

# Minutes of Cabinet

**Wednesday 7 December 2022 at 3.30pm  
at Council Chamber, Sandwell Council House**

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

**In attendance:** Councillors Chidley, Moore, Fenton, Randhawa,  
Simms, Taylor and Uddin.

**Also present:** Kim Bromley-Derry (Managing Director Commissioner),  
Rashpal Bishop (Director of Adult Social Care), Gillian  
Douglas (Director of Housing), Michael Jarrett (Director  
of Children's Services), Alice Davey (Director of  
Borough Economy), Lisa McNally (Director of Public  
Health), Surjit Tour (Director of Law and Governance  
and Monitoring Officer), Elaine Newsome (Service  
Manager – Democracy), Rebecca Maher (Head of  
Finance), ( Anthony Lloyd (Democratic Services  
Officer) and Suky Suthi-Nagra (Democratic Services  
Manager).

## 223/22      **Apologies for Absence**

An apology for absence was received by Councillor Elaine  
Giles.

## 224/22      **Declarations of Interest**

The following interests were made by members:-

Councillor Hartwell declared a pecuniary interest in relation to Minute No 233/22 (Grant Funding for Advice Services 2023/24 – 2025/26) on the basis that she worked for Bangladeshi Women's Association who receive advice funding from the Council;

Councillor Ahmed declared a pecuniary interest in relation to Minute No 233/22 (Grant Funding for Advice Services 2023/24 – 2025/26) on the basis that he is a committee member of Smethwick Pakistani Muslim Association;

Councillor Hughes declared a personal interest in relation to Minute No 236/22 (Recommissioning of the pre and post dementia diagnostic Support Service) on the basis that he and his wife had recently accessed the service;

Councillor Simms declared a personal interest in relation to Minute No 233/22 (Grant Funding for Advice Services 2023/24 – 2025/26) on the basis that she worked within a community that delivers a variation of services to the public.

## **225/22 Minutes**

The minutes of the meeting held on 16 November 2022 were approved as a correct record.

## **226/22 Additional Items of Business**

There were no additional items of business to consider.

## **227/22 Adult Social Care Direct Payments Policy**

Approval was sought to authorise the Director of Adult Social Care and the Director of Finance to implement the proposed Direct Payments Policy and ensure it is embedded in future practice by all relevant staff members.

On behalf of the Chair of the Health and Adult Social Care Scrutiny Board, the Chair of the Economy, Skills, Transport and Environment Scrutiny Board asked for clarification on

the result of the commissioned work regarding the Care Act 2014.

The Deputy Leader and Cabinet Member for Finance and Resources identified that the following key areas were in need of improvement:-

- A requirement for care and support planning to ensure DPs were promoted but with suitable safeguards and checks
- Strengthen Care Act practice by testing people's capacity & suitability to manage a DP
- Clarifying rules regarding using DPs to pay for services delivered by Close Family Members
- Ensuring clear guidance to clients about their and the Council's respective responsibilities around the use of DPs, particularly when they are employing staff
- Strengthening safeguarding aspects by setting out clear roles and expectations for social care and DP workers regarding reviews of the DP package and the financial audit of the DP's use
- Improvements in financial audit process to identify key issues quicker so that attention could focus on the clients who appear to have issues in managing their DP
- Clarifying social care and DP workers' responsibilities to suspend or terminate DPs in cases of clear misuse, and social care workers' responsibilities to promptly review the case in terms of safeguarding and to arrange alternative care as appropriate

Clarification from external solicitors was sought on two of the Care Act issues; the Council's rights to expect DBS checks on people involved in a person's DP, and the use of Close Family Members. This had been used to set out Care Act-compliant policy.

The outcome was the creation of the policy which sets out proposed policies on these key areas. Revised practice guidance reinforced by training and development would ensure it was delivered.

Questions were also asked on how the Council could support people receiving direct payment of the risk of abuse.

It was explained that this consideration starts during the initial process, where social care workers must check that the person had the capacity to make the decision about whether they want a DP, and whether they had the capability to manage it. If the person did not have capacity, then they would not have a DP unless there was an authorised person to manage it, who must have capacity to do so and who would act in the client's best interest

During the operation of the DP, it was the social care workers' regular reviews of the care package and the DP workers' regular financial audits of the use of the DP that were the key tool in ensuring that the person is buying the care required to meet their assessed needs and that the DP is being used appropriately in line with their care and support plan.

