The Committee was advised that the pre-Covid arrangement had been reverted to and there was no authority to grant free parking for anyone – this would be against any policy or officer authorisation.

Trades Unions identified that risk assessments had not been shared in relation to a number of job groups who had previously been permitted to park at the location.

Concerns were raised with regard to the West Bromwich Street car park in respect of overgrown shrubbery and safety concerns.

Officers confirmed that local policy applied and there were lone worker policies in place.



Having considered all of the information before them from both parties, the Committee was minded to uphold the decision of officers. Whilst there had been arrangements in place historically, members could not deviate from policy. Issues arising would need to be discussed locally, however, it was not clear if risks identified had been raised with management. The Committee considered that there should be an escalation process to leadership team to consider risks identified as part of assessments undertaken. The Committee was satisfied that there were policies in place around lone workers and buddying systems in place. In the absence of the Trades Unions seeing risk assessments, officers were asked to provide these. In relation to the West Bromwich Street car park, if a risk assessment was not already in place, one should be undertaken.

**Resolved** that the failure to agree in respect of lack of consultation and health and safety implications in relation to parking at Oldbury Council House, Church Street car park be dismissed.

Meeting adjourned between 6.24pm-6.38pm and 7.30pm-7.40pm.

Meeting ended at 7.47pm

Contact: [democratic\\_services@sandwell.gov.uk](mailto:democratic_services@sandwell.gov.uk)

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# Minutes of General Purposes and Arbitration Committee

**12 October 2023 at 5.30pm**

**Present:** Councillor Dhariwal (Vice Chair in the Chair);  
Councillors Johnston and Kalari.

**In Attendance:** Tracey Hurst (Electoral Services Manager), Suky Suthi-Nagra (Democratic and Member Services Manager) and Johane Gandiwa (Committee and Constitutional Services Lead Officer).

**32/23 Apologies for absence**

Apologies for absence were received from the Chair, Councillor Melia.

**33/23 Declarations of Interest**

There were no interests declared at the meeting.

**34/23 Urgent Items of Business**

There were no additional items of business to consider as a matter of urgency.

## **Local Government Boundary Commission Periodic Electoral Review of Sandwell Metropolitan Borough Council**

The Electoral Services Manager updated the Committee on the Local Government Boundary Commission Periodic Electoral (LGBCE) Review of Sandwell Metropolitan Borough Council. The LGBCE had informed the council of its decision to carry out an electoral review of Sandwell. The review covered both the council size (number of elected councillors) and the number of wards and ward boundaries.

The Committee was advised of the detailed timelines of the boundary review process, planned governance arrangements and the methodology to be used.

The review would take place from October 2023 through to September 2025. Any changes made regarding council size and ward boundaries for Sandwell MBC would come into effect for the Local Elections in May 2026.

The successful delivery and implementation of the electoral review was a council-wide corporate priority. The delivery of the project would be overseen by the Council's Chief Executive and Senior Responsible Officer (SRO) and the Council's Monitoring Officer. A clear governance pathway for decision making and submission of the relevant information and proposals was necessary to ensure the successful delivery of the electoral review.

In November 2022, the Council resolved to undertake a further public consultation on the electoral cycle (whether to retain the current frequency of elections or move to an all-out election once every four years) during 2024. It was now proposed that the LGBCE electoral review should be prioritised and completed first, which would conclude with an all-out election to the new warding pattern. Subject to the agreement of Full Council, its previous resolution would then be implemented and a further consultation on the electoral cycle undertaken.

In response to comments and questions from the Committee, the Electoral Services Manager explained that the delivery of the project would be overseen by the Council's Chief Executive and there were adequate number of people to drive the process. A project lead would lead the process and there was a clear governance pathway for decision making and submission of the relevant information and proposals to ensure the successful delivery of the electoral review. The LGBCE would also look at other comparable Metropolitan Authorities.

The last electoral review of Sandwell MBC was conducted in 2002. The electoral changes and the arrangements came into effect at the borough-wide elections in 2004. In general, the purpose of the review, amongst others, was to ensure that there was electoral equality across all wards.

**Resolved** that Council be recommended to:

- (1) to note the Local Government Boundary Commission for England's (LGBGE) intention to carry out a periodic electoral review of Sandwell Council during the period October 2023 until September 2025 with implementation of any changes will take effect at the Local Government Election due to be held on 7 May 2026;
- (2) to authorise the Chief Executive as Senior Responsible Officer (SRO), following consultation with Group Leaders and the General Purposes and Arbitration Committee, to submit any necessary documentation or evidence to the Local Government Boundary Commission in connection with the successful delivery of the electoral review of Sandwell Council;

- (3) to establish a cross-party Boundary Review Working Group comprising 7 members to progress the electoral review of Sandwell in accordance with the Terms of Reference set out at Appendix 1;
- (4) to undertake, subject to receipt of a confirmed timetable from the LGBCE, implementation of the Full Council resolution of November 2022, an additional electoral cycle consultation be postponed until July 2026 following the all-out elections taking place on 7 May 2026 to allow implementation of Sandwell's new electoral arrangements following the conclusion of the LGBCE review.

Meeting ended at 5.55pm

Contact: [democratic\\_services@sandwell.gov.uk](mailto:democratic_services@sandwell.gov.uk)

## **Boundary Review Working Group – Terms of Reference**

### **1. Aims & Objectives**

- 1.1. To oversee the development of formal Council proposals on council size and a proposed warding pattern for submission to the Local Government Boundary Commission for England (LGBCE), ensuring full involvement and co-ordination between Members and Officers throughout the electoral review process.

### **2. Membership & Quorum**

- 2.1 The Group shall comprise up to 7 Members of the Council, allocated based on the political proportions of the council. Nominations to be made by Group Leaders to the Monitoring Officer.
- 2.2 The quorum of the Group shall be 3 Members including a minimum of 1 opposition Member.

### **3. Procedure Rules**

- 3.1 The Group shall, at its first meeting, appoint a Chair and Vice-Chair drawn from its membership.
- 3.2 The Group shall complete its task upon the LGBCE publication of its final proposals for revised electoral arrangements for Sandwell Metropolitan Borough Council.
- 3.3 Alternate/substitute arrangements will not apply.

### **4. Terms of Reference**

- 4.1 To provide support in the provision of information required by the LGBCE in their conduct of the electoral review.
- 4.2 To review representations made in relation to the electoral review and inform recommendations to be made to the General Purpose and Arbitration Committee and Full Council.

- 4.3 To facilitate, coordinate, involve and consult all Members throughout the review process to ensure effective consultation and participation in the Council's submissions.
- 4.4 To formulate draft recommendations to the LGBCE for consideration by the General Purpose and Arbitration Committee and Full Council relating to –
  - 4.4.1 the proposed total number of members of the Council.
  - 4.4.2 the proposed number and boundaries of wards for the purposes of 4.4.1.
  - 4.4.3 the proposed number of Councillors to be returned by any ward.
  - 4.4.4 the proposed name of any ward.
- 4.5 To the extent feasible within the review timeline, the Working Group will consult the General Purpose and Arbitration Committee in respect of its work and recommendations.



