

# Minutes of Cabinet

**Wednesday 7 February 2024 at 3.30 pm  
in the Council Chamber, Sandwell Council House, Oldbury**

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

**In Attendance:** Councillors Fenton, E Giles, J Giles, Lewis, Rahman and  
Taylor.

**Officers:** Shokat Lal (Chief Executive); Brenden Arnold (Interim Section  
151 Officer); Mike Jones (Assistant Director - Legal and  
Assurance); Liann Brookes Smith (Interim Director – Public  
Health), Dean Epton (Interim Director Housing); Kate Ashely  
(Strategic Lead Service Improvement); Julie Andrews  
(Assistant Director – Education Services); Dave Guest  
(Assistant Director – ICT); Matthew More (Communications  
and Corporate Affairs Manager); Suky Suthi-Nagra  
(Democratic and Member Services Manager), Connor  
Robinson (Democratic Services Officer) and Guy Clifton  
(Director – Grant Thornton).

## 19/24 **Apologies for Absence**

Apologies for absence were received from Councillors Moore and  
Rollins.



## 20/24 **Declarations of Interest**

There were no declarations of interest made.

## 21/24 **Minutes**

**Resolved** that the minutes of the meeting held on 17 January 2024 be approved as a correct record.

## 22/24 **Urgent Item of Business - Q3 Budget Monitoring 2023/24**

Consideration was given to the Q3 Budget Monitoring 2023/24. The overall projected outturn position for the General Fund was an underspend of £2.985m. This was an underspend of 0.9% when compared with the Council's net budget of £317.623m. The overall projected net directorate outturn variance, excluding the HRA, was an underspend of £0.163m following the use of reserves.

The forecast underspend of £2.985m at Quarter 3 represented an improved position of £4.207m when compared with the Quarter 2 forecast overspend of £1.222m. The cost of the 2023/24 NJC pay award was approximately £9.1m and £6.5m was available to part fund this budget pressure. As a result, there was a residual budget pressure of £2.6m across the service directorates. The residual budget pressure for each directorate was highlighted within the forecast outturn position.

### **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.

### **Alternative Options Considered**

There were no alternative options to the position presented.



**Resolved** that Cabinet:-

- (1) receive details of the financial monitoring position as at 31 December 2023 (Quarter 3) and refers the report to the Budget and Corporate Scrutiny Management Board for consideration and comment;
- (2) that approval is given to the following budget virements above £1m in line with the revised delegated limits for Cabinet Members and Directors:

Virements above £1m for approval by Cabinet		£'000	£'000
Directorate Budgets	Transfer of pay award allocation from Contingency	6,539	
Contingency	Transfer of pay award allocation to directorates		6,539
<b>TOTAL</b>		<b>6,539</b>	<b>6,539</b>

23/24 **Improvement Plan Progress - Grant Thornton Follow-up Report 2023**

Consideration was given to the Improvement Plan Progress and the Grant Thornton Follow-up Report 2023.

The Cabinet received a summary from Guy Clifton of Grant Thornton. The initial Value for Money Review 2021 had resulted in the introduction of three statutory recommendations. Since the Autumn 2022 follow-up review, the Council had continued on its improvement trajectory and was recognised for establishing foundations in that respect.

Grant Thornton was satisfied that the Council had made appropriate progress against the three statutory recommendations and that these should now be lifted. There was continued evidence that the



leadership across the Council had got a corporate grip of the key service base and organisational issues and that the Council continued to make positive action towards the 18 key lines of enquiry, 13 of which had no areas of concern for Grant Thornton. There remained 5 areas of significant weakness and four key recommendations which had been introduced in response to these:

Key recommendation 1 – while Grant Thornton recognised that the Council had put in place the infrastructure for transforming services, it was necessary for the Council to continue to ensure changes were embedded and identify, improve and deliver savings that were needed to meet the Medium Term Financial Strategy.

Key recommendation 2 – the customer experience remained an area of concern, while positive work had been introduced at the ‘front door’, there remained significant work to be done across the entire customer journey.

Key recommendation 3 – corporate grip needed to be maintained across the organisation including the operational issues relating to the introduction of Oracle Fusion, Sandwell Children’s Trust with a focus on place-based working, managing industrial action in relation to the waste management service, the management of Sandwell Leisure Trust, the financial statement production and reducing the reliance on interim appointments within the finance team.

Key recommendation 4 – the senior management restructure was recognised for its opportunities and the move away from silo working was positive, however, structural change introduced a number of risks and it was important to retain corporate memory, not inadvertently create change fatigue and ensure the executive directors were appropriate. The report was regarded as a positive milestone on the Council’s improvement journey.

In response to the statement, the Chief Executive thanked Grant Thornton for the partnership approach that had existed between the Council and themselves when undertaking the review since intervention. The report recognised all the good progress that had been made since intervention and the positive work that had been undertaken, while also understanding there was a way to go to



address the ongoing challenges. The four key recommendations highlighted would be a focus for the Council as it progressed on its improvement journey.

In a response to a question from the Chair of the Safer Neighbourhoods and Active Communities Scrutiny Board, in the absence of the Chair of the Budget and Corporate Scrutiny Management Board, the Leader of the Council advised that the Commissioners submitted their latest report to the Secretary of State in December and the Council were waiting to hear the response from Department for Levelling Up, Housing and Communities (DLUHC) as to whether intervention would be lifted or extended. The Council were mindful that the current Statutory Directions setting out the terms of government intervention in Sandwell Council were in place until 22 March 2024.