Further questions regarding the right to decline direct payments were asked on behalf of the Vice Chair of Economy Skills Transport and Environment Scrutiny Board. It was highlighted that national literature implies that having a DP was a right. The new policy clarified that it is subject to Care Act conditions regarding capacity and suitability. Paying an external service to manage a DP on behalf of someone was not a compliant solution – if the person could not manage a DP then they are not suitable to be given one and should have a commissioned service instead.

Clients were not obliged to take a DP and could access a commissioned service instead.

In response to questions seeking clarification on whether direct payments could be used for anything other than care, it was confirmed that the services that a DP could be used for were set out in the Care Act. Provided it is a valid and legal service or activity that met the assessed needs, anything in the care and support plan could be delivered by a DP, apart from permanent residential/nursing care and also services delivered directly by the Council. The only real restrictions is that the services must not be ones that were "everyday living" or a lifestyle choice.

A final question was put forward regarding the limitations of Direct Payments for Sandwell citizens assessed as in need of care and support.

It was the potential freedom of a DP that could be a limitation. Having a DP encouraged people to take ownership of their care and support planning and be free to choose how their needs were met. However, as these were public funds, it was stressed that users needed to be aware of the responsibility that went with it, particularly if they had capacity issues and were relying on a friend or family member to support them and to act in their best interests.

### **Reason for Decision**

The Director of Adult Social Care and the Director of Finance had commissioned work to check the compliance of the Council's Direct Payments practice against the Care Act 2014.

### **Alternative Options Considered**

The Council should have a Direct Payments Policy to cover areas of discretion, or to clarify decisions where issues had arisen in the past.

It could be possible to carry on without a policy, but this risked the Council being challenged on areas where the Care Act does not set out a clear framework, and it was considered prudent, therefore, to ensure that people understand what Sandwell's policy was.

**Agreed** that the Director of Adult Social Care and the Director of Finance be authorised to implement the proposed Direct Payments Policy and ensure it is embedded in future practice by all relevant staff members.

228/22

### **The review of council tenant rents and housing related property charges**

Approval was sought to authorise the Director of Housing to adjust council rents and housing related charges with effect from 3 April 2023. A 5% increase was proposed to help battle

inflation and ensure that the Local Authority was able to continue to maintain, modernise and manage social housing properties within a ringfenced budget.

The Chair of the Budget and Corporate Scrutiny Management Board requested further information on what would be the likely impact as a result of the increase in charges on the ability of tenants to pay them. It was also questioned why the increase in garage fees proposed a further 5% increase when they were significantly increased last year.

The Cabinet Member for Housing clarified that It was estimated that 70.2% of Sandwell tenants were in receipt of full or partial housing benefit or housing element of Universal Credit that would mitigate the impact of rent increases. The Establishment of a hardship fund to support those on low incomes not in receipt of benefits would provide further targeted support. This would be in addition to a wider package of hardship interventions.

Regarding the increase in garage fees, it was stated that it was normal practice to review and revise fees and charges annually. The increase to garage rents last year was done in recognition that the charges had not been reviewed for some time and were low in comparison to charges by other Local Authorities. The proposals for this year was to enable the charges to meet inflationary pressures, although as with the social housing rent increase it was recommended that this would be capped at 5% rather than much higher rate of CPI. A lower increase would create a budget pressure on the general fund that would need to be met from other General Fund budgets. Garages were a discretionary rather than essential service, 62% were rented by home owners and tenants with more than one garage.

The Chair of the Safer Neighbourhoods and Active Communities Scrutiny Board asked if Sandwell's rent rates were in line with neighbouring authorities. Comparisons were also requested for the increase in garage rental rates with other authorities.

The Cabinet Member for Housing confirmed that Local Authorities in the region were asked to share details on their current rent levels, only Dudley MBC responded. The Housing Regulator had recently published a report on Local Authority Stock and rents, this reports an average social rent in England of £89.53 and a regional average rent for the West Midlands of £81.28. Sandwell's average rent was £83.32. Whilst this was a helpful benchmark, members were minded that caution should be exercised as data on average rents would have a large degree of variation driven by the number of Local Authorities in each region and the difference in type of properties which would impact on the overall average.

Rent levels were benchmarked in 2021 when increasing the charges and all were comparable with others in the region and remained very favourable when compared to other storage hire options in the private sector. The uplift proposed was capped below the level of CPI and was in line with proposals for other fees and charges across the Council.

Following queries raised, the Cabinet Member for Housing was minded to further review the proposal to increase rental charges for garages for consideration at a future meeting.

### **Reasons for recommendations**

Each year council tenants, leaseholders and other residents are notified of the rent and other related housing charges to be set from the following April. The Council had to achieve the right balance between supporting tenants in hardship and protecting the Housing Revenue Account (HRA) to ensure that the Council could continue to provide affordable social housing to residents.