# Report to General Purposes and Arbitration Committee

12 October 2023

<b>Subject:</b>	Local Government Boundary Commission Periodic Electoral Review of Sandwell Metropolitan Borough Council
<b>Director:</b>	Surjit Tour Director of Law and Governance
<b>Contact Officer report author:</b>	Mike Jones, Assistant Director for Legal and Assurance <a href="mailto:Mike1_Jones@sandwell.gov.uk">Mike1_Jones@sandwell.gov.uk</a>  Tracey Hurst, Electoral Services Manager <a href="mailto:Tracey_Hurst@Sandwell.gov.uk">Tracey_Hurst@Sandwell.gov.uk</a>

## 1 Recommendations

For the reasons set out in the report it is recommended the committee notes and recommends to Council that:

- 1.1 The Local Government Boundary Commission for England's (LGBGE) intention to carry out a periodic electoral review of Sandwell Council during the period October 2023 until September 2025 be noted. Implementation of any changes will take effect at the Local Government Election due to be held on 7 May 2026.
- 1.2 The Chief Executive as Senior Responsible Officer (SRO), following consultation with Group Leaders and the General Purposes and Arbitration Committee, be authorised to submit any necessary documentation or evidence to the Local Government Boundary



Commission in connection with the successful delivery of the electoral review of Sandwell Council.

- 1.3 A cross-party Boundary Review Working Group comprising 7 members be established to progress the electoral review of Sandwell in accordance with the Terms of Reference set out at Appendix 1 to this report.
- 1.4 Subject to receipt of a confirmed timetable from the LGBCE, implementation of the Full Council resolution of November 2022 to undertake an additional electoral cycle consultation be postponed until July 2026 following the all-out elections taking place on 7 May 2026 to allow implementation of Sandwell's new electoral arrangements following the conclusion of the LGBCE review.







## 2 Reasons for Recommendations

- 2.1 The LGBCE has informed the council of its decision to carry out an electoral review of Sandwell Metropolitan Borough Council (MBC). The review covers both the council size (number of elected councillors) and the number of wards and ward boundaries.
- 2.2 The purpose of this report is to advise of the start of the electoral review and detail the timeline, planned governance arrangements and methodology for the review process.
- 2.3 The review will take place from October 2023 through to September 2025. Any changes made regarding council size and ward boundaries for Sandwell MBC will come into effect for the Local Elections in May 2026.
- 2.4 The successful delivery and implementation of the electoral review is a council-wide corporate priority. The delivery of the project will be overseen by the Council's Chief Executive and SRO, and the Council's Monitoring Officer. A clear governance pathway for decision making and submission of the relevant information and proposals is necessary to ensure the successful delivery of the electoral review.
- 2.5 Members will recall that Full Council in November 2022 resolved to undertake a further public consultation on the electoral cycle (whether to retain the current frequency of elections or move to an all-out election



once every four years) during 2024. It is proposed that the LGBCE electoral review be prioritised and completed first, which will conclude with an all-out election to the new warding pattern. Subject to the agreement of Full Council, its previous resolution would then be implemented and a further consultation on the electoral cycle undertaken.

### 3 How does this deliver objectives of the Corporate Plan?

	Best start in life for children and young people
	People live well and age well
	Strong resilient communities  The Council plays a major part in promoting local democracy, encouraging people to register as electors, providing information about local issues and providing pathways by which people can influence decision-making. Electoral reviews seek to establish and maintain the conditions for a fair and representative democracy at local level. In addition, the review will ensure that the council size is appropriate for ensuring that the Council is able to deliver on its corporate priorities and in a manner consistent with the Council's desire to be open and accountable to its residents.
	Quality homes in thriving neighbourhoods
	A strong and inclusive economy
	A connected and accessible Sandwell  The geographic configuration of wards through the review process will be undertaken in accordance with LGBCE requirements. These include recognition of the need to ensure community identity and accessibility within wards, often associated with key community facilities, infrastructure and transport hubs.



### 3 Background

- 3.1 The last electoral review of Sandwell MBC was conducted in 2002. This established the current council size of 72 councillors, representing 24 wards, all of which represented by 3 Councillors. The Borough of Sandwell (Electoral Changes) Order 2003 was laid, and the arrangements came into effect at the borough-wide elections in 2004.
- 3.2 The purpose of an electoral review is to consider the total number of councillors elected to the Council, the names, number and boundaries of the wards, and the number of councillors to be elected for each ward.
- 3.3 The LGBCE has given notice that it intends to carry out electoral reviews of all English local authorities that have not been reviewed in twelve or more years, of which Sandwell MBC is one. The LGBCE are currently undertaking several electoral reviews across the West Midlands, including Dudley, Coventry, and Walsall Councils. Timetables vary by council, and it is important to note that other councils are at different stages of their review process.
- 3.4 The LGBCE held a meeting with the Council's Chief Executive in August 2023, followed up by a letter from the Chair of the Commission confirming their intention to conduct a periodic electoral review of Sandwell MBC.
- 3.5 A briefing was held in September 2023 by the Commission with officers from across all key departments of the Council involved in the delivery of the review. On the 26 September 2023 the LGBCE provided a briefing for all Group Leaders about the review. The LGBCE will be providing a briefing to all councillors during November 2023 (date to be confirmed). A detailed information pack prepared by the LGBCE will be circulated following the briefing.
- 3.6 The LGBCE can be invited at the request of the Local Authority, or they can intervene themselves. Thresholds for intervention are whether a ward has an electorate of +/- 30% from the average electorate for the authority and/ or if over 30% of all wards have an electorate of +/- 10% from the average electorate for the authority.



3.7 Whilst wards in Sandwell MBC have not breached the threshold of elector ratios to impose an electoral review, LGBCE practice is to cyclically review all councils to reflect changes in electorate distribution and density which naturally occur over time. Appendix 2 to this report details the current electorate for each ward against the average electorate used to calculate the threshold and give context for the review.

## 4 Context and Key Issues

### 4.1 Review Timetable

4.2 The Council is currently in the initial stages of the review where briefings take place between the LGBCE, Members and Officers, and the project delivery methodology are established and agreed. This is known as the preliminary period.

4.3 There are two core components of an electoral review – determining council size and setting ward boundaries, summarised below. Further detail is provided later in this report

- **Council Size:** Before ward boundaries are redrawn, the Commission will come to a view on the total number of councillors to be elected to the Council in future. A decision on council size is concluded after hearing the Council's (and/or councillors') views during the preliminary phase.
- **Ward boundaries:** Secondly the commission will redraw ward boundaries so that they meet statutory criteria. The Council will have an opportunity to put forward ideas regarding the boundaries in two phases of public consultation.

4.4 The two parts of the electoral review are broken down into a series of stages with specific timetables attached, as detailed in the table below/overleaf. A copy of the LGBCE timetable is shown in Appendix 3 to this report.