In a response to a question from the Chair of the Economy, Skills, Transport and Environment Scrutiny Board, the Chief Executive highlighted that the key element of the success of the Council's improvement journey had been investing in the organisational culture. The Council's values and behaviours, developed with staff, had been instrumental to make significant improvements at pace and the Council would continue to embed both the strategic approaches and the everyday practices. Late last year, the Council had conducted an employee engagement survey to gain greater insight into the areas that had the lowest engagement and to understand the reasons for this. The Council would be bringing forward a People Strategy, which would highlight the whole Council approach to being an employer of choice, embedding the Council's culture and ensuring the Council had an engaged, supported workforce that was enabled to deliver the best for Sandwell.

The Leader of the Council was joined by the Cabinet in thanking Grant Thornton for their work and ongoing support which had enabled the Council to progress on its improvement journey.

The Deputy Leader and Director of Finance and Resources also was of the view that Grant Thornton should attend a future meeting of the Full Council in order to update all members on the Council's current position and the good work undertaken.





## Reason for Decision

Grant Thornton conducted their Value for Money Review of the Council's governance arrangements in Autumn 2021. The report made three statutory recommendations, of which the Council were legally required to respond to and address. These had been incorporated into the Council's Improvement Plan approved in June 2022.

As part of the Council's assurance framework for the Improvement Plan, Grant Thornton reviewed progress in a follow-up review in Autumn 2022. At that point, Grant Thornton had retained the three statutory recommendations and made four new key recommendations and improvement recommendations against the Key Lines of Enquiry of the Value for Money Governance Review. These recommendations had been built into the refreshed Improvement Plan approved by Cabinet in March 2023.

Grant Thornton had conducted a further follow-up review in Autumn 2023 to determine the Council's progress in addressing the statutory recommendations made in 2021, as well as the key and improvement recommendations of their 2022 follow-up review. This external perspective was a key source of evidence of the Council's improvement journey under government intervention.

Grant Thornton's findings and the lifting of the Statutory Recommendations represented a significant milestone in the Council's improvement journey towards ending government intervention and was further evidence that the Council continued to improve over time.

## Alternative Options Considered

The 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. The Council must have also provided a management response that set out how it intended to act upon the recommendations made in the report. There were no alternative options to consider.



## Resolved:-

- (1) that Cabinet receive Grant Thornton's Value for Money Governance Review Follow Up Review Report of December 2023;
- (2) that the Council's response to the recommendations in Grant Thornton's report are incorporated into the refresh of the Improvement Plan in 2024.

24/24

## Recommendations from Budget and Corporate Scrutiny Management Board on the Budget 2024/25

Approval was sought for the recommendations from the Budget and Corporate Scrutiny Management Board on the Budget 2024/25. The Budget and Corporate Scrutiny Management Board had considered the draft Budget 2024/25 proposals at its meeting on 15 January 2024. Cabinet Members, Directors and Assistant Directors attended to present the proposals to the Board and to answer questions from members.

The Board had subsequently held a workshop to discuss potential recommendations to the Cabinet on the draft budget proposals which had been presented to Cabinet.

### Reason for Decision

The Budget and Corporate Scrutiny Management Board's involvement in the budget setting process had been regarded as a success which had strengthened decision making at the Council and increased transparency.

### 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 would be implemented.



## Resolved:-

- (1) that Cabinet and the Executive team review the proposals for Borough Economy again to ensure the assumptions upon which they are based are robust and take account of the missed income targets from 2023/24;
- (2) that a review of the following be undertaken:-
  - (a) Council, the Housing Revenue Account, Capital Programme, Public Health and Sandwell Children's Trust contracts and agreements to ensure they are fit for purpose, take a whole-council approach to meeting the Council's strategic objectives and represent value for money;
  - (b) contract monitoring management processes to ensure they are robust and ensure value for money.
- (3) that, in connection with (1) and (2) above, a further report be submitted to the Budget and Corporate Scrutiny Management Board, within 2 months' time, on the decision of Cabinet.

(Councillor Khatun leaves the meeting)

## 25/24 **Draft Budget 2024/25**

Consideration was given to the Draft Budget 2024/25 which, if approved, would be recommended to Council on 20 February 2024. The Council had completed successfully a Medium Term Financial Planning process for both the Revenue Budget and Capital Programme. In doing so, it had for the first time set down a Medium Term Financial Strategy over 5 years and had successfully forecast the estimated budget shortfall for 2024/25. In responding to this shortfall and delivering proposals for a balanced budget, the Council had consulted on a wide suite of potential budget savings and had





identified around £12m of savings which were largely recurring, together with a package of short term measures designed to suppress short term financial pressures. Overall, the package of benefits amounted to £18.988m which was sufficient to balance the 2024/25 Budget and which made a significant contribution to the goal of eliminating financial shortfalls in the medium term.

In a response to a question from the Chair of the Economy, Skills, Transport and Environment Scrutiny Board, the Cabinet Member for Finance and Resources explained that the existing Oracle Fusion programme budget included a contingency of £1.209m. A further contingent budget had been included in the draft Capital Programme budget for 2024/25.

### **Reason for Decision**

The Council was legally required each year to set a balanced budget for the financial year which must be approved before 11 March.

Early engagement had ensured that sufficient time was given to the importance of the budget setting process and also any planning for required change to ensure that the Council remained on a sound financial footing in the medium term.