The recommendations were reported to the Safer Neighbourhoods and Active Communities Scrutiny Board in September. Members of the Board were understanding and supportive of increases to rent and service charges, whilst acknowledging the current difficulties posed by the national financial situation.

### **Alternative options considered**

It was recommended from April 2023 to increase rents by 5% for tenants within the Riverside managed PFI estate of Wednesbury. The council had the discretion to set PFI rent. It would be seen to be very unfair for other council tenants in neighbouring areas to have had council rent increased and not have the same with the PFI estate in Wednesbury.

The Department of Levelling Up Housing and Communities (DLUHC) policy allowed social landlords to increase their annual rents by 7% which is in line with the recent government rental cap. It is recommended that rents are increased rents by 5%, 2% lower than the cap to support tenants with the cost of living.

Increasing rents below the rate of inflation would create financial pressures for the council to deliver key services. The provision of good quality Housing and Neighbourhoods were key to improving lives and life chances for Sandwell residents. Reducing the level of income to the HRA would seriously impact the 30-year business plans and would mean less funding for new homes provision.

An alternative would be to increase rents by 3%. The budgetary pressures from this would impact the Council's ability to deliver key services and may result in reduced services where costs can't be met through operational budgets.

### **Agreed:-**

- (1) that approval be given to authorise the Director of Housing to adjust council rents and housing related charges with effect from 3 April 2023 as follows:
  - (a) Increase rental charges by 5%, which is 2% below the government's social rental cap of 7%;
  - (b) increase housing service charges by the consumer price index (CPI) + 1%, equivalent to a 11.1% increase;



- (c) that subject to consultation with the residents of the site, to increase rent at the traveller's pitch in Hills View, Tipton by 5%;
  - (d) that properties managed by Riverside under the Private Finance Initiative (PFI) agreement receive a 5% rental increase and a 11.1% increase in service charges, which need to match the councils rent and service charge increases;
  - (e) that properties that sit outside the Housing Revenue Account (including service tenants for Parks, Sandwell Valley and Caretaking) receive a 11.1% increase in rental charges and service charges, which is equivalent to CPI plus 1%;
  - (f) that the leaseholder annual fee be increase by 11.1%, CPI + 1% in 2023/24 from £104.10 to £115.66;
- (2) that the Director of Housing be authorised to establish a hardship fund for Housing Revenue Account tenants (to support them in their tenancy) and to allocate £100k of HRA reserves, to be reviewed annually;
  - (3) that a further report be submitted on an increase in Council garage rent following review.

229/22      **Asset transfer of Greets Green Resource Centre and adjoining land to the Confederation of Bangladeshi Organisations (CBO) Ltd**

Approval was sought to agree the asset transfer of Greets Green Resource Centre, including the surrounding land, to the Confederation of Bangladeshi Organisations LTD on the basis of a full repairing lease for 99 years. It was highlighted that the Confederation of Bangladeshi Organisations LTD

was a long-standing trusted partner of Sandwell that supported communities efficiently and effectively.

### **Reason for Decision**

CBO currently lease the premises on a full repairing, rent free basis and the lease expires in 2041. They also hold a coterminous lease of the adjacent land which also expires in 2041. CBO have submitted an application for a single asset transfer of both sites, on the basis of a 99 year full repairing rent free lease. CBO deliver excellent value for money. For example, in 2021/22 CBO supported 872 residents with generalist advice, securing £1,256,056 confirmed benefit gains and £7,130 one off charitable payments/ household goods. For every £1 of advice funding CBO have delivered £19 into the pockets of residents.

### **Alternative Options Considered**

Do nothing – CBO have a 25 year, rent free, full repairing voluntary body lease, expiring in 2041. This would not signal to the wider voluntary and community sector that we value their contribution as partners and want 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.

### **Agreed:-**

- (1) that approval be given to the asset transfer of the Greets Green Resource Centre, including the surrounding land, to the Confederation of Bangladeshi Organisations (CBO) Ltd on the basis of a full repairing lease for 99 years with a rental of £1 pa for the purpose of running a community centre;
- (2) that the Director Law and Governance and Monitoring Officer be authorised to enter into or execute under seal if necessary, a formal lease for the Greets Green Resource Centre, West Bromwich and adjacent land relating thereto;

**Chance Heritage Trust - Memorandum of Understanding**

Approval was sought to endorse the signing of a Memorandum of Understanding between the Council and the Chance Heritage Trust relating to the heritage – led regeneration of the Chance Glassworks site. The Memorandum of Understanding was not legally binding but would instead set out how the parties would work together.