Stage	Action	Duration	Dates
Preliminary Period	Informal dialogue with local authority. Focus on gathering preliminary information including electorate forecasts and other electoral data. Commissioner-level involvement in briefing group leaders on the issue of council size. Meetings also held with officers, group leaders, full council and, where applicable, parish and town councils. At the end of this process, the council under review and its political groups should submit their council size proposals for the Commission to consider.	Up to 6 months in advance of formal start of review	July 2023 to April 2024
Council size submission	Submit the Council's Council Size Submission together with all the necessary accompanying documentation including electoral forecast data to the commission	up to 6 months	Deadline 8 April 2024
Council Size Decision	Commission analyses submissions from local authority and/or political groups on council size and takes a 'minded to' decision on council size	5 weeks	June 2024
<b>Formal start of review</b>			
Consultation on future warding/division recommendations	The Commission publishes its initial conclusions on council size. General Invitation to submit warding/division proposals based on Commission's conclusions on council size	12 weeks	June 2024 to August 2024
Development on draft recommendations	Analysis of all representations received. The Commission reaches conclusions on its draft recommendations	12 weeks	August to October 2024
Consultation on draft recommendations	Publication of draft recommendations and public consultation on them	8 weeks	November 2024 to January 2025
Further consultation (if required)	Further consultation only takes place where the Commission is minded to make significant changes to its draft recommendations and where it lacks sufficient evidence of local views in relation to those changes	Up to 5 weeks	February 2025 to March 2025
Development of final recommendations	Commission analyses submissions from local authority and/or political groups on council size and takes a 'minded to' decision on council size	12 weeks	March to April 2025
Final recommendations published	Commission publish final recommendations report and mapping information		1 April 2025
Order laid	Electoral arrangements order laid before parliament		Spring 2025
Order made	Enactment of legislation		Summer 2025
Whole Council Elections	Local Elections "Whole Council" elections to implement review		7 May 2026

4.5 The deadline for the Council's submission on council size is 8 April 2024. A draft submission will be presented to Council ahead of the deadline. The second stage involving the consultation on ward boundaries will commence following the local elections in May 2024.

4.6 The final stage of the review will take place in 2025 when the LGBCE's final recommendations are presented before Parliament and the Sandwell Electoral Arrangements Order enacted in law. Any changes contained within the Order will be implemented at the Local Elections scheduled for 7 May 2026.

#### 4.7 The review process

4.8 The review process will take approximately two years and includes at least two phases of public consultation where proposals/comments on the number of councillors and proposed ward boundaries will be invited.





- 4.9 A cross-party member working group will be established together with an officer working group to prepare and deliver the Council's submission (draft Terms of Reference for the member Boundary Review Working Group are set out at Appendix 1).
- 4.10 Regular updates will be provided to Leadership Team, Cabinet and Group Leaders. Draft submissions throughout the entire review process will be presented to the General Purposes and Arbitration Committee with final approval by Full Council.
- 4.11 Throughout the process, the LGBCE aims to work closely with the Council, local people, and organisations. Any consultations held will be with a view to ensure that they are as inclusive and accessible as possible.
- 4.12 The review process aims to deliver efficient and representative local government, with wards and ward boundaries that are fair for voters and reflect community ties. The review process can also help councils align local leadership ambitions with their decision-making arrangements.
- 4.13 Local Government in England has changed since the last electoral review was implemented. Decision-making arrangements are now fundamentally different, the ways by which services are commissioned, designed, and delivered are constantly evolving and councillors' representational roles have changed.
- 4.14 It is important to note that the LGBCE cannot change or take account of the boundaries of Parliamentary constituencies. These are reviewed under separate legislation by a separate body. In addition, the LGBCE recommendations do not affect local taxes, addresses or postcodes. Nor is there any evidence that LGBCE recommendations have an adverse effect on house prices or car/house insurance premiums.
- 4.15 The LGBCE do not determine the size and shaping of polling districts of the Council or the location of polling stations. This is a decision for the Council.



## 4.16 Part 1: Council Size

- 4.17 The first part of the process is the invitation from LGBCE for the Council to make a submission on council size - that is the total number of councillors to be elected to the Council.
- 4.18 The Council will need to ensure that its submission on the number of councillors required is an effective representation, and that it addresses consideration of all three criteria below.
- 4.19 This will mean that the content is based on rationale and not assertion. The submission will need to include practical community examples and clear evidence.
- 4.20 Alongside the council size submission, the Council is required to submit information on current electoral data, as well as a detailed forecast electorate for 2030 with a clear explanation of the methodology used to calculate the forecast electorate. Following receipt of any submissions, the LGBCE will make its judgment on council size considering three broad areas:
- The **governance arrangements** of the Council and how it takes decisions across the broad range of its responsibilities.
  - The **Council's scrutiny functions** relating to its own decision making and the Council's responsibilities to outside bodies.
  - The **representational role of councillors in the local community** and how they engage with people, conduct casework, and represent the Council on local partner organisations.
- 4.21 The LGBCE emphasise that any submission to them on council size (whether it is for an increase, reduction, or maintaining current arrangements) should address these areas. It is critical that the view on council size is robustly supported by evidence.
- 4.22 To assist the Council, the LGBCE ask that councils under review use and complete the LGBCE's submission template for this purpose which specifies the topics and key lines of explanation. An example of the Commission's template is shown in Appendix 4 to this report.





4.23 When putting forward a council size submission, the LGBCE will assess the number proposed councillors against neighbouring and peer authorities as set out by CIPFA. This information will be provided for all councillors in the guide issued to them by the LGBCE preceding the councillor briefing.

4.24 To ensure that the Council provides sufficient evidence to support its submission, a councillor journal will form part of the submission in addition to a councillor survey. This will be crucial in providing evidence around the representation role of the Council's elected members.

4.25 Further information relating to both the survey and journal will be provided to all members following their briefing from the LGBCE.

#### **4.26 Part 2: Warding Patterns**

4.27 Following receipt of representations on council size, the LGBCE will confirm their decision to the Council on their determination of Sandwell's council size. This will then allow the second part of the review process to commence.

4.28 Part 2 of the review process incorporates two phases of public consultation. The process remains the responsibility of the LGBCE throughout the review.

4.29 The first phase involves the LGBCE inviting the Council to present its proposals for new ward boundaries. The Commission will use responses to that consultation to develop and propose draft recommendations for new boundaries across the borough.

4.30 The LGBCE will then hold a second round of consultation on the draft recommendations which the council will again be able to comment on and propose alternatives.

4.31 The LGBCE will then proceed to draw up the new electorate arrangements that provide the best balance of the statutory criteria within which they must make their decisions. The criteria include three main elements –



- **Delivering electoral equality for local voters**  
This means ensuring that each councillor represents roughly the same number of voters so that the value of an elector's vote is the same regardless of where they live in the local authority area.
- **Interests and identities of local communities**  
This means establishing electoral arrangements which, as far as possible, avoid splitting local ties and where boundaries are easily identifiable.
- **Effective and convenient local government**  
This means ensuring that the wards can be represented effectively by their elected representative(s) and that the new electoral arrangements, including both the council size decision and warding arrangements, allow the local authority to conduct its business effectively.

4.32 The LGBCE encourages and welcomes participation on the review from a wide variety of local sources as possible. In their communications, the Commission target three broad audiences.

- The Council – elected members, staff, local political parties (including MPs).
- Members of the public.
- Local organisations – residents' groups and other local organisations with an emphasis on groups that will enable the LGBCE to meet their responsibilities under the Equality Act.

#### 4.33 Full Council decision – proposed further consultation on electoral cycle

4.34 In March 2022, Sandwell MBC received Statutory Directions from the Secretary of State for Levelling Up, Housing and Communities (DLUHC). The Directions set out the requirement of the council to develop, agree and deliver an Improvement Plan.