To ensure that the budget presented to Cabinet and Council was balanced and robust, the process started in the early Summer of the previous year with senior officers considering financial performance during the current year plus reflecting on likely pressures on expenditure and income and potential mitigations, for the upcoming and future financial years. This ensured that the Medium-Term Financial Strategy reflected a reasonable assessment of the Council's finances over the period of the Strategy.

The Local Government Finance Act 1972 required the Council to set a balanced, risk assessed budget each year and approve a Council Tax precept by 11 March.

### **Alternative Options Considered**

Cabinet could request that alternative savings options be proposed and agreed, although there was limited time to do this and still be



able to carry out the appropriate consultation on alternative savings. Cabinet could also consider an alternative Council Tax increase, subject to adhering to the Referendum Principles, or alternative increases in fees and charges. The consequences of adopting a lower Council Tax increase would entail that additional savings would be required and saving targets made larger in future years.

**Resolved** that Full Council be recommended to approve the Draft Budget 2024/25 including all appendices with the following specific recommendations:-

- (1) that it be noted that the Council Tax Base was agreed at Full Council on 12 December 2023;
- (2) that it be noted that the Council Tax Support Scheme was approved at Full Council on 12 December 2023;
- (3) that it be noted that Housing Rents and Service Charges were uplifted by Full Council on 12 December 2023;
- (4) that the report of the Section 151 Officer, included at paragraphs 2.4.1 to 2.4.20, as required under Section 25 of the Local Government Act 2003 on the robustness of the estimates made for the purposes of the budget calculations and adequacy of proposed financial reserves be noted;
- (5) that it be recommended that Council approve the Medium Term Financial Strategy at Appendix A which incorporates the following recommendations:
  - a. approve the MTFs and embedded MTFP as an estimate of the



Council's current financial position at January 2024;

- b. approve the Guiding Principles as framework for financial planning for the period of the MTFS;
- c. approve the Capital Planning Principles to guide the preparation of the Capital Programme in the years ahead;
- d. note the planned development of the Transformation Programme to date and through 2024/25 and endorse the extension of the transformational approach to other services of the Council;
- e. note the Budget Timetable set out in this report;
- f. approve the submission to DLUHC of a proposal to employ flexible use of capital receipts in financial year 2024/25 and to delegate the amendment and final approval of this proposal to the Portfolio Holder for Finance and Interim Director of Finance together with the Assistant Chief Executive;
- g. approve the onward submission of the Winter 2024 update of the MTFS to the next meeting of Full Council;
- h. approve the adjustments to fees and charges as set out in Annex 12;



i. approve the savings proposals set out at Annex 5;

- (6) that an increase of 2.99% in the level of general council tax for 2024/25 be approved;
- (7) that an increase of 2.00% in the level of Adult Social Care precept for 2024/25 be approved;
- (8) That approval is given to the General Fund Budget net budget of £333.008m at Appendix B, including the proposed total increase of Council Tax for Sandwell Metropolitan Borough Council of 4.99%, in accordance with the Council Tax Referendum Principles as set by Government for 2024/25;
- (9) that the Council Tax amounts by Band at Appendix C be noted pending final notifications of precept amounts by the Office of the Policy and Crime Commissioner and the Fire Authority with formal ratification to be presented as part of the Council Tax Resolution on 20 February 2024;
- (10) That approval is given to approve the report at Appendix D on the Dedicated Schools Grant and Schools funding which incorporates the following recommendations such that Council:
  - a. adopt the minimum transition option for calculating schools funding in 2024/25;



- b. approve the Growth Funding at £1.60m in 2024/25;
- c. approve the introduction of a Falling Rolls Fund in 2024/25;
- d. approve the transfer of £0.512m funding from the Schools Block to the Central Schools Services Block (CSSB) to fund the attendance service;
- e. approve the CSSB, De-delegated and Education Function proposals as set out in Annex A (with the exception of Schools in Financial Difficulty);
- f. adopt the allocation by block per paragraph 5 of that Appendix; and
- g. note the details of the Schools Funding Settlement.

(11) That approval is given to the General Fund Capital Programme at Appendix E;

(12) That approval is given to the Housing Revenue Account and HRA Capital Programme at Appendix F including:

- a. noting that Full Council on 12th December 2023 approved recommendations of the report entitled 'The review of council tenants rents and housing related property charges' as outlined in paragraph 8 of Appendix F and Annex 1;



- b. approve the HRA Revenue Budget for 2024/25 as set out in Table 2;
  - c. note the HRA estimated working balances in 2024/25 as set out in paragraph 15 of Appendix F;
  - d. approve the investment principles for the HRA Capital programme as set out in paragraph 19 of Appendix F;
  - e. approve the HRA Capital Programme control totals as set out in Table 3 of Appendix F;
  - f. approve the HRA Treasury Management Strategy as set out in paragraph 4 of Appendix F;
  - g. approve the 30 year HRA Business Plan as set out in Annex 2 of Appendix F;
- (13) that approval is given to the Capital Strategy and Capital Financing Strategy at Appendix G and H of this report;
- (14) That approval is given to the Investment Strategy set out at Appendix I;
- (15) That approval is given to the Treasury Management Strategy Statement at Appendix J including:
- a. The Borrowing and Investment Strategy for 2024/25;
  - b. The Minimum Revenue Provision Policy Statement for 2024/25;





- c. The Treasury and Prudential Indicators for 2024/25 to 2026/27, summarised at Annex 6;
- d. Expected new net borrowing of £40.4m in 2024/25;

