

# Minutes of The Cabinet

**Wednesday 29 September 2021 at 3.30pm  
in the Council Chamber, Sandwell Council House, Oldbury**

**Present:** Councillor Crompton (Chair);  
Councillors Ahmed, Bostan, Carmichael, Hartwell and  
Simms.

**Also present:** Councillors Mabena, Moore and Shackleton.

**Officers:** Kim Bromley-Derry (Interim Chief Executive), Nicholas Austin (Interim Director of Borough Economy), Melanie Barnett (Acting Operational Director – Children and Education & Statutory Director of Children’s Services), Neil Cox (Director of Business Strategy and Change), Gillian Douglas (Director of Housing), Simone Hines (Director of Finance), Lisa McNally (Director of Public Health), Katharine Willmette (Interim Strategic Director – Children and Education), Mark Bodley (Solicitor – Trading Business Partner), Elaine Newsome (Service Manager – Democracy), Maria Price (Service Manager – Legal Services) and Suky Suthi-Nagra (Democratic Services Manager).

156/21 **Apologies for Absence**

Apologies were received from Councillors R Singh, Millard, I Padda, Piper and L Giles.

157/21 **Declarations of Interest**

Councillor Crompton declared a personal interest in Minute No. 170/21 (Sandwell Land and Property Ltd. – Future Use and Options) on the basis that her partner was a Director on the Board.

158/21 **Minutes**

**Resolved** that the minutes of the meeting held on 1 September 2021 be confirmed as a correct record.

159/21 **Additional Items of Business**

There were no additional items of business to consider at the meeting.

160/21 **Corporate Plan 2020 – 2025 - Refresh 2021**

Consideration was given to the refreshed Corporate Plan, which set out the strategic priorities for the council and details future service provision to achieve them.

The Corporate Plan would inform how each directorate would spend the target budget available to them.

Following approval of the Corporate Plan by Council on 10 March 2020, it was proposed to work with staff, members, partners and the community to develop delivery plans detailing the action needed to achieve the strategic priorities. However, due to the coronavirus pandemic, the Council's and partner focus had been diverted to the initial response and establishing longer term support mechanisms.

A series of engagement events with members, staff and partners had subsequently been undertaken to understand the impact of the pandemic on our communities and to develop actions to address key issues affecting residents.

A refresh of the detailed actions that underpin the delivery of the strategic objectives was required at this time to ensure that the Corporate Plan took into account the impact of the pandemic on Sandwell as a whole and on the organisation.

In developing the revised actions that underpin the strategic outcomes, all Directors had been provided with individual comments received during the engagements sessions in order that these were considered to help shape each outcome.

In addition, conversations had led to changes from the original iteration of the Corporate Plan and had now strengthened:-

- our commitment to improving standards of cleanliness across the borough;
- our drive to ensure that everyone feels safe in the communities they live in;
- our commitment to whole life care and choice.

It was proposed to go back to stakeholders, including each school that had been visited, in the autumn to tell them how their feedback had helped to shape our plan, and get their help to develop a young person's version of the Corporate Plan.

The Chair of the Economy, Skills, Transport and Environment Scrutiny Board felt that the Corporate Plan should include performance detail and benchmark data so that the Council could see clearly where it currently is and what targets we needed to achieve in order to measure the impact of COVID-19 and measure the success of the plan against tangible outcomes. Clarity was also sought on whether the plan had been costed and if the Council had the funds to carry out its plan. In response, the Interim Chief Executive confirmed that the next phase of the plan would be realigned to Directorate business plans and financial plans with clear targets and timelines to enable members to measure outcomes. This would be shared with members in February 2022.

### **Reason for Decision**

The Corporate Plan had been refreshed to ensure the key issues and concerns of a wide range of the Council's stakeholders were considered.

The proposed refreshed Corporate Plan captured these findings in a draft set of actions that would achieve the strategic outcomes and address the key issues affecting the borough and our organisation.

### **Alternative Options**

The Corporate Plan was originally approved by Full Council in March 2020 (Minute No. 20/25) for a five-year period, this would expire in 2025. The existing document could have remained in place without refining its actions, however this would not ensure that the Council's resources were focused on responding to the impact of the pandemic on the borough or the Council.

**Agreed** that Council be recommended to approve the Corporate Plan 2020 – 2025 – Refresh 2021.

### 161/21 **Use of COVID-19 Emergency Funding & Contain Outbreak Management Fund**

Approval was sought for the use of the COVID-19 Emergency Funding and the Contain Outbreak Management Fund (COMF).