4.35 In response to the directions on the 1 June 2022, the council published its Improvement Plan. The plan outlined several objectives, workstreams and aims. Page 24 of the plan, Theme 4 - Decision-making states the council will “explore options around a four-year electoral cycle”



- 4.36 The Council undertook public consultation over a 6-week period during July 2022 in respect of options for its electoral cycle, the options being –
- Election by thirds (elections based on a 4 yearly cycle with the final year no elections); or
  - Whole Council Elections once every fourth year.
- 4.37 Participation in the consultation process was limited, with a response rate of 0.25%. Full Council at its extraordinary meeting of 22 November 2022 therefore resolved to retain its current electoral cycle. In addition, Full Council resolved to undertake a further consultation on future arrangements for the electoral cycle during 2024.
- 4.38 In June 2023 Sandwell’s Commissioners submitted their latest report to the Secretary of State, including comments on their 12 proxies for success. Commissioners directly addressed the electoral cycle, stating -
- “(12) The Council has considered properly and decided as to whether to move to a four-yearly electoral cycle. As reported in our letter to you in December 2022, we consider this question was properly considered by the Council, that a comprehensive report was properly considered and debated. For this reason, we consider this proxy fully satisfied.”*
- 4.39 Since the Full Council resolution of November 2022 and publication of the Commissioners latest letter in June 2023, the LGBCE formally notified the Council of its intention to commence a boundary review of Sandwell MBCs electoral arrangements as detailed earlier in this report. As this process commences during October 2023 with a projected schedule for completion of 2026, this will directly impact on the Council’s ability to conduct another electoral cycle review in 2024.
- 4.40 Undertaking another consultation on the electoral cycle so soon after the first one could be seen negatively by residents and impact on responses/engagement. Postponing a further consultation on the electoral cycle until after implementation of any LGBCE recommendations at the all-out elections in May 2026 would help to provide strong evidence and accurate data on the impact and costs of all out elections compared to elections by thirds. This enables meaningful and evidence-based arguments to be presented to residents to be able to allow council to make a more informed decision.



4.41 For the above reasons, and to recommended that the electoral cycle review referred to above be postponed until 2026 to enable the local government boundary review to be first completed.

## 5 Implications

<b>Resources:</b>	Existing council officers form part of the project group for delivery. The Council’s Monitoring Officer will lead the delivery of the review. Resources required to support the delivery of the LGBCE electoral review are contained within the Council’s existing budgetary provisions.
<b>Legal and Governance:</b>	<p>The LGBCE operates under the provisions of Part 3 of the Local Democracy, Economic Development &amp; Construction Act 2009 (the 2009 Act). This established the LGBCE in place of the former Boundary Committee of the Electoral Commission.</p> <p>Under S56(1) of the 2009 Act, the LGBCE must, from time to time, conduct a review of the area of each principal council, and recommend whether a change should be made to the electoral arrangements. In this regard, “electoral arrangements” means:</p> <ul style="list-style-type: none"> <li>• The total number of councillors</li> <li>• The number and boundaries of electoral areas for the election of councillors</li> <li>• The number of councillors to be returned by any electoral area</li> <li>• The name of the electoral area</li> </ul> <p>The legislation does not set out how many councillors each authority (or type of authority) will have. It is the LGBCE’s responsibility to determine the appropriate number of councillors for each authority.</p> <p>In making its recommendations, Schedule 2 to the 2009 Act requires the LGBCE to have regard to:</p> <p>(a) The need to secure that the ratio of the number of local government electors to the number of councillors</p>



is, as nearly as possible, the same in every electoral area – over the five-year period following the implementation of recommendations

(b) The need to reflect the identities and interests of local communities and, the desirability of fixing boundaries:

- which are and will remain easily identifiable
- so as not to break any local ties

(c) The need to secure effective and convenient local government

Schedule 2 to the 2009 Act also states that the LGBCE should consider any change to the number and distribution of electors that is likely to take place within the five years following the end of a review.

This requirement means that, at the start of the review the LGBCE asks us to provide them with six-year forecasts of electorate changes in all polling districts, i.e., up to 2030.

The LGBCE's decision on council size will mark the formal start to the review process. However, this decision will not be formalised until their Final Recommendations are agreed and published at the end of the process.

This is because the number of councillors may change marginally (generally  $\pm 1$ ) from the initial decision if it is felt that modifying the number of councillors may provide for a pattern of wards that better reflects the three statutory criteria referred to in paragraph 4.31.

The Final Recommendations describe the complete set of electoral arrangements, including ward names and locations, as well as the number of elected members.

These recommendations will be implemented at the next scheduled borough council elections in May 2026 by means of an Order laid before Parliament.





<p><b>Risk:</b></p>	<p>Sandwell Council has a duty to comply with the LGBCE during an electoral review.</p> <p>The main risk is that if a proper and robust review is not conducted, there may be an unfair and disproportionate number of members to electors throughout the borough.</p> <p>If the Council does not produce a detailed, evidenced-based submission on its council size, the LGBCE will impose its own recommendations for the future electoral arrangements for Sandwell. The Council's submission must be clear and evidence the Council's requirements.</p>
<p><b>Equality:</b></p>	<p>Under the Equality Act 2010, Section 149 states a public authority must, in the exercise of its functions, have due regard to the need to:</p> <ul style="list-style-type: none"> <li>• eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;</li> <li>• advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;</li> <li>• foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</li> </ul> <p>In this regard, the Council must consider whether the decision will or could have a differential impact on ethnic minorities; people with disabilities; people of a particular sexual orientation; people due to their age; people due to their gender; people due to their religious belief; or people who are pregnant</p> <p>The Council must ensure that all communications are as inclusive and accessible as possible throughout the review. It is not however, considered that an equality impact assessment is necessary for the purpose of responding to the LGBCE on the number of councillors or patterns of ward boundaries.</p>



<b>Health and Wellbeing:</b>	There are no implications of the proposals on health and wellbeing of our communities arising from this report.
<b>Social Value:</b>	There are no implications for social value and how the proposals are meeting this (for e.g., employment of local traders, young people) arising from this report.
<b>Climate Change:</b>	There are no relevant climate change implications arising from this report.
<b>Corporate Parenting:</b>	There are no corporate parenting implications arising from this report.

## 6 Next Steps

- 6.1 Following the General Purposes and Arbitrations Committee recommendation and approval by Council of the contents of this report and its recommendations the first part of the review will commence.
- 6.2 Meetings will take place between officers and the cross-party member Boundary Review Working Group to start to gather and collate relevant data and information.
- 6.3 Following the Commissions briefing to all Councillors in early November an information pack will be distributed.
- 6.4 A further report and a draft council size submission will be presented to the General Purposes and Arbitration Committee through to full Council in February 2024.