- (16) that the Revenues and Benefits Policy Framework at Appendix K be endorsed and recommend to Council that:
- a. approve the Revenues and Benefits Policy Framework for 2024/25 comprising the policies set out at Annexes 1 to 9 of the Appendix K;
  - b. approve the Council Tax Award of Discount Policy (Annex 2), Council Tax Discretionary Reduction Policy (Annex 3), Non-Domestic Rates Discretionary Rate Policy (Annex 8), Non-Domestic Rates Discretionary Hardship Relief Policy (Annex 7) and War Pension Policy (Annex 9) as set out Appendix K; and;
  - c. the Director of Finance – Section 151 Officer in conjunction with the Cabinet Member for Finance and Resources, and in consultation with the Monitoring Officer to make necessary changes to the policies during 2024/25 due to the Cost of Living Crisis;
- (17) authorise the Section 151 Officer and the Monitoring Officer to make any further financial adjustments, corrections or amendments to this suite of reports necessary in forming the final preparation



of these papers for Full Council on 20 February;

- (18) authorise the Section 151 Officer to make transfers to or from reserves during the financial year to ensure that adequate reserves are maintained and adjusted when spend from earmarked reserves is required;
- (19) authorise the Section 151 Officer to adjust the funding sources applied to the Capital Programme during the year to maximise flexibility in use of capital resources and minimise borrowing costs where possible.

26/24

### **Award of contract to Phoenix Software LTD for the provision of Microsoft E5 licenses**

Approval was sought for the award of contract to Phoenix Software LTD for the provision of Microsoft E5 licenses. The award of contract would enable the Council to improve its cyber security resilience posture, retain its current Microsoft productivity tools and to move to a Microsoft E5 licensing model. The move to E5 would significantly fortify the Council against cyber-attacks, in line with the Government's Cyber Security Strategy 2022-2030.

Microsoft recognised that the step up from E3 to E5 was expensive and that the product suite was extensive meaning it would take time to implement all available modules. Therefore, Microsoft offer what was known as a RAMP (Rapid Modernisation Plan) deal which was a discounted annual cost used as an incentive for organisations to move to E5.

In a response to a number of questions from the Chair of the Economy, Skills, Transport and Environment Scrutiny Board, the Cabinet Member for Finance and Resources detailed that the current contract expired on 31 March 2024 and the new contract would be in place by 1 April 2024. The contract was a direct award



on the KCS Software and Services 2 Framework, which fully complied with the Public Contracts Regulations 2015. Phoenix had vast experience in delivering value to the UK public sector for organisations using Microsoft technology and had been the Council's Microsoft Enterprise Agreement reseller for the past two agreements. Oracle Fusion's main dependency on Microsoft technology was to ensure secure authentication of users accessing the platform. By using the KCS Framework, this allowed public sector organisations to benefit from discounts and beneficial terms for Microsoft 365. The agreement would be setup to ensure that it aligned to the Councils' growth and contraction of the workforce.

### **Reason for Decision**

Microsoft technology was a core element of the council's ICT strategy and extending the use of the tooling via E5 supported the Council's ongoing direction of travel.

E5 was recognised across the public sector as being the preferred level of licensing where cyber security resilience was seen as being important. Most councils across the Black Country and the West Midlands had already uplifted or are in the process of relicensing to E5.

### **Alternative Options Considered**

There was no viable option to move away from a Microsoft enterprise licencing agreement as this provided the Council with its office productivity tools server suite software and was heavily integrated with other software used by the Council for business-as-usual processes.

One alternative option was to remain at enterprise licensing tier E3 and purchase individual products from other security vendors to satisfy the Council's desired outcomes. However, this would increase the amount of vendor account management required and there was no guarantee that all the various products would seamlessly integrate and interoperate with one another.

A do-nothing approach to enhance the Council's cyber security posture was not a desirable strategy given the increased cyber security threat across the public sector. The Council wished to push



forward, proactively, with its cyber security resilience programme and fundamental to this was having the right tools and products available to identify, defend and protect itself from suffering a successful cyber-attack. Successful attacks could stop a council from providing services for multiple months, cause excessive expenditure in clean-up costs and destroy its reputation. These were in addition to the stress and anxiety inflicted on its workforce and the severe, detrimental impact on its citizens.

**Resolved:-**

- (1) that approval is given to award a contract to Phoenix Software Ltd for a period to end 31 March 2027 for a Microsoft Enterprise 5 (E5) licensing agreement using the KCS framework at a total value of spend attributable to E5, over 3 years is: £4,737,892.50;
- (2) that approval is given to the purchase of Server and Cloud Enrolment (SCE) agreement at an annual cost of £152,890.80 - based upon a volume of up to 300 servers and at current pricing with a total value over 3 years of £458,672.40;
- (3) that approval is given to the purchase of Microsoft 365 Copilot licenses at an annual cost of £88,740.00 - based upon a volume of up to 300 users and at current pricing at a total value over 3 years of £266,220.00;
- (4) that any necessary exemptions be made to the Council's Contract Procedure Rules to enable the course of action referred to in (1), (2) and (3) to proceed.



## Schools Funding 2024-25

Approval was sought for Schools Funding 2024-25. There had been a few changes announced by the Department for Education/ Education and Skills Funding Agency in the Summer 2023 on the way schools would be funded from 2024/25. In 2024/25, each local authority would continue to be required to bring their own formulae closer to the schools direct National Funding Formula (NFF). There was an expectation that the full move to the NFF would be completed by 2027/28.

### Reason for Decision

The Schools Revenue Funding 2024/25 Operational Guide required the Council to engage in open and transparent consultation with maintained schools and academies in their area, as well as with their school's forum about any changes to the local funding formula, including the principles adopted and any movement of funds between blocks.

