

Minutes of Special Budget and Corporate Scrutiny Management Board

Monday 08 August 2022 at 3.30pm
In the Council Chamber at Sandwell Council House, Oldbury

Present: Councillor Moore (Chair)
Councillors Anandou, Bhullar, Fenton, E M Giles, Hinchliff
and Shackleton.

Also Present: Councillors Carmichael, Gavan and Hughes,

In attendance: Simone Hines (Director of Finance), Michael Jarratt (Director of Children's Services and Education), Tony McGovern (Director of Regeneration and Growth), Surjit Tour (Director of Law and Governance and Monitoring Officer), Sue Moore (Group Head for Education and Support Services), Elaine Newsome (Service Manager for Democracy), Tammy Stokes (Service Manager for Growth and Spatial Planning), Andy Thorpe (Healthy Urban Development Officer), Simon Chadwick (Road Safety and Highways Manager), Andy Miller (Strategic Planning and Transport Manager), Suky Suthi-Nagra (Democratic Services Manager), Matt Powis (Senior Democratic Services Officer), Trisha Newton (Senior Democratic Services Officer), Anthony Lloyd (Democratic Services Officer) and John Swann (Democratic Services Officer), Lee Wood (Regional Design Director – Aecom), David Deakin (Air Quality and Technical Director – Aecom) and Chris Morris (Transport Planner – Aecom), Ian Bennett (Chair of Brandhall Green Space Action Group) and Tim Parkes (Brandhall Green Space Action Group).



36/22

Apologies for Absence

Apologies for absence were received by Councillors Akhtar, Taylor and Hackett.

37/22

Declarations of Interest and Party Whip

Councillors Bhullar, Fenton and Moore declared a non-pecuniary interest in Minute No.38/22 as they have all undertaken a site visit with the Brandhall Green Space Action Group.

Councillor Anandou declared a non-pecuniary interest in relation to Minute No.38/22 as he founded the Brandhall Green Space Action Group.

Councillor Hughes declared a non-pecuniary interest in relation to Minute No.38/22 as he was a member of the Birmingham and Black Country Wildlife Trust.

38/22

‘Call- in’ Notice of the Cabinet decision in respect of Brandhall

In accordance with the provisions contained with Part 4 of the Council’s Constitution (Scrutiny Procedure Rules), the Council received a ‘call- in’ notification from Councillor Fenton, Chair of the Safer Neighbourhoods and Active Communities Scrutiny Board on Monday, 25 July 2022.

The grounds under which the matter was called in for scrutiny were:

Due to the level of protest a change UK petition that has over 2700 signatures and the vast number of questions this item has raised within the chamber and from the public, it is believed prudent to further examine the information and process used to formulate this decision to ensure the decision made fully encompasses both the financial impact on the council and the effects on the communities living and working in Old Warley, Langley and Bristnall Wards. This includes:

- The financial implications in relation to building a new school, The report provides initial information about capital spend, however it does not address what financial obligations this will subject the Council to and for how long will the financial obligations continue to

be held by the Council when the school is made an academy or alternatively if any outstanding financial obligations will be taken over by the academy.

- The requirement of places given the number of like for like schools in the area, Sandwell Trends information would appear to directly contradict the statement that Sandwell requires more school places and would suggest that less school places will be needed in the immediate future predicting that the 5-9 age range in Sandwell is decreasing not increasing.

- The condition of the school, including financial obligations while a new school is built. How long will the new building take, what immediate repairs within the report will need to be funded to ensure the safety of the pupils who currently use the building, how much funding has already been used to make repairs on the existing building, what historical reports exist in regards to the condition of the building.

- The sites that were explored for the replacement school and the process that has been followed to determine it. Have parents been consulted about the site change, has a full investigation of the demographic location of current pupils been performed, has any consideration been given to the new catchment area and the existing catchment area of other schools, has any consideration been made to give other two form entry schools investment to become three form entry schools or has an in-depth analysis taken place to check if other schools could absorb new entry pupils without the need for Causeway Green to continue to be used.