## 7 Appendices

- 7.1 Appendix 1: Cross Party Working Group Terms of Reference
- 7.2 Appendix 2: Current Ward electorate totals and variation
- 7.3 Appendix 3: LGBCE Timetable of review
- 7.4 Appendix 4: LGBCE example template council size submission



## 8 Background Papers

### 8.1 LGBCE Technical Guidance

<https://www.lgbce.org.uk/sites/default/files/2023-03/technical-guidance-2021.pdf>

### 8.2 Sandwell Electoral Order 2003

<https://www.legislation.gov.uk/ukxi/2003/2510/made/data.xht?view=snippet&wrap=true>





## Current Ward Electorate Totals

## Appendix 2

This table shows that there are currently 4 wards that breach the 10% ratio against the average electorate total.

Ward	Electorate	Average	Difference
Abbey	8,491	9722	-12.7%
Blackheath	9,228	9722	-5.1%
Bristnall	9,009	9722	-7.3%
Charlemont with Grove Vale	9,343	9722	-3.9%
Cradley Heath and Old Hill	10,518	9722	8.2%
Friar Park	8,840	9722	-9.1%
Great Barr with Yew Tree	9,818	9722	1.0%
Great Bridge	9,862	9722	1.4%
Greets Green and Lyng	9,530	9722	-2.0%
Hateley Heath	10,295	9722	5.9%
Langley	9,584	9722	-1.4%
Newton	8,683	9722	-10.7%
Old Warley	9,236	9722	-5.0%
Oldbury	10,242	9722	5.3%
Princes End	9,455	9722	-2.7%
Rowley	9,853	9722	1.3%
Smethwick	9,948	9722	2.3%
Soho and Victoria	11,023	9722	13.4%
St. Paul's	10,667	9722	9.7%
Tipton Green	10,707	9722	10.1%
Tividale	9,198	9722	-5.4%
Wednesbury North	9,260	9722	-4.8%
Wednesbury South	10,217	9722	5.1%
West Bromwich Central	10,328	9722	6.2%
Total	233,335		
Average electorate per ward	9722		

\*Electorate correct as of August 2023

## Appendix 3

### Sandwell Metropolitan Borough Council: Electoral Review Timetable

These timetables outline the key dates and activities for both the Council (shown in bold) and the Commission during the review process.

#### Preliminary Period

<b>Briefings</b>	<b>Attendees</b>		<b>Key Dates</b>
	<b>Council</b>	<b>LGBCE</b>	
<b>Preliminary Meeting</b>	<b>Council Leader Chief Executive</b>	Chair Chief Executive	<b>15 August 2023</b>
<b>Officer Briefing</b>	<b>Council Officers involved in review</b>	Review Manager Review Officer	<b>18 September 2023</b>
<b>Group Leader Briefing</b>	<b>Council Group Leaders</b>	Lead Commissioner Review Manager Review Officer	<b>26 September 2023</b>
<b>Full Council Briefing</b>	<b>All Councillors</b>	Lead Commissioner Review Manager Review Officer	<b>Early November 2023</b>
Parish/Town Council & Local Groups Briefing	Not required	Review Manager Review Officer	<b>Late May/ Early June 2024</b>

#### Council Size

<b>Activity</b>	<b>Involvement</b>		<b>Key Dates</b>
	<b>Council</b>	<b>LGBCE</b>	
<b>Develop council size proposal</b>	<b>Council Political Groups</b>	Officers will be available to answer any technical queries on making a submission.	<b>Now until April 2024</b>
<b>Submission of council size proposals</b>	<b>Council Political Groups</b>	Officers will acknowledge receipt of submissions.	<b>8 April 2024</b>
Commission Meeting: Council Size	Not required	Commission	21 May 2024

## Warding Patterns

<b>Activity</b>	<b>Involvement</b>		<b>Key Dates</b>
	<b>Council</b>	<b>LGBCE</b>	
<b>Consultation on warding patterns</b>	<b>Council Political Groups General Public</b>	Run consultation, collate & analyse responses.	<b>28 May 2024 – 5 August 2024</b>
Commission Meeting: Draft Recommendations	Not required	Commission	<b>15 October 2024</b>
<b>Consultation on Draft Recommendations</b>	<b>Council Political Groups General Public</b>	Publish draft recommendations. Run consultation, collate & analyse responses.	<b>29 October 2024 – 6 January 2025</b>
Commission Meeting: Final Recommendations	Not required	Commission	<b>18 March 2025</b>
Final Recommendations Published	Not required	Commission publish final recommendations report and mapping	<b>1 April 2025</b>

## Order

<b>Activity</b>	<b>Involvement</b>		<b>Key Dates</b>
	<b>Council</b>	<b>LGBCE</b>	
Order laid	Not required	Commission	Spring 2025
Order made	Not required	Commission	Summer 2025
<b>Implementation</b>	<b>Council</b>	Not required	<b>2026</b>

[Insert name of submission organisation/group/individual here]

# Council Size Submission: Template

[Insert Local Authority Name Here]

## Contents

How to Make a Submission .....	2
About You .....	2
Reason for Review (Request Reviews Only) .....	2
Local Authority Profile .....	3
Council Size .....	3
Other Issues .....	7

## How to Make a Submission

It is recommended that submissions on future governance arrangements and council size follow the guidance provided and use the format below as a template. Submissions should be treated as an opportunity to focus on the future needs of the council and not simply describe the current arrangements. **Submissions should also demonstrate that alternative council sizes have been considered in drawing up the proposal and why you have discounted them.**

The template allows respondents to enter comments directly under each heading. It is not recommended that responses be unduly long; as a guide, it is anticipated that a 15 to 20-page document using this template should suffice. Individual section length may vary depending on the issues to be explained. Where internal documents are referred to URLs should be provided, rather than the document itself. It is also recommended that a table is included that highlights the key paragraphs for the Commission's attention.

'Good' submissions, i.e. those that are considered to be most robust and persuasive, combine the following *key success components* (as set out in the guidance that accompanies this template):

- Clarity on objectives
- A straightforward and evidence-led style
- An understanding of local place and communities
- An understanding of councillors' roles and responsibilities

## About You

The respondent should use this space to provide the Commission with a little detail about who is making the submission, whether it is the full Council, Officers on behalf of the Council, a political party or group, a resident group, or an individual.

[Click or tap here to enter text.](#)

## Reason for Review (Request Reviews Only)

Please explain the authority's reasons for requesting this electoral review; it is useful for the Commission to have context. *NB/ If the Commission has identified the authority for review under one of its published criteria, then you are not required to answer this question.*

[Click or tap here to enter text.](#)

## The Context for your proposal

Your submission gives you the opportunity to examine how you wish to organise and run the council for the next 15 - 20 years. **The consideration of future governance arrangements and council size should be set in the wider local and national policy context.** The Commission expects you to challenge your current arrangements and

determine the most appropriate arrangements going forward. In providing context for your submission below, please demonstrate that you have considered the following issues.

- When did your Council last change/reorganise its internal governance arrangements and what impact on effectiveness did that activity have?
- To what extent has transference of strategic and/or service functions impacted on the effectiveness of service delivery and the ability of the Council to focus on its remaining functions?
- Have any governance or capacity issues been raised by any Inspectorate or similar?
- What influence will local and national policy trends likely have on the Council as an institution?
- What impact on the Council's effectiveness will your council size proposal have?