#### **Reason for Decision**

The Council received a total of £33m COVID-19 Emergency Funding between 2020 and March 2021. An allocation of £11.2m had also been received for 2021/22. This funding was not ringfenced and could be used more flexibly than most other COVID grants.

The Council had also been allocated £2.9m of Contain Outbreak Management Fund for 2021/22 and brought forward a grant of £7.6m from 2020/21. This must be used for more specific purposes aimed at reducing the chances of any COVID outbreaks within the borough.

At the beginning of the pandemic, the Council's Financial Regulations were revised to allow the S151 Officer to make use of this emergency funding in the most appropriate and efficient way. Any significant spending decisions were approved by Emergency Committee. As the Council is no longer considered to be in an 'emergency' situation, Cabinet were now required to approve planned expenditure against these grants.

In response to questions raised by the Chair of the Economy, Skills, Transport and Environment Scrutiny Board and the Chair of the Safer Neighbourhoods and Active Communities Scrutiny Board, the Deputy Leader and Cabinet Member for Finance and Resources confirmed that:

- funding had been directed towards the maintenance of the Covid-19 temporary measures in Oldbury Town Centre and Smethwick High Street, however, a more detailed breakdown of the proposed projects and locations where funding had been allocated would be provided;
- Sandwell Children's Trust (SCT) had submitted a Type 1 Change Request for additional funding of £0.522m in the current financial year to recruit additional agency staff due to staff absences and vacancies.

### **Alternative Options**

The alternative option would be for these proposals to not be agreed and for Cabinet to request alternatives to be presented for approval. This would delay the expenditure against these grants. A sum of £26,390 was allocated against the maintenance of temporary social distancing measures that are no longer funded from the Emergency Active Travel Fund.

### **Agreed:-**

- (1) that approval be given to the COVID-19 Emergency Funding to be used as set out in **Appendix 1**, totalling £18.377m;
- (2) that approval be given to the use of some of the Contain Outbreak Management Fund (COMF) to cover the continuation of the Contact Tracing team (£0.701m) and various additional deep clean/sanitising requirements at the Aquatic Centre build site (£0.415m).

162/21

## **Extension of contract for a non-executive director of Sandwell Children's Trust board**

Approval was sought to the extension of contract for a non-executive director of Sandwell Children's Trust Board for the period of up to two years from 1 November 2021.

### **Reason for Decision**

The appointment of the current non-Executive Director took effect from 1 November 2017 and was for an initial term of 4 years. The board now sought to secure the continuity of the current non-executive directors at a time when there were personnel changes in the Chief Executive Officer post, and in light of the full Ofsted inspection expected in 2021.

The Trust wrote to the Secretary of State for Education requesting consent to extend this appointment for a period of up to two years from 1 November 2021. The Parliamentary Under Secretary of State for Children and Families had approved the recommendation.

Following the completion of the required process to consult the Secretary of State, the Cabinet was asked to approve the recommendations set out in the report.

### **Alternative Options**

The alternative option would be for Sandwell Children's Trust to begin a recruitment process for a new non-executive director. However, this would cause uncertainty at a time when there were personnel changes in the Chief Executive Officer post and a full Ofsted inspection expected in 2021.

### **Agreed:-**

- (1) that the completed sequence of events that are contractually required to extend the contract of a non-executive director of Sandwell Children's Trust board be noted;

- (2) that the response from the Secretary of State for Education in relation to the extension of the non executive director on the Sandwell Children's Trust be noted;
- (3) that approval be given to the extension of contract to Stephen Rimmer as a non executive director of Sandwell Children's Trust for the period of up to two years from 1 November 2021.

163/21

**Appropriation of 34/36 Bridge Street West  
Bromwich B70 9HN, General Fund into Housing  
Revenue Account**

Consideration was given to authorise the appropriation of 34/36 Bridge Street, West Bromwich, formerly known as The Willows, West Bromwich, to accommodate subsequent use by housing as part of the housing stock within the remit of the housing revenue account (HRA). The property would then be refurbished to provide a specially adapted large dwelling to meet urgent housing need and would support the Council's ambition in providing new homes and accessibility to meet a full range of housing needs.

**Reasons for Recommendations**

The Willows was currently within the general fund allocation. The property was to be appropriated into the HRA account. Housing and Strategic Asset and Land sought to obtain approval from Cabinet for the appropriation.