**Reasons for Decision**

The objectives of the Chance Heritage Trust (CHT) are closely aligned with the Council's aspirations and policy objectives for the site and its locality. Regeneration of the site would create a boost for the local economy, create jobs and homes, conserve a locally and nationally important cultural asset and enhance the image of the borough through restoration of this high-profile industrial heritage site.

**Alternative Options Considered**

Do nothing – the heritage assets would continue to deteriorate, resulting in loss of heritage significance and poor image, and creating potential for reputational damage to the Council.

**Agreed:-**

- (1) that Cabinet endorse the signing of a Memorandum of Understanding between the Council and the Chance Heritage Trust relating to the heritage – led regeneration of the Chance Glassworks site;
- (2) that details of the allocation of approved Black Country Local Enterprise Partnership Capacity Funding to support the regeneration of the Chance Glassworks Site be received.

**Empty Property Strategy 2023-2028**

Approval was sought to the Empty Property Strategy 2023 – 2028, including the introduction of empty property loans and the use of Planning Act enforcement powers by the Empty Property Officer.

The Chair of the Budget and Corporate Scrutiny Management Board questioned how the strategy proposed to tackle the issue of planning enforcement lacking a specific budget to carry out works and then recharge these against the property where an owner had repeatedly failed to comply with requests to improve their empty property.

The Cabinet Member for Housing confirmed that £750,000 had been allocated to fund home improvement loans. Implementing a loan scheme would enable this funding to be recycled and used for multiple interventions across the life of the strategy. Additionally, the Empty Property Officer would have powers to make owners carry out repairs to remove hazards from empty properties to ensure they were managed and safe to live in. Civil Penalty powers would be used to charge owners for non-compliance with such notices. Revenue from such penalties would be recycled back into housing standards work

**Reasons for decision**

The private sector housing market is a key resource in providing the housing needs of the borough. Family homes are always in high demand, yet there are a large number of them remaining empty and unmanaged, blighting communities and removing good homes from the market. The Council has identified privately owned empty properties as one of its key priority areas in relation to private rented and owner-occupied housing.

**Alternative options considered**

Choose not to have an empty homes strategy and / or continue to provide a reactive service to complaints about empty properties dealing with nuisance and open to access only in addition to applying increased council tax charges.

**Agreed** that approval be given to the Empty Property Strategy 2023 - 2028, including the introduction of empty property loans and the use of Planning Act enforcement powers by the Empty Property Officer.

232/22      **On Street Residential Charging Scheme – Authorisation to enter into a contract with a Chargepoint Operator**

Approval was sought to authorise the Section 151 Officer to sign and enter into a contract with Gamma Energy Ltd., the successful bidder for the installation of Electric Vehicle (EV) chargepoints across the Black Country with the initial call-off covering the Office for Zero Emission Vehicles (OZEV) On-street Residential Chargepoint Scheme (ORCS) funded project at a value of £400,574, but call-offs up to a total of £2.5million are possible.

The Chair of the Budget and Corporate Scrutiny Management Board asked what the Council were doing to address the need for ever-increasing requirements for charging points as a result of the end of new petrol and diesel cars in the UK by 2030.

The Cabinet Member for Regeneration and Growth stated that the proposed contract was specifically to provide on-street charge points in residential areas where there is no off-street parking and thus no ability for people to locate charge points within their own property boundary.

Further funding was available through the City Region Sustainable Transport Settlement (CRSTS) to increase the number of charge points in Sandwell to the target figure of 250 by 2025 as set out in the Black Country ULEV Strategy.

This target was based on the forecast number of EVs likely to be in use in areas without off-street parking by that date. There would be further rounds of Government funding through the Office for Zero Emission Vehicles specifically targeted at areas without off-street parking and Sandwell would take every opportunity to bid for such funds.

Residents with driveways that own electric vehicles would continue to be expected to provide their own charge points.

In addition to the ORCS funding, the West Midlands Combined Authority was seeking to provide 10 Charging Area Transit Stations, effectively service stations for EVs with rapid charging facilities, across the West Midlands through CRSTS. At least one of these would be located in Sandwell.

Planning policies would require all new residential, office, retail and leisure developments and any major extension proposals to include EV charging in their design.

The LGA had responded to Government that Local Authorities are best placed to establish where EV charging was required and was lobbying Government to increase the amount funding available to LAs to bring this about.