[Click or tap here to enter text.](#)

### Local Authority Profile

**Please provide a short description of the authority and its setting, in particular the local geography, demographics and community characteristics.** This should set the scene for the Commission and give it a greater understanding of any current issues. The description should cover all of the following:

- Brief outline of area - are there any notable geographic constraints for example that may affect the review?
- Rural or urban - what are the characteristics of the authority?
- Demographic pressures - such as distinctive age profiles, migrant or transient populations, is there any large growth anticipated?
- Community characteristics – is there presence of “hidden” or otherwise complex deprivation?
- Are there any other constraints, challenges, issues or changes ahead?

Further to providing a description, the Commission will be looking for a submission that demonstrates an understanding of place and communities by putting forth arguments on council size based upon local evidence and insight. For example, how does local geography, demographics and community characteristics impact on councillor casework, workload and community engagement?

[Click or tap here to enter text.](#)

### Council Size

The Commission believes that councillors have three broad aspects to their role. These are categorised as: **Strategic Leadership, Accountability (Scrutiny, Regulatory and Partnerships), and Community Leadership.** Submissions should address each of these in turn and provide supporting evidence. Prompts in the boxes below should help shape responses.

#### Strategic Leadership

Respondents should provide the Commission with details as to how elected members will provide strategic leadership for the authority. Responses should also indicate how many members will be required for this role and why this is justified. **Responses should demonstrate that alternative council sizes have been explored.**

Topic	
<b>Governance Model</b>	<p><i>Key lines of explanation</i></p> <ul style="list-style-type: none"> <li>➤ <i>What governance model will your authority operate? e.g. Committee System, Executive or other?</i></li> <li>➤ <i>The Cabinet model, for example, usually requires 6 to 10 members. How many members will you require?</i></li> <li>➤ <i>If the authority runs a Committee system, we want to understand why the number and size of the committees you propose represents the most appropriate for the authority.</i></li> <li>➤ <i>By what process does the council aim to formulate strategic and operational policies? How will members in executive, executive support and/or scrutiny positions be involved? What particular demands will this make of them?</i></li> <li>➤ <i>Whichever governance model you currently operate, a simple assertion that you want to keep the current structure does not in itself, provide an explanation of why that structure best meets the needs of the council and your communities.</i></li> </ul>
	<p>Analysis <a href="#">Click or tap here to enter text.</a></p>
<b>Portfolios</b>	<p><i>Key lines of explanation</i></p> <ul style="list-style-type: none"> <li>➤ <i>How many portfolios will there be?</i></li> <li>➤ <i>What will the role of a portfolio holder be?</i></li> <li>➤ <i>Will this be a full-time position?</i></li> <li>➤ <i>Will decisions be delegated to portfolio holders? Or will the executive/mayor take decisions?</i></li> </ul>
	<p>Analysis <a href="#">Click or tap here to enter text.</a></p>
<b>Delegated Responsibilities</b>	<p><i>Key lines of explanation</i></p> <ul style="list-style-type: none"> <li>➤ <i>What responsibilities will be delegated to officers or committees?</i></li> <li>➤ <i>How many councillors will be involved in taking major decisions?</i></li> </ul>
	<p>Analysis <a href="#">Click or tap here to enter text.</a></p>

### Accountability

Give the Commission details as to how the authority and its decision makers and partners will be held to account. The Commission is interested in both the internal and external dimensions of this role. **Responses should demonstrate that alternative council sizes have been explored.**

Topic	
<b>Internal Scrutiny</b>	The scrutiny function of authorities has changed considerably. Some use theme or task-and-finish groups, for example, and others have a committee system. Scrutiny arrangements may also be affected by the officer support available.



<i>Key lines of explanation</i>		<ul style="list-style-type: none"> <li>➤ <i>How will decision makers be held to account?</i></li> <li>➤ <i>How many committees will be required? And what will their functions be?</i></li> <li>➤ <i>How many task and finish groups will there be? And what will their functions be? What time commitment will be involved for members? And how often will meetings take place?</i></li> <li>➤ <i>How many members will be required to fulfil these positions?</i></li> <li>➤ <i>Explain why you have increased, decreased, or not changed the number of scrutiny committees in the authority.</i></li> <li>➤ <i>Explain the reasoning behind the number of members per committee in terms of adding value.</i></li> </ul>
<b>Analysis</b>		<a href="#">Click or tap here to enter text.</a>
<b>Statutory Function</b>		This includes planning, licencing and any other regulatory responsibilities. Consider under each of the headings the extent to which decisions will be delegated to officers. How many members will be required to fulfil the statutory requirements of the council?
<b>Planning</b>	<i>Key lines of explanation</i>	<ul style="list-style-type: none"> <li>➤ <i>What proportion of planning applications will be determined by members?</i></li> <li>➤ <i>Has this changed in the last few years? And are further changes anticipated?</i></li> <li>➤ <i>Will there be area planning committees? Or a single council-wide committee?</i></li> <li>➤ <i>Will executive members serve on the planning committees?</i></li> <li>➤ <i>What will be the time commitment to the planning committee for members?</i></li> </ul>
	<b>Analysis</b>	<a href="#">Click or tap here to enter text.</a>
<b>Licensing</b>	<i>Key lines of explanation</i>	<ul style="list-style-type: none"> <li>➤ <i>How many licencing panels will the council have in the average year?</i></li> <li>➤ <i>And what will be the time commitment for members?</i></li> <li>➤ <i>Will there be standing licencing panels, or will they be ad-hoc?</i></li> <li>➤ <i>Will there be core members and regular attendees, or will different members serve on them?</i></li> </ul>
	<b>Analysis</b>	<a href="#">Click or tap here to enter text.</a>
<b>Other Regulatory Bodies</b>	<i>Key lines of explanation</i>	<ul style="list-style-type: none"> <li>➤ <i>What will they be, and how many members will they require?</i></li> <li>➤ <i>Explain the number and membership of your Regulatory Committees with respect to greater delegation to officers.</i></li> </ul>
	<b>Analysis</b>	<a href="#">Click or tap here to enter text.</a>
<b>External Partnerships</b>		Service delivery has changed for councils over time, and many authorities now have a range of delivery partners to work with and hold to account.
<i>Key lines of explanation</i>		➤ <i>Will council members serve on decision-making partnerships, sub-regional, regional or national bodies? In</i>

	<p><i>doing so, are they able to take decisions/make commitments on behalf of the council?</i></p> <ul style="list-style-type: none"> <li>➤ <i>How many councillors will be involved in this activity? And what is their expected workload? What proportion of this work is undertaken by portfolio holders?</i></li> <li>➤ <i>What other external bodies will members be involved in? And what is the anticipated workload?</i></li> </ul>
Analysis	<a href="#">Click or tap here to enter text.</a>

## Community Leadership

The Commission understands that there is no single approach to community leadership and that members represent, and provide leadership to, their communities in different ways. The Commission wants to know how members are required to provide effective community leadership and what support the council offers them in this role. For example, does the authority have a defined role and performance system for its elected members? And what support networks are available within the council to help members in their duties? The Commission also wants to see a consideration of **how the use of technology and social media by the council as a whole, and by councillors individually, will affect casework, community engagement and local democratic representation. Responses should demonstrate that alternative council sizes have been explored.**