The Council was responsible for making the final decisions on the formula and for ensuring there was sufficient time to gain political approval before the funding was distributed to schools of which the deadline was 28 February 2024.

### Alternative Options Considered

The consultation with schools resulted in the option to move their funding closer to the NFF by 10% as a minimum. The primary sector predominantly chose to move to the NFF at this slower pace. The secondary sector preference however was to move directly to the NFF in 2024/25.

There was an alternative option whereby Cabinet could have overridden schools' overall preferences and approve the move where funding, in 2024/25, immediately mirrors the NFF.

Moving to the NFF in 2024/25 would mean Sandwell schools would be funded consistently as part of the Governments plan for fair funding for all at a much faster pace. However, the majority of Sandwell's schools were not in favour of this option. In addition, it would result in more turbulence within the system.



**Resolved** that having considered the outcome of the consultation proposals following review by the Schools Forum, as shown in Appendix A, approval be given to the 2024/2025 schools funding formula for Sandwell schools, as follows:

- (1) adopting the minimum transition option for calculating schools funding in 2024/25;
- (2) setting the Growth Funding at £1.60m;
- (3) the introduction of a Falling Rolls Fund in 2024/25;
- (4) the transfer of £0.512m funding from the Schools Block to the Central Schools Services Block to fund the attendance service;
- (5) the Central Schools Services Block, De-delegated and Education Function proposals as set out in Appendix A (with the exception of Schools in Financial Difficulty).

28/24

## **Social Housing Decency Funding Grant**

Approval was sought for the Social Housing Decency Funding Grant. Sandwell had an aging stock and, as a result, there had been issues related to damp and mould for many years. There had also been a significant increase in customer demand around damp and mould in the last 12 months.

### **Reason for Decision**

The Minister of State for Department for Levelling Up, Housing & Communities (DHLUC) had made capital grant funding available to support local authorities and/or social housing Registered Providers in the West Midlands Combined Authority and Greater Manchester Combined Authority area towards expenditure lawfully incurred or to be incurred by them related to improvements in the physical decency of their properties, with a focus on serious hazards including damp and mould.





There was no requirement for match funding and all work was intended to be fully funded from the grant.

The use of grant funding was not prescriptive and organisations could choose how to utilise funding to address damp and mould related issues. DLUHC were seeking projects that delivered additionality to existing investment plans and innovation in the form of new work not previously identified.

DLUHC had given WMCA a target date for delivery of 31 March 2024. Sandwell had confirmed that this was not achievable. This had resulted in DLUHC giving WMCA delegated powers to administer the grant and a local agreement had been made between WMCA and the Council. The delivery plan produced had been shared with WMCA to define how maximum grant spend would be achieved to give assurances that the Council would have a robust plan to deliver the £2.1m.

### **Alternative Options Considered**

Sandwell did not have to draw down the grant funding offered. If the Council did not, it would be offered to other local authorities.

#### **Resolved:-**

- (1) that approval is given to draw down the offer of £2.1m of Capital Grant Funding from the Department for Levelling Up, Housing, and Communities (DLUHC);
- (2) that approval is given to enter into the following new contracts to deliver the works as part of the grant funding:
  - Internal environmental monitoring;
  - Specialist expert intervention to eradicate damp and mould;
  - Replacement soil stacks;
  - Installation of ventilation and heat recovery;



- (3) that the Interim Head of Contract Procurement, in consultation with the Interim Director of Housing, Interim Section 151 Officer and Assistant Director for Legal and Assurance, be authorised to make amendments and changes to the extensions and/or processes described in this report in order to give effect to the decisions at Resolution (2);
- (4) that the Interim Director of Housing, in consultation with the Interim Section 151 Officer, be authorised to prepare tendering documentation and to procure one or more contractors, in accordance with The Public Contract Regulations 2015 and the Council's Procurement and Contract Procedure Rules, to work on behalf of the Council, to undertake work to resolve damp and mould related issues in our Housing stock;
- (5) that the Interim Director of Housing be authorised to award the contracts, as referred to in Resolution (4), to the successful contractor(s);
- (6) that the Assistant Director for Legal and Assurance be authorised to enter into or execute under seal any documentation in relation to the award of the contracts;
- (7) that any necessary exemption be made to the Council's Procurement and Contract Procedure Rules to enable the course of action referred to in Resolution (2) and (4) to proceed.

29/24

## **New Archives Centre for the Borough**

Approval was sought for the New Archives Centre for the Borough. Sandwell's Archives included the political, personal, domestic, industrial, religious, educational and social histories of Sandwell dating from 1369 through to the present day. These unique documents offered the people of Sandwell and beyond a journey through the development of the area.



This material was available in a wide variety of formats. Their preservation ensured that future generations would be able to learn from the experiences of the past to make decisions about the present and future.

In a response to a question from the Chair of the Safer Neighbourhoods and Active Communities Scrutiny Board, in the absence of the Chair of the Budget and Corporate Scrutiny Management Board, the Cabinet Member for Leisure and Tourism stated that it was not currently possible to set out timescales for a final funded solution for the new archives centre as funds had still to be identified. The next step was to draft a funding strategy and bid for external funds from a variety of sources. Timescales would be determined by funders' schedules.

In a response to a question from the Chair of the Economy, Skills, Transport and Environment Scrutiny Board, the Cabinet Member for Leisure and Tourism confirmed that the archives were currently stored in conditions that were maintained to guard against deterioration. The Council did not have a facility to display archives in the correct conditions at present and it was proposed that a new centre would offer this opportunity.