### **Reasons for Decision**

This contract will be used to deliver 37 public dual socket chargepoints (74 sockets) in residential areas where residents do not have access to off-street parking and are therefore not able to charge their vehicles on driveways with a private charge point, as is the norm. The funding will therefore deliver approximately 40% of the 7kW chargepoints required by 2025 in order to support Sandwell's transition to electric vehicles in the light of the Government's intended ban on the sale of new petrol and diesel vehicles in 2030, as outlined in the Black Country ULEV (Ultra Low Emission Vehicles) Strategy.

### **Alternative Options Considered**

The decision to progress with this approach was the culmination of months of discussions and independent advice. The concession model was chosen as the best compromise between pursuing a fully operator funded model which would significantly limit our ability to influence locations of chargepoints, and minimise and possible revenue return, and a more hands-on own-and-operate model that would carry significant revenue risk.

The model gives the local authorities the ability to leverage capital grant funding available to de-risk the delivery and secure an operator who will commit to covering all revenue costs for the contract term.

Having chosen to seek a concession contract, discussions were carried out to select the best route to market. An open tender process was considered, but the increased resource required, and the greater risk when compared to using an existing framework were unattractive. A large number of available frameworks and Dynamic Purchasing Systems (DPS) were considered, eventually settling on the Oxford City Council framework owing to the broad range of suppliers with access offering the best chance of a competitive process leading to stronger bids. The DPS also benefits from being new, which means that it incorporates all the latest technical specifications and experience from the last few years of public sector EV chargepoint delivery.

The successful bidder, Gamma Energy Ltd., scored the highest during our further competition on the DPS, meeting all mandatory requirements and achieving the best overall score across the criteria with a 50:50 price/quality split.

**Agreed:-**

- (1) that approval be given for the s.151 officer to sign and enter into contract with Gamma Energy Ltd., the successful bidder for the installation of Electric Vehicle (EV) chargepoints across the Black Country with the initial call-off covering the Office for Zero Emission Vehicles (OZEV) On-street Residential Chargepoint Scheme (ORCS) funded project at a value of £400,574, but call-offs up to a total of £2.5million are possible.
- (2) that in connection with Resolution (1) above, the conditions relating to the grant-funded element and the revenue share implications be received.

Approval was sought to allocate grants to voluntary organisations from April 2023 until March 2026.

The Chair of the Budget and Corporate Scrutiny Management Board sought further clarification on why the Council was not reviewing its model to check that it was still the best option available since it appeared that this approach had been agreed 10 years ago.

The Cabinet Member for Communities explained that the model was flexible and had changed over time. It was kept under continuous review, primarily through monthly meetings with managers of services. Adjustments had been made to delivery to take account of external factors such as welfare reform, Brexit and Covid, as well as responding to the changing needs of residents.

It was also confirmed that no new providers had been able to bid for a grant. Additional resources would be needed to develop new less experienced providers and that it would not be in the best interests of residents to do this by reducing funding to very experienced local providers with a strong track record in delivering positive outcomes for their clients.

### **Reasons for recommendations**

Stable funding will enable providers to retain skilled advisers and to continue to work well together to deliver high quality services that respond flexibly to changes in need. This is particularly important as residents are facing increased hardship as a result of the cost of living crisis and the need for free, high quality, community-based benefits, debt and budgeting advice is more important than ever.

### **Alternative options considered**

- 1) Reduce levels of funding to vcs providers – this is not a viable option when demand for services are increasing because of the cost of living crisis.
- 2) Move to contracts - this is highly likely to cause disruption and uncertainty amongst providers just at a time when we



need a stable advice offer for our residents to support them through the cost of living crisis. We need providers to continue to focus their energy and creativity on delivery - meeting residents' needs, rather than competing with each other to secure continued funding.

**Agreed:-**

- (1) that approval is given to allocating the following grants to voluntary organisations with effect from April 2023 until March 2026:

<b>Organisation/service</b>	<b>2023/24 £</b>	<b>2024/25 £</b>	<b>2025/26 £</b>
Citizens Advice Sandwell (generalist open door, debt service and phone service)	585,728	585,728	585,728
Citizens Advice Sandwell (homeless prevention project)	70,000	70,000	70,000
Citizens Advice Sandwell (Resilient Residents/ budgeting support)	25,260	25,260	25,260
Sandwell Consortium (generalist open door & advice in children's centres)	240,305	240,305	240,305
Sandwell Consortium (advice in children's centres)	100,265	100,265	100,265
Smethwick Pakistani Muslim Association (generalist open door)	31,458	31,458	31,458
Brushstrokes (immigration advice)	32,719	32,719	32,719
<b>Total</b>	<b>1,085,735</b>	<b>1,085,735</b>	<b>1,085,735</b>

(Councillors Ahmed, Hartwell and Simms left the room during consideration of this matter and did not take part in the discussion)

## **Improvement Plan Progress**

Approval was sought to recommend to Council that the Improvement Plan Progress report, along with the September progress report and an accompanying letter be submitted to the Secretary of State for Levelling up, Housing and Communities to form the Council's 6 monthly update on progress against the Improvement Plan.