- The impact of the existing highways infrastructure and the process that has been followed to determine that. The report makes no indication as to new infrastructure and its future definition of adopted or unadopted, nor to whether current infrastructure is equipped to cope with the increased use.

- The site suitability and the assessments which were conducted, including reasoning for any assessments that may not have been completed. The report does not provide the Strategic Housing Land Availability Assessment, make mention of the Black Country Core Strategy ENV1 or acknowledge that the site is designated as a core habitat zone in the Black Country Plan.

- The impact on air quality and mental wellbeing. The report makes no mention of what public health reports exist in respects to the

value of this site in regards to its contribution of the removal of particle matter and carbon absorption. What public health reports on the impact of green space on mental wellbeing exist that - the potential loss of open green space that is reported to be home to wildlife, and historic ruins and artefacts, that may have the potential to bring Sandwell's nature reserves in line with the national standard. Sandwell's Green Strategy identifies that Sandwell is considerable behind the national standard for nature reserve space. The space allegedly has in excess of 61 species using it, many species of flora and fungi. It also is alleged to contain the ruins of St Katherine's Chapel for 1444, a Carboniferous formation that is over three million years old locally known as pudding rock and it is alleged that the area could be classified as an Ancient Woodland as it has been wooded since 1600AD.

39/22 Brandhall – Options – Cabinet Report

Members of the Committee received a copy of the 'call – in' notice, the Cabinet report dated 20 July 2022 and relevant reports and documents relating to the decision.

40/22 Cabinet Member Statement as presented at Cabinet

The Committee heard representation from the Cabinet Member for Regeneration and Growth regarding proposals for the Brandhall site and cited the council's obligations to ensure that the educational and housing needs of the borough are met. The Committee then asked questions of the Cabinet Member for Regeneration of Growth about how the cabinet reviewed proposals and incorporated responses from residents.

41/22 Response to 'Call- in' Brandhall Options

The Committee heard representations from the Director of Regeneration and Growth and the Director for Children's Services and Education. The Committee heard that Causeway Green school is no longer economically viable and the proposed development's impact upon topics including highways and air quality as set out in the draft Black Country Plan.

In addition, the committee heard from relevant officers, Aecom representatives and the Brandhall Green Space Action Group. During discussions the Committee asked questions of the parties

present, particularly regarding the Strategic Housing Land Availability Assessment (SHLAA) and alternative options for meeting the educational needs of children in the locality.

The Committee thanked all parties for their attendance.

42/22

Exclusion of the Public and Press

Resolved 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 the financial and business affairs of any person, including the authority holding that information.

43/22

Brandhall Financial Implications of Options

The Committee heard representations from the Director of Finance with regards to Financial Implications for the options with regards to the Brandhall site. The Committee asked questions of relevant officers and thanks all parties for their attendance.

The Committee adjourned to discuss the matters brought to the scrutiny board and make their decision.

Resolved unanimously that the Budget and Corporate Management Scrutiny Board recognises a number of conflicting issues in relation to the Brandhall site, however, does not believe that these are insurmountable. The Board, has however, determined that the decision of Cabinet be referred back for reconsideration on the basis that the Board concluded the information utilised by Cabinet in reaching its decision may have been incomplete in that:

1. The Strategic Housing Land Availability Assessment (SHLAA) for the site was omitted from the report and Cabinet may wish to satisfy itself that the correct process and methodology was followed in relation to the comparable assessment of the site;
2. There is insufficient information contained in the report to confirm that alternative site options for the delivery of a new

school have been fully explored, for example Cakemore playing fields does not appear to have been considered;

3. There is insufficient explanation given with regard to how the public consultation results, particularly with regard to residents' views, have been evaluated and weighted in reaching the decision.

In addition to the findings and recommendations of the Board, Cabinet are requested to note that a report on the financial analysis for the site will be considered at a future meeting of the Budget and Corporate Management Scrutiny Board.

Meeting ended at 7.48pm.

Contact: democratic_services@sandwell.gov.uk