Topic		Description
Community Leadership	Key lines of explanation	<ul style="list-style-type: none"> <li>➤ <i>In general terms how do councillors carry out their representational role with electors?</i></li> <li>➤ <i>Does the council have area committees and what are their powers?</i></li> <li>➤ <i>How do councillors seek to engage with their constituents? Do they hold surgeries, send newsletters, hold public meetings or maintain blogs?</i></li> <li>➤ <i>Are there any mechanisms in place that help councillors interact with young people, those not on the electoral register, and/or other minority groups and their representative bodies?</i></li> <li>➤ <i>Are councillors expected to attend community meetings, such as parish or resident's association meetings? If so, what is their level of involvement and what roles do they play?</i></li> <li>➤ <i>Explain your approach to the Area Governance structure. Is your Area Governance a decision-making forum or an advisory board? What is their relationship with locally elected members and Community bodies such as Town and Parish Councils? Looking forward how could they be improved to enhance decision-making?</i></li> </ul>
	Analysis	<a href="#">Click or tap here to enter text.</a>
Casework	Key lines of explanation	<ul style="list-style-type: none"> <li>➤ <i>How do councillors deal with their casework? Do they pass it on to council officers? Or do they take a more in-depth approach to resolving issues?</i></li> <li>➤ <i>What support do members receive?</i></li> </ul>

		<ul style="list-style-type: none"> <li>➤ <i>How has technology influenced the way in which councillors work? And interact with their electorate?</i></li> <li>➤ <i>In what ways does the council promote service users' engagement/dispute resolution with service providers and managers rather than through councillors?</i></li> </ul>
	Analysis	<a href="#">Click or tap here to enter text.</a>

### Other Issues

Respondent may use this space to bring any other issues of relevance to the attention of the Commission.

[Click or tap here to enter text.](#)

### Summary

In following this template respondents should have been able to provide the Commission with a robust and well-evidenced case for their proposed council size; one which gives a clear explanation as to the governance arrangements and number of councillors required to represent the authority in the future.

Use this space to summarise the proposals and indicate other options considered. Explain why these alternatives were not appropriate in terms of their ability to deliver effective Strategic Leadership, Accountability (Scrutiny, Regulation and Partnerships), and Community Leadership.

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## Minutes of Audit and Risk Assurance Committee

**20 July 2023 at 5.00pm  
at Sandwell Council House, Oldbury**

**Present:** Councillor Preece (Chair);  
Councillors Anandou, L Giles, Smith and Tipper.  
Mr Ager (Vice-Chair-Independent Member).

**Officers:** Tony McGovern (Director – Regeneration and Growth), Alice Davey (Director – Borough Economy), Clair Norton (Commissioner), Peter Farrow (Audit Services and Risk Management Manager), Oliver Knight (Counter Fraud Lead), and Johane Gandiwa (Committee and Constitutional Services Lead Officer).

### 27/23 **Apologies for Absence**

An apology was received from Councillor Bhullar.

### 28/23 **Declarations of Interest**

There were no declarations of interest.

### 29/23 **Minutes**

**Resolved** that the minutes of the meeting held on 5 June 2023 be confirmed as a correct record.



## 30/23 **Urgent Additional Items of Business**

There were no urgent additional items of business.

## 31/23 **Counter Fraud Annual Report**

The Council's updated Anti-Fraud and Corruption Policy and Counter Fraud Strategy outlined details of the recent areas of counter-fraud activities undertaken by the Council's Counter Fraud Unit.

Fraud and error to the value of £28,600 had been identified, the majority of which was made up of Council Tax Reduction or Single Person Discount. An additional £512,000 worth of estimated savings based on the Cabinet Officer's notional estimated savings calculations was identified. The estimated figures were based on over 90 potentially fraudulent housing applications being cancelled prior to the allocation process beginning.

103 investigations were completed resulting in 9 prosecutions and 28 housing applications being cancelled. A further 36 properties were recovered to be relet. Prosecutions included areas of direct payments, Covid business grants, sub-letting and the theft of a council laptop.

In response to members' comments and questions, the following points were clarified/noted: -

- Covid grants investigations were completed;
- it was difficult to compare anti-fraud activities with other local authorities because of the absence of a benchmarking exercise. However, Sandwell had a bigger anti-fraud team with better results;
- in relation to tenancy fraud, reporting mechanisms were open to the public. These also included online/email direct reports which had proven to be very effective. Statistics on these would be shared with members;



- Council controls were robust. However, in one incident, a laptop had been lost to theft. An officer leaving the Council had removed the laptop from a controlled environment. However, the laptop was subsequently recovered. All Council laptops were tracked as part of the control mechanisms.
- all Directorates had asset registers and when officers left employment, there was a checklist used to ensure that all assets had been returned;
- in future reports officers would provide more information on Suspicious Activity Reports.

**Resolved** that the Council's updated Anti-Fraud and Corruption Policy and Counter Fraud Strategy be approved.

32/23

### Directorate Risk Register – Borough Economy

The Director of Borough Economy provided an update on the Directorate's Risk Register.

Risks were managed through the Council's risk management process which was set out in its Corporate Risk Management Strategy, and involved the development of risk registers at strategic, directorate, operational and project levels. A summary of the directorate risks was presented to the Committee.

In response to members' comments and questions, the following points were clarified/noted: -

- the Directorate Risk Register did not reflect Council budget risks. These were dealt with at corporate level. The directorate was key in this process through managing financial risks and the monthly approach to budget monitoring;
- the directorate would cover income generation and financial risks in future reports as these may affect service delivery. A report would be provided to the Committee at a future meeting;





- road safety was sixth on the priority list and the risk profile was projected to fall to the green category by 2024. The priorities were set using the systems and processes and criteria set at the West Midlands regional level. A range of data was looked at over a five-year period;
- the Council would publish Road Safety Plans for the year online so that residents could see in a more transparent way the priorities that were in place for the Borough;
- a 7-day traffic survey was undertaken in May 2023 following concerns from communities. 85% of the vehicles were driven below the 29 miles per hour and police were able to enforce the regulations. The evidence from the survey did not support additional safety measures;
- waste management risk had moved from Red to Amber following an agreement between the Union and Serco. The accumulation of waste was added to the risks following the illegal blockade. The risk register was updated accordingly so the risk would remain at amber. It was hoped to have the risk profile on Green in the future;
- the business continuity plan with Serco was being reviewed to manage risk;
- in respect of refuse collection, the Directorate Risk Register did not encompass contract management as that was reflected at corporate level.

Officers assured the Committee that the most recent copy of Strategic Risk Register would be provided at the next meeting of the Committee.

33/23

### **Strategic Risk Review - Customer Journey**

The Director of Regeneration and Growth presented the Customer Journey strategic risk review.

The key challenge observed was lack of consistency in dealing with customers. Other challenges in achieving the strategic objective were linked to the scale of the matter. For instance, 1.5 million contacts with clients had been made. The existing technology infrastructure was also not adequate.





The Committee was advised of the need for a cultural shift in respect to service provision. The extensive customer journey work programme was closely monitored by Cabinet and senior management. The customer journey required the Council to listen and be more attentive to the needs of customers. The Council received useful feedback from customers as well as members.

Making progress on the customer journey was key to lifting government intervention. Very high positive levels of satisfaction and feedback on the one stop shops had been recorded. Data and charts would be shared with Members.