Recent return visits occurred from Grant Thornton, the LGA and CIPFA. The LGA had recognised the significant progress that has been made and the Council was awaiting the final review reports from Grant Thornton and CIPFA; members would be updated further once these reports had been received.

Consideration was also given to the re scrutiny feedback of the Budget and Corporate Scrutiny Management Board from their meeting held on 29 November 2022.

The Leader thanked everyone who had been involved and committed to driving through improvements.

### **Reasons for recommendations**

Under the Statutory Directions, the council is required to report progress against the Improvement Plan to the Department of Levelling Up, Housing and Communities every six months. The first report is due for submission by 22 December 2022. It is proposed that this report, along with the quarterly update received by Cabinet in September will form the basis of the report to the Secretary of State along with a covering letter. Council are responsible for approving the report made to the Secretary of State and Cabinet will make a recommendation to Council.

### **Alternative options considered**

The Value for Money Governance Review was undertaken as part of the external auditor's role to provide assurance on the council's arrangements for securing economy, efficiency and effectiveness in its use of resources. As the report includes statutory recommendations the council has a legal obligation to respond appropriately.

The Directions issued by the Secretary of State are a statutory requirement and the council has a legal obligation to respond appropriately. Failure to do so would likely result in further intervention measures.

Reviewing progress against the Improvement Plan enables senior officers and members have oversight of delivery, and take corrective action, as necessary.

Alternative formats for reporting to the Secretary of State could be adopted, however the proposal to submit a covering letter along with the quarterly reports made to Cabinet makes use of existing reports. The Department for Levelling Up, Housing and Communities confirmed that this would be an acceptable format to them.

**Agreed:-**

- (1) that progress against the Improvement Plan up to 3 November 2022 be received;
- (2) that the Improvement Plan Risk Register be received;
- (3) to recommend to Council that this report along with the September progress report and an accompanying letter be submitted to the Secretary of State for Levelling up, Housing and Communities to form the Council's 6 monthly update on progress against the Improvement Plan.

**235/22 Sandwell Local Plan – Approval to carry out consultation on Issues & Options and open a Call for Sites exercise**

Approval was sought for the Sandwell Development Plan Issues & Options document for public consultation for six weeks commencing in February 2023. The consultation would be a key to a successful adoption of the Local Plan.

The Chair of the Budget and Corporate Scrutiny Management Board asked how the Sandwell Local Plan could be well publicised so that residents were aware of its importance.

The consultation and engagement approach to the new Local Plan would broadly follow that used for the Black Country Plan. Officers intended to use the full range of social media and online engagement tools combined with the more traditional print media such as the local press and the Sandwell Herald. There would also be a press statement issued prior to the consultation starting and reminders prior to the closing date

### **Reasons for recommendations**

One of the first stages in the preparation of this new Local Plan is to undertake a public consultation on an Issues & Options document; and also the opening of a Call for Sites Exercise. To meet the timetable published in Sandwell's Local Development Scheme (November 2022), these stages need to commence in early 2023.

### **Alternative options considered**

The preparation of a Local Plan is a statutory requirement under planning legislation. The process for preparing a Local Plan is set out in legislation and guidance. As a result, there are no alternative solutions to the preparation of a new local plan for Sandwell, which is a matter of increasing urgency. Options relating to the form and content of the Local Plan were set out in the report to Cabinet on 16th November 2022.

### **Agreed:-**

- (1) that approval be given to the Sandwell Development Plan Issues & Options document for public consultation for six weeks commencing in February 2023;
- (2) that the Director - Regeneration & Growth, in consultation with the Cabinet Member for Regeneration & Growth, be authorised to make minor amendments, if required, to the Issues &

Options document prior to the start of public consultation;

- (3) that approval be given to the opening of a Call for Sites exercise for six weeks commencing in February 2023.charges addressed within the Medium Term Financial Plan.

## 236/22      **Re-Commissioning of the Pre-& Post Dementia Diagnostic Support Service**

Approval was sought to authorise the Director - Adult Social Care to allocate a sum of £376k exclusive of VAT per annum of Better Care Fund (BCF) investment in a two plus one-year contract for a Pre-& Post Dementia Diagnostic Support Service for Sandwell and to award the contract to the successful tenderer.