The property was currently unoccupied but previously used as temporary bedsit accommodation, the two existing dwellings had provided various care and housing provision over the years. Notwithstanding this the property still sat in the General Fund accounts. Given the proposed use, it was considered appropriate to move it to the HRA.

The proposed project was being undertaken by Urban Design and Building Services on behalf of Housing. The project consisted of the conversion of an existing property to create a suitable dwelling to house a large family with specific disabled housing requirements.

The family consisted of 7 adults, 5 of which were disabled adult children that required urgent accommodation suitable to their needs.

**Alternative Options Considered:**

One alternative option would be to do nothing. The building was currently under used and there was an opportunity to make better use of this asset.

Another option would be to sell the building. This would prevent the council from providing much needed social housing in the West Bromwich area. A sale would also mean the council losing influence on how this building, which was within a residential area, was managed. A sale of the building increased the risk of future anti-social activity.

**Agreed:-**

- (1) that approval be given to declare 34/36 Bridge Street, West Bromwich, B70 9HN, formerly known as The Willows, surplus to the current council services provision under General Fund (Site plan identification reference SAM/06980/005);
- (2) that subject to Resolution (1) above, the Director - Regeneration and Growth be authorised to appropriate the land and premises shown for identification purposes as Appendix B from the general fund to the housing revenue account at a value of £210,000;
- (3) that the Director – Housing be authorised to manage and let the premises as referred to in Resolution (1) above as part of the council's housing stock;

- (4) that the Director of Finance be authorised to make the appropriate adjustments to the Capital Financing Requirement of the General Fund and the Housing Revenue Account to reflect the appropriation as set out at Resolution (2) above.

164/21

### **Sandwell Local Development Scheme 2021**

Approval was sought to accept the updated Local Development Scheme (LDS) 2021. The LDS was the Council's three-year project plan that identified which local plan documents would be produced by the Council, in what order and by when. All documents would be subject to Cabinet and Full Council approval at the relevant stages.

#### **Reasons for Decision**

The Council needed to review its planning documents at regular intervals to assess whether some or all of them required updating. The LDS, therefore, also provided information on the timetabling of several existing approved planning documents which needed to be reviewed. Local Planning Authorities were required to prepare their LDS and make it available to the public; there was no longer a requirement to submit or report on them to the Secretary of State.

#### **Alternative Options Considered**

Preparation of a LDS was a requirement of the Planning & Compulsory Purchase Act 2004. As such there was no alternative to its preparation.

#### **Agreed:-**

- (1) that approval be given to the updated Sandwell Local Development Scheme (LDS) 2021 as now submitted;
- (2) that the Director for Regeneration and Growth be authorised to make minor changes to the Local Development Scheme that may be required prior to making it available to the public, in consultation with the Cabinet Member for Regeneration and Growth.

165/21

## **Refurbishment of Low Rise Blocks of Flats – The Lakes, Lion Farm**

Approval was sought to award a contract to undertake the refurbishment of low rise blocks of flats at The Lakes to continue the substantial investment in the Council's housing stock. The contracted works would deliver an upgrade to the 5 blocks and 20 new units of social housing by adding an extra storey to each block.

The project aimed to provide modern council owned accommodation to a high standard suitable for rent to council tenants and would provide an additional 20 new affordable homes. In order to comply with the Council's Procurement and Contract Procedure Rules, tenders were invited using the Homes England framework agreement. This ensured that only contractors with suitable refurbishment experience were invited to tender.

Invitations to tender were issued in June 2021 and 2 tenders were received. An exemption was therefore sought to the Council's Procurement and Contract Procedure Rules as a result of fewer than three tenders being received from advertisement through the Council's procurement portal.

The Chair of Economy, Skills, Transport and Environment Scrutiny Board welcomed the Council's continuing investment in new housing. Clarification was however sought on when the Council had last reviewed its procurement procedures in relation to the letting of contracts for low rise and high-rise blocks. In response, the Cabinet member for Housing confirmed that the Council would be reviewing its contract procedure rules in the current financial year. The internal audit programme for the current year also included procurement and contract compliance audit, which would incorporate a review of the Council's procurement procedures and processes.

### **Reasons for Decision**

In accordance with the Council's Procurement & Contract Procedure Rules (Rule 15) an exemption from any rule for a contract above £250,000 must be approved by Cabinet.

**Alternative Options Considered:**

The alternative was to not invest in Council housing stock which in turn may lead to dissatisfaction from existing and potential new tenants as well as disrepair and additional burden on the Housing Revenue Account.