### **Reason for Decision**

Currently archives storage was at capacity and the material was housed in three separate sites, which resulted in managing the collection and providing access for residents difficult, it also restricted the provision of resources in relation to a public service for family and local history searches.

The service was a Place of Deposit for Public Records as set out under Section 4 (1) of the Public Records Act 1958. To retain this status, the Borough was required to hold The National Archives Accreditation standard and, in 2018, the Council had been unsuccessful in its application for the award. This was primarily due to the unsuitable storage environment, which continued to jeopardise the Council's ability to effectively care for and conserve Council collections.



Sandwell Archives was in the minority of archives services in not being accredited. 90% of local authority Places of Deposits in England were Accredited. Of those not accredited, the majority had made unsuccessful applications and were following a programme of rectifying activity aiming to address the issues.

A new archives centre would provide several opportunities for Sandwell:

- opportunity to develop a new and improved true heritage and Storytelling centre for Sandwell that incorporated both a new archives centre and a records management facility to preserve the corporate memory. Economies of scale would allow the authority to develop a more proactive strategy for the acquisition of historic corporate records in a timely manner;
- provide much needed high-quality storage for Sandwell's public art collection which was also in unsuitable storage conditions;
- the geographical area covered by the Archives was made up of several diverse communities and it was the Council's aim to ensure that collections represent these communities living in Sandwell. A new centre would allow the Council to fully address gaps in our collections by working closely with community groups and other local bodies to collect material;
- a new building would provide the opportunity to undertake a range of events and activities in a dedicated community space and allow touring exhibitions on the history of Sandwell to be more effectively displayed, and to begin to actively collect items and stories to tell the true 'story of Sandwell'.

Significant funding would be required to realise the ambition (current estimate is c. £20 million), so a funding strategy and subsequent external funding bids would need to be prepared.

### **Alternative Options Considered**

Previous attempts to identify appropriate accommodation for archives over the last 20 years have not been developed, either



because the sites were not suitable or because the proposals remained unfunded.

**Resolved:-**

- (1) that approval is given to work with appointed subject matter expert consultant for archives and senior council officers to develop a funding strategy for the development and capital scheme to establish a new Archives Centre for the Borough at the preferred site as approved by Cabinet on 16 November 2022;
- (2) that the Director of Borough Economy, in consultation with the Section 151 Officer, the Monitoring Officer and the Portfolio holder for Archives, be authorised to progress the proposed scheme through the Council's consideration and approval process for capital schemes with an associated business model to outline the revenue impact of the proposed scheme and submit a further report in due course.

30/24

**Implementation of Boroughwide Public Spaces Protection Orders**

Approval was sought for the Implementation of Boroughwide Public Spaces Protection Orders. In October 2017, existing Designated Public Place and Dog Control Orders were replaced as Boroughwide Public Space Protection Orders (PSPOs). These orders had to be reviewed every three years. In 2021, following a review and public consultation, the existing orders in relation to dogs and alcohol were renewed. These were now due for further review alongside consideration of an additional prohibition in relation to fires/BBQs in public places.





The public consultation had demonstrated support for all three proposals including the additional requirements.

### **Reason for Decision**

Public Space Protection Orders (PSPOs) lasted for up to three years and then needed to be reviewed. The orders had been renewed in March 2021 and were up for consideration alongside a new proposal relating to fires/BBQs. Having undertaken a review and public consultation, it was recommended that the two existing PSPOs included additional requirements in relation to dogs was renewed and a new PSPO put in place regarding fires/BBQs on public land.

The existing PSPOs had been relatively well used during the last three years, particularly in terms of engagement to improve behaviour and enable support to be offered where necessary. Enforcement had also been used where needed with eight and five fixed penalty notices being issued respectively in relation to the two existing orders. Both had run throughout the covid pandemic and lockdowns.

All three issues were a concern in Sandwell with our public consultation showing 97% support for the Alcohol PSPO, 98% support for the Dog Fouling PSPO and 87% support for a PSPO in relation to fires/BBQs .

The PSPO proposals demonstrated the Council's commitment to listening to its residents, partners and communities and to take action to address issues that are important to them.

### **Alternative Options Considered**

Sandwell had had controls in place in relation to alcohol and dog fouling for many years. It was clear that both these issues remained public concerns and feedback indicated that they were both still needed and serve a purpose in dealing with issues and providing reassurance for residents. The recent rise in fires attributed to fires and BBQs in public land and the dangers and destruction posed by these was also a significant concern. The PSPO's were supported by partners and would ensure direct action was taken using the





most suitable tools and powers as required by individual situations. The Council could opt to not renew/strengthen the powers and deal with any issues individually, but this would require significant resources and had already proved difficulty in relation to BBQs/fires with no specific powers available. It would also weaken opportunities for engagement. This was not recommended.

**Resolved:-**

- (1) that approval is given to the implementation of a Boroughwide Public Space Protection Order for alcohol to enable authorised officers/constables, where satisfied that nuisance or disorder associated with alcohol is occurring, to require people not to consume alcohol in the area and to surrender any alcohol in their possession;
- (2) that approval is given to the implementation of a Boroughwide Public Space Protection Order to tackle nuisance caused by dog fouling making it:-
  - (a) an offence for a person in charge of a dog to fail to pick up the dog's faeces forthwith should it defecate whilst in their control;
  - (b) an offence for a person in charge of a dog to fail to be able to produce a receptacle to pick up dog faeces such as a dog poo bag;
  - (c) an offence for a person in charge of a dog to allow a dog into an enclosed children's play area / sports area.