The model had been evidenced in the Department of Health and Social Care's new 10-year dementia plan which was awaiting publication. The model was showcased at the Alzheimer's Society national conference in May 2022.

### **Reasons for Decision**

To ensure continued access to this valued service for local people living with the effects of dementia and provide stability for the service it is recommended that contract length should be for two years with the option to extend for a further year.

### **Alternative Options Considered**

There were no alternative options considered.

### **Agreed:-**

- (1) that the Director Adult Social Care be authorised to allocate a sum of £376k exclusive of VAT per annum of Better Care Fund (BCF) investment in a two plus one-year contract for a Pre-& Post Dementia Diagnostic Support Service for Sandwell and to award the contract to the successful tenderer;

- (2) that the Director Adult Social Care be authorised to award the Service Funding and contract following a competitive tender process to the successful organisation;
- (3) that the Director Adult Social Care be authorised to work jointly with partners to implement the agreed model which will be overseen by the Sandwell Joint Partnership Board;
- (4) that the Director of Law and Governance be authorised to execute any documents necessary to give effect to the proposals in Resolution (2) for the provision of a Pre-& Post Dementia Diagnostic Support Service and enter into a contract with the successful organisation;
- (5) that Cabinet approve variations to the Contract up to a maximum of 10% of the contract value, should they be necessitated, and that authority to approve such variations be delegated to the appropriate Chief Officer in consultation with the relevant Cabinet Member;
- (6) that Cabinet approve an exemption to rule 8.8 (and any other applicable parts) of the Contract Procedure Rules July 2022 to allow the contract to be awarded to the successful tenderer in the event that the required minimum number of tenders are not received.

(Councillor Hughes left the room during consideration of this matter and did not take part in any discussion)

237/22

**Uplands Manor Primary School Making significant changes (prescribed alternations) consultation outcomes**

Approval was sought to the significant alteration to provide 20 Focus Provision places at Upland Manor Primary School, Addenbrooke Road, Smethwick B67 6HT, following the four-week statutory consultation.

Following a query raised by scrutiny members, the Cabinet Member for Children Services and Education offered to work closely with Scrutiny Members to ensure that any future reports regarding similar matters were clear and concise.

### **Reasons for recommendations**

The Focus Provision Unit will increase the pupil numbers by providing 20 places for children with severe learning disabilities and associated needs. The DfE 'Making Significant Changes (Prescribed Alternations) to Maintained Schools' requires that when the Local Authority is proposing a significant alteration, i.e. altering a school's existing SEN provision it must consult upon the proposal and make a formal decision to make the alteration permanent.

### **Alternative options considered**

The pupil admission number remains the same and the former children's centre remains empty. This would leave a shortage of special educational need places in the borough.  
5.2 There is no alternative accommodation in the borough that could provide the places required for 2022/2023.

**Agreed** that approval be given for the significant alternation to provide 20 Focus Provision places at Upland Manor Primary School, Addenbrooke Road, Smethwick B67 6HT, following the four-week statutory consultation.

## **238/22 Q2 Budget Monitoring 2022/23**

Approval was sought to make budget virements above £1m in line with the revised delegated limits for Cabinet Members and Directors. The projected overspend had reduced since the previous quarter, but members were minded that it was still important to reduce the use of reserves in 2022/23.

The Chair of the Budget and Corporate Scrutiny Management Board asked for further comments on the delayed savings that were listed as an area of concern; six of those listed were regarding adult services.

The Deputy Leader and Cabinet Member for Finance and Resources explained that the double handed care project had been delayed but would be in place and full savings would be achieved next financial year.

COVID funding had been allocated to the directorate for them to undertake social care reviews and these were expected to identify savings that could cover the first two items in 2023/24.

Walker Grange had a number of empty flats that were being modernised and once this work was complete the savings would be achieved.

Willow Gardens had been slowly occupied but the level of vacant properties had meant that the saving hadn't been achieved as quickly as hoped. Communication to increase awareness of the facility was under way.

This proposed saving for Borough Economy would form part of the wider work that was ongoing around leisure provision in the area.

Regarding savings within Regeneration, the lease had been terminated and the full saving would be achieved next financial year.

### **Reasons for recommendations**

Section 151 of the 1972 Local Government Act requires the Chief Financial Officer to ensure the proper administration of the council's financial affairs. Budgetary control, which includes the regular monitoring and reporting of budgets is an essential element in discharging this statutory responsibility. The recommended treatment of the year end variances supports the financial sustainability of the council.