The Council was in the process of procuring a new telephone system. The current system did not support good customer care, was out of date and did not have the functionality to transfer calls seamless across all parts of the Council. Council will select a partner for this process in due course, the strategic risk was therefore projected to continue in red up to June 2024.

In response to members' questions, the following points were clarified/noted:-

- community hubs had been successful. The satisfaction scores were impressive. Over 85% gave the Council four or five stars. Every person who attended the hubs gave positive feedback;
- data and statistics were available for the Committee. Most of the customers had housing enquiries;
- the cost of Council's pilot customer contacts was very high. A decision on continuing with the pilot exercise would be made in September in consultation with the Cabinet Member;
- the telephone system was a multifaceted challenge beyond technological considerations. A new system could not solve everything as there were other behavioural and cultural issues to be addressed;
- reported cases must not be closed prematurely and if any Councillor had a specific case, they must be taken to the Directors for actioning;



- challenges were encountered in getting statistically significant feedback from the customers. However, informal intelligence had been gathered and was found to be quite useful;
- the performance of Directorates was a standing item discussed at meetings of the central management team.

Officers would circulate to members top line figures for the Council Portal and MySandwell function.

34/23

## **Annual Internal Audit Report 2022-2023**

The Committee considered the Internal Audit Annual Report 2022-2023. This followed the presentation of a summary of the issues by the Audit Services and Risk Management Manager. Four limited assurances opinions were presented in relation to Disabled Facility Grant, Taylors Lane Theft, Boscobel Repairs/Voids and Procurement and Contract Compliance.

Delays in the completion and signing-off of the Council's Statement of Accounts were reported. At the time the Audit report was produced, the finalisation of the 2020/21 and 2021/22 Statement of Accounts had encountered similar delays. Delays also affected the Council's Annual Governance Statements, which form part of the Statement of Accounts.

Based on the work undertaken during the year by Internal Audit, alongside that undertaken by other external bodies, there was reasonable assurance that the Council had adequate and effective governance, risk management and internal control processes.

However, the ongoing delays in the finalising and approving of the Council's Statement of Accounts from 2020/21 onwards, must be addressed to provide the Council with a more comprehensive and overall wider level of assurance going forward.

The Committee raised concern about the limited assurances on procurement and contract compliance. Officers gave reassurances that the Director of Finance would be invited to the next meeting to shed more light on procurement and contract compliance issues.



35/23 **Cabinet Forward Plan**

The Committee noted the Cabinet Forward Plan.

Meeting ended at 6.35pm

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## Minutes of Ethical Standards and Member Development Committee

**Tuesday 4 July at 5:30pm  
in Committee Room 1, Sandwell Council House, Oldbury**

**Present:** Councillor Allcock (Chair)  
Councillors Kaur (Vice- Chair), J Giles, Hemingway, Muflihi,  
and Rahman.

**Officers:** Surjit Tour (Director of Law and Governance – Monitoring  
Officer), Elaine Newsome (Service Manager – Law and  
Governance), Ruth Darby (Senior Civic and Member  
Services Officer) and Toby Howes (Interim Democratic  
Services Officer).

16/23      **Apologies for Absence**

Apologies for absence were received from Councillors  
Crompton and Trumpeter and Mr Richard Phillips  
(Independent Person).

17/23      **Declarations of Interest**

No declarations of interest were made.

18/23      **Minutes**

The minutes of the meeting held on 7 March 2023 were  
agreed as a correct record.

19/23 **Additional Items of Business**

There were no additional items of business to consider.

20/23 **Appointments to Ethical Standards Sub-Committees and Ethical Standards Working Group**

The Committee noted that under The Localism Act 2011, authorities are required to adopt arrangements for dealing with complaints about breaches of the Member Code of Conduct. The Council's arrangements for dealing with complaints provided for a Sub-Committee of the Ethical Standards and Member Development Committee to consider investigation reports referred to it by the Monitoring Officer and to conduct hearings (including the imposition of sanctions).

The Committee considered appointments and the Terms of Reference to the two Ethical Standards Sub-Committees for the 2023/24 municipal year. In addition, it considered appointments to the Ethical Standards Working Group and the Working Group's Terms of Reference for the 2023/24 municipal year.

**Resolved:-**

- (1) that the membership of the two Ethical Standards Sub-Committees for the 2023/24 municipal year, with flexibility between membership to cater for availability and workload, with delegated powers to carry out the functions set out in the following Terms of Reference, be approved as set out in the table below:-

**Terms of Reference of the Ethical Standards Sub Committee**

- To consider investigation reports referred to it by the Monitoring Officer.
- To conduct hearings (including the imposition of sanctions).

### Membership of the Ethical Standards Sub Committees

SUB-COMMITTEE 1		SUB-COMMITTEE 2	
Member	Substitute	Member	Substitute
Allcock	Substitute members taken from remainder of committee	Allcock	Substitute members taken from remainder of committee
Kaur		Crompton	
J Giles		Hemingway	
Muflihi		Rahman	
Trumpeter (or sub)		Trumpeter (or sub)	
+ Independent Person		+ Independent Person	

- (2) that the Terms of Reference for the Ethical Standards Working Group as set out in the appendix of the report be approved and that the Chair and Vice-Chair, be appointed to the Ethical Standards Working Group, with 3 additional Members to be confirmed.

21/23

#### **Member Development Programme**

Members were presented with the first update on the Member Development Programme since the Committee had approved it at the last meeting. Positive feedback from councillors had been received and there was enthusiasm for the topics listed on the programme. The programme was a live document responding to councillors' needs and the wider local government regulations.

Any training clashes in the programme would be addressed and Members noted the other additional resources that they could access, such as those available from the Local Government Association.

Training records could be made available to each councillor and a comprehensive induction programme was in place for new councillors. There had been positive feedback from new councillors on the induction programme.

In response to a question from the Members, it was noted that the development of a Members Training Portal was in progress.

Members welcomed the training provided by the Member Development Programme.

**22/23      Complaints Update**

Members considered the Complaints Update and were referred to the table in the report detailing the nature of complaints received and to assess any particular trends or patterns.

In response to questions from Members, the Committee was informed that the complaints received was around the number to be expected, whilst the nature of the complaints did not give rise to any specific concerns.

**23/23      Gifts and Hospitality Register**

Two new entries had been made to the Gifts and Hospitality Register.

**24/23      Work Programme**

The Committee was presented with the draft work programme for 2023/24.

It was noted that in respect of personal safety for Members, a wide encompassing approach of all areas of this would be taken and this would also include councillor surgeries which was to be reviewed. Members suggested that this item also address situations where councillors faced confrontational issues. The Committee heard that this would include areas such as room layout of meetings and risk assessments for councillor surgeries will be re-circulated.



There would also be a deep drive review of the Code of Conduct and it was agreed to the Committee's suggestion that this would also be an opportune moment to consider setting up a working group to promote high standards of conduct.

Work with the Communications Team and the Local Government Association was also taking place with regards to volume of casework and balancing work with the role of a councillor.

The Chair welcomed any further suggestions to be added to the Work Programme.

**Resolved:-**

That the Work programme for 2023/24 be approved and kept under review during the year by the Committee and the Monitoring Officer.

The meeting ended at 6.10pm.

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