Registered disability assistance dogs and their owners to be exempt from the requirements of the order;



- (3) that approval is given to the implementation of a Boroughwide Public Space Protection Order to tackle the risks associated with BBQs and fires in public spaces by :-
  - (a) making it an offence to have fires/BBQs in public spaces in Sandwell and not to stop these when requested to do so by authorised officers / constables;
  - (b) requiring individuals to surrender anything in their possession which an authorised officer / constable or has reasonable suspicion to be an article that has been used OR is likely to be used in conjunction with these prohibited activities.
- (4) that approval is given for alcohol, dog fouling and BBQs and fires Boroughwide Public Space Protection Orders to be implemented for a period of three years commencing 1 March 2024;
- (5) that the Director Borough Economy, or any successor position, be authorised to implement, monitor and enforce the Public Spaces Protection Orders.

31/24

### **City Region Sustainable Transport Settlement Update and Local Transport Capital Program**

Approval was sought for the City Region Sustainable Transport Settlement (CRSTS) Update and Local Transport Capital Programme 2024/25. The programme for the West Midlands was approved by WMCA Board on 14 January 2022. The block allocations for Local Network Improvement and Maintenance included in the CRSTS programme comprised the majority of the Council's capital programme of minor works, highway and bridge maintenance for financial year 2024/25 and the following two years of the settlement period. The allocations were subject to ratification and approval by WMCA Board on 9 February.



Subject to that WMCA Board ratification, approval was sought to the programme of works. Details of individual schemes would be reported back to the appropriate Cabinet Member for approval.

### **Reason for Decision**

The CRSTS was a five-year capital settlement to enable the city regions to achieve their ambitions in terms of transport investment. The fund was overseen by the Department for Transport (DfT) and in the West Midlands it aligned with emerging Local Transport Plan 5 (LTP5). 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 CRSTS was the main source of transport capital funding for local transport schemes with a scheme cost of £50m or less. CRSTS drew under one heading, a number of transport funding streams which included the final year of the allocated Transforming Cities Fund (TCF), as well as the Integrated Transport Block (ITB) and Highways Maintenance Block (HMB). The Active Travel Fund (ATF), which covered walking and cycling investment, remained separate.

### **Alternative Options Considered**

With regards to the Local Network Improvement Plan, the proportion allocated to each of the individual block headings was the same as for 2023/24 and was broadly in line with ITB allocations in the preceding years. However, as in the previous two years, more of the 21% uplift on the 2021/22 figure had been allocated to the road safety and traffic calming categories, to reflect member priorities. The option existed to allocate more funding to some headings and less to others. It also remained possible to alter the allocations 'in year', should circumstances require it. However, the use of this funding was reported to, and monitored by, WMCA and therefore should reflect the priorities outlined by Government through the CRSTS guidance, and by WMCA through the Local Transport Plan.



**Resolved:-**

- (1) that the update in relation to the City Region Sustainable Transport Settlement (CRSTS) for the period April 2022 to March 2027 be received;
- (2) Approval is given to the following programme of minor works, highways, bridges and street lighting maintenance for 2024/25 to be funded through the Local Network Improvement Plan and Maintenance Block allocations subject to ratification and approval at West Midlands Combined Authority Board on 9 February 2024:

<b>Minor Works Programme</b>	<b>Funds 2024/25 £</b>
Major Schemes Development	140,000
Road Safety	620,000
Decarbonising Transport	300,000
Demand Management	120,000
Traffic Calming	200,000
Major Route Signing	70,000
Named Schemes Over £250k.	347,900
<b>Total</b>	<b>1,797,900</b>

<b>Maintenance Programme</b>	<b>Funds 2024/25 £</b>
Carriageway Maintenance	3,995,300
Footway Maintenance	£490,000
Bridges	603,000
Street Lighting	152,000
<b>Total</b>	<b>5,240,300</b>



## Designation of Nature Conservation Sites

Approval was sought for the Designation of Nature Conservation Sites. Sites of Importance for Nature Conservation (SINCs) and Sites of Local Importance for Nature Conservation (SLINCs) were designations identified in the SAD DPD and also the emerging Sandwell Local Plan (SLP), and form part of the Borough's environmental infrastructure. Potential Sites of Interest (PSIs) were not identified in the Local plan as they had not been subject to survey but have been highlighted as sites that may be worthy of designation.

In a response to a question from the Chair of the Safer Neighbourhoods and Active Communities Scrutiny Board, in the absence of the Chair of the Budget and Corporate Scrutiny Management Board, the Cabinet Member for Regeneration and WMCA confirmed that the sites in Council ownership were maintained appropriately in a way which ensured the Nature Conservation value of the sites were safeguarded. The Council were not able to maintain privately owned sites using public funds but they can be protected through planning powers.

### Reason for Decision

Of the 14 sites identified, two of the existing SINCs had been extended, one SINC maintained its current status and boundary, three of the sites had part or all of the SLINC element upgraded to a SINC, one site with an existing SLINC had been extended, six existing SLINCs maintain their current status and boundary and one existing SLINC had been deleted.

SINCs and SLINCs were not subject to statutory protection. The Government envisaged that sites were protected from development through the Local Plan process. The identification and allocation of SINCs and SLINCs within the SAD DPD and emerging SLP was therefore crucial in maintaining and enhancing the Borough's environmental infrastructure.