### **Alternative options considered**

There are limited alternatives to the recommendations included in this report. Cabinet could decide not to allow the proposed use of reserves by directorates, but this would increase the projected overspend and result in a further reduction in the council's general fund balance.



### **Agreed:-**

- (1) that details of the financial monitoring position as at 30 September 2022 be received and referred to the report to the Budget and Corporate Scrutiny Management Board for consideration and comment;
- (2) that Cabinet approve the following budget virements above £1m in line with the revised delegated limits for Cabinet Members and Directors: -

<b>Virements above £1m for Cabinet Approval</b>	<b>£'000</b>	<b>£'000</b>
Law & Governance - Removal of Legal fee income	1,300	
Corporate - Removal of legal fee income		1,300
<b>TOTAL</b>	<b>1,300</b>	<b>1,300</b>

- (3) that Cabinet approve an allocation of £356,634 Covid funding to Sandwell Children's Trust to cover pressures relating to the pandemic experienced by them during 2021/22.

## **239/22 Performance Management Framework – Q2 Monitoring**

Approval was sought to the Q2 monitoring report of the performance framework.

Good progress had been made against many of the commitments in the Performance Management Framework. A major step forward had been made in providing consolidated performance and risk reporting for Cabinet. Further reports would be brought to Cabinet on the remaining commitments in due course.

### **Reasons for recommendations**

Council approved a corporate Performance Management Framework (PMF) on 12 April 2022, to address the recommendations of the Governance Value for Money Review by Grant Thornton and as a key element of the Council's Improvement Plan.

Since April, the corporate PMF has been further refined and built into business processes. Reporting on Q1 was presented to Cabinet on 28 September 2022. The report on Q2 seeks to build on the intelligence gathered for Q1 and offers the opportunity to assess in year progress.

### **Alternative options considered**

The Directions issued by the Secretary of State, including the requirement to have a performance management framework in place, are a statutory requirement and the council has a legal obligation to respond appropriately. Failure to do so would likely result in further intervention measures.

The council had various options on what type of performance management framework to establish. Our approach has been developed through understanding the needs of the organisation and drawing on best practice from other local authorities. As the Council continues the improvement journey, the PMF will evolve to meet our changing requirements.

**Agreed** that details of progress made on the further development of the Corporate Performance Management Framework and the Q2 monitoring reports be received.

240/22      **Exclusion of the 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.

241/22      **Update on Streamlining Black Country Ways Of Working – Black Country Consortium Ltd**

Approval was sought to the closure of the Black Country Consortium Limited.

**Reasons for recommendations**

The 2022 Levelling White Paper signalled the current shift in policy direction and a significant change in economic development architecture, namely emphasising and empowering local leadership and improving pride of place. This shift provides the latest context for a root and branch review of how streamlining ways of working at a Black Country geography needs to be reflected.

**Alternative options considered**

There are no alternative options as the Association of Black Country Authorities Leaders meeting held on 19 October 2022 has agreed to the closure of the company. The recommendations in the report are for each of the ABCA Cabinets to confirm the action taken.

### **Agreed:-**

- (1) that approval be given to the closure of the Black Country Consortium Limited
- (2) that the following Association of Black Country Authorities Leaders' approvals made at their meeting held on 19th October 2022 be noted:
  - a) Acknowledge the track record and positive contribution enabled by BC Consortium Ltd.
  - b) A calling of a directors meeting of Black Country Consortium Ltd in January 2023 with a recommendation to voluntary wind up the company at a date to be advised and agreed during 2023.
  - c) A commitment to working towards a goal of a clear regional arrangement for data and intelligence clarifying roles and responsibilities and in the interim hosting of Black Country Consortium Economic Intelligence team via Walsall MBC who will still continue to provide via a service level agreement data and intelligence to Black Country Councils as required.
  - d) A fit for purpose and timely arrangement for a TUPE transfer arrangement for Active Black Country, currently hosted via Black Country Consortium Ltd to an independent entity arrangement, noting local authority hosting offers in principle from the City of Wolverhampton Council and Sandwell MBC.
  - e) A potential hosting/ integration of current cultural/ visitor economy expertise by one of the BC local authorities.

- f) Historical BCC Ltd company deferred pensioners and pensioners liabilities split as a liability equally across the 4 BC councils, noting pension liabilities for BCC Ltd are already reflected on Black Country Councils balance sheets.
- g) A report to individual local authority cabinets (November / December 2022) to endorse the closure of BCC Ltd.

Meeting ended at 4.43pm

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