The reports had been based on recommendations made by The Wildlife Trust for Birmingham and the Black Country. The



recommendation had been endorsed by the Birmingham and Black Country Local Sites Partnership (LSP).

### **Alternative Options Considered**

The alternative was to not commission survey work, which would result in an out of date evidence base and the potential for SINC and SLINC to be at greater risk of being lost.

#### **Resolved:-**

- (1) that approval is given to the Site Recommendations as detailed in Appendix A which include:
  - the extension of the SINC at Land at Beaconview Road;
  - the extension of the SINC at Ridgeacre Branch Canal;
  - the SINC at Gower Branch Canal maintaining its current status and boundary;
  - the SLINC element at Galton Valley be upgraded to SINC status, so that the entire site will be a SINC. A small section in the centre of the site to be deleted;
  - the upgrading of part of the SLINC to a SINC at Thimblemill brook (West). This will extend the extent of the SINC and reduce the size of the SLINC element;
  - the upgrading of the SLINC to a SINC at Haden Hill Park so that the entire site is a SINC. No action to be taken regarding the PSI, as this did not meet the required standards;
  - the extension of the SLINC at Dudley to Priestfield Disused Railway, with an amendment to the boundary to exclude a building;
  - to maintain the status and boundary of the SLINC at Bradley Locks;
  - to maintain the status and boundary of the SLINC at Broadwell Park;
  - to maintain the status and boundary of the SLINC at Market Place, Tame Valley;





- to maintain the status and boundary of the SLINC at Ocker Hill Balancing Pool;
  - to maintain the status and boundary of the SLINC at Woden Road South;
  - to maintain the status and boundary of the SLINC at Thimblemill brook (East);
  - to delete the entire SLINC at Dixon’s Branch Canal;
- (2) that the Executive Director – People be authorised to make the necessary changes to the Sandwell Local Plan Proposals Map to reflect the designations identified in the report.

### 33/24 **A4123 Bus, Cycle & Walking Corridor – Initial Scheme Approval**

Approval was sought for the A4123 Bus, Cycle & Walking Corridor – Initial scheme approval. WMCA had an established Local Cycling and Walking Infrastructure Plan (LCWIP), a 10-year plan to create a strategic network of cycling routes across the West Midlands and a number of enhanced walking zones.

The A4123 Walk, Cycle and Bus Corridor project would provide a safe opportunity for the public to access and use active travel and improved bus services locally to travel to and from destinations along the A4123 in the Sandwell area and neighbouring linked destinations, which would include places of education, shops, jobs and businesses and other areas of interest and service. In addition, the project would provide improved wayfinding through new and improved signing and route information. The project would also link with completed sections further north, and further north to those sections of A4123 in Dudley and Wolverhampton with this project eventually providing a fully joined up corridor of active travel measures, which were also supported by the improved bus infrastructure elements under development.



## Reason for Decision

The A4123 Walk, Cycle and Bus Corridor formed part of the West Midlands City Region Sustainable Transport Settlement (CRSTS) Programme. It had received Strategic Outline Business Case (SOBC) approval through the West Midlands Combined Authority (WMCA) Single Assurance Framework Process on the 25 of November 2022 and approval for funding to deliver a further section of a cycling and walking (Active Travel) route in Sandwell from the Burnt Tree junction to Lower City Road subject to design approval. This continued the route recently delivered from the Tipton Road junction to the Burnt Tree junction as part of Tranche 2 of the Active Travel Fund.

The project was at the stage where proposals were sufficiently developed where specific approvals were required to enable the proposals to be consulted on with the public and other stakeholders, and then be taken to the next stages of the WMCA Single Assurance Framework Process and proposals submitted as part of an overall Outline Business Case (OBC) for the whole corridor.

Approval was also required to enter into grant agreements with the WMCA and accept grants for CRSTS funding to enable the scheme to be further developed, including the submission of business cases, to enable detailed design to be carried out, and following full approval, for the schemes to be constructed.

## Alternative Options Considered

One alternative option was to not continue with the scheme and reallocate the funding back to the WMCA for spending on a different scheme. This was not recommended, as it would limit the essential connections to nearby communities and amenities for all users for business, education, and other services. There was no guarantee that Sandwell Council would be able to retain the funding for a different scheme, and therefore Sandwell residents may be disadvantaged against other areas in the region.

Another alternative was to make significant changes to the scheme as it was drawn currently. This was not recommended as it would make it difficult to deliver by 2027 and would risk the funding being reclaimed.



## Resolved:-

- (1) that approval in principle is given to the proposed sustainable transport and highway improvement proposals that make up the A4123 Bus, Cycle and Walking Corridor in the Sandwell area, as part of an overall corridor project from Wolverhampton through Dudley and Sandwell as shown on the plans contained at Appendix A and B;
- (2) that the Assistant Director – Growth & Spatial Planning carries out public consultation on the proposals;
- (3) that the Assistant Director – Growth & Spatial Planning, in conjunction with the Interim Director of Finance & Section 151 Officer, and the Assistant Director – Legal and Assurance and Monitoring Officer, are authorised to accept City Region Sustainable Transport Fund grants from West Midlands Combined Authority under the Terms and Conditions contained in the Grant Agreements;
- (4) that the Cabinet Member for Environment and Highways considers any objections to the proposals, in conjunction with the Cabinet Member for Regeneration and WMCA;
- (5) that the Assistant Director – Growth & Spatial Planning is authorised to approve the submission of an Outline Business Case to the West Midlands Combined Authority.

Meeting ended at 4.41pm

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