**Agreed:-**

- (1) that approval be given to authorise the Director of Housing to award a contract for the refurbishment of low rise flats at The Lakes, Badsey Road, Lion Farm, Oldbury to Lovell Partnerships Limited, for the sum of £10,962,999.41 and for a period of 86 weeks, from November 2021 to June 2023;
- (2) that the Director – Law and Governance and Monitoring Officer be authorised to enter into an appropriate contract for the Refurbishment of Low Rise Blocks of Flats – The Lakes, Badsey Road, Lion Farm, Oldbury with Lovell Partnerships Limited;
- (3) that any necessary exemptions be made to the Council's Procurement & Contract Procedure Rules to enable the course of action referred to in Resolution (1) above to proceed;
- (4) that resources of £1.096m are allocated from the balance of receipts generated for 1-4-1 housing replacement from the sale of council properties under Right to Buy.

166/21

**Roofing Repairs to Council Properties**

Approval was sought to award the contract to undertake roofing repairs to Council properties. The Council was seeking to appoint three contractors to five contracts to undertake roofing repairs to Council properties for a contract period of three years, from 1 October 2021 to 30 September 2024.

This tender had been divided into the following lots:

- Lot 1 Pitched Roofing
- Lot 2 Built up Felt Roofing
- Lot 3 Asphalt Roofing

Two contractors were to be appointed to Lots 1 and 2 with one contractor to be appointed to Lot 3. The Contractors with the winning submissions were:

- Lot 1: Hardyman Group Limited/Roy Hankinson Limited
- Lot 2: IJS Roofing and Building Limited/Hardyman Group Limited
- Lot 3: Roy Hankinson Limited

The anticipated combined value of the contracts, including all Lots, was £2.7 million (£900,000 per annum) for a period of three years.

### **Reason for Decision**

The current contract was due to expire on the 31 January 2023. Expenditure levels on the current contract were forecast to exceed the contract sum figure. To comply with Public Contract Regulations 2015, a decision was made in conjunction with Procurement Services to terminate the current contracts in accordance with the termination provision contained within the contract and to re-procure the contracts to ensure compliance. Correspondence was issued to all contractors in February 2021, including a termination date of 30 September 2021.

### **Alternative Options Considered:**

Sandwell MBC's Asset Management and Maintenance team had eight directly employed roofers. This contract was required to pick up the overspill of work. The contract also included a provision to repair and renew Asphalt walkways and balconies as the council did not have suitably trained employees to undertake this work.

### **Agreed:-**

- (1) that approval be given to authorise the Director – Housing to award contracts for the delivery of Roofing Repairs to: -

- (a) Hardyman Group Limited and Roy Hankinson Limited – Lot 1 Pitched Roofing Repairs, for the sum of approximately £796,500 (£265,500 per annum) to Hardyman Group / £265,500 (£88,500 per annum) to Roy Hankinson Limited and for a period of 3 years, from 1 October 2021 to 30 September 2024;
  - (b) IJS Roofing and Building Limited and Hardyman Group Limited – Lot 2 Built Up Felt and Sheet Roofing Repairs, for the sum of approximately £888,750 (£296,250 per annum) to IJS Roofing and Building Limited / £296,250 (£98,750 per annum) to Hardyman Group Limited and for a period of 3 years, from 1 October 2021 to 30 September 2024;
  - (c) Roy Hankinson – Lot 3 Asphalt Roofing Repairs, for the sum of approximately £453,000 (£151,000 per annum) and for a period of 3 years, from 1 October 2021 to 30 September 2024;
- (2) that the Director – Law and Governance and Monitoring Officer be authorised to enter into appropriate contracts for Roofing Repairs with Hardyman Group Limited, Roy Hankinson Limited and IJS Roofing and Building Limited.

167/21

**Smethwick to Birmingham Area Framework and Grove Lane Masterplan Revision**

Approval was sought to revise documents on the Draft Smethwick to Birmingham Regeneration Corridor Area Framework and Grove Lane Masterplan and provide the Director of Regeneration and Growth authorisation to make minor changes to the area framework or Masterplan prior to consultation commencing if required.

### **Reason for Decision**

The Draft Area Framework and Masterplan were presented to Cabinet on 16 June 2021 and approved for consultation. As the documents were a cross boundary commission with Birmingham City Council, they were also presented to the Director of Planning at Birmingham for sign off who then requested changes to be made to the Area Framework only, prior to being released for public consultation.

Although the Cabinet report authorised the Interim Director Regeneration and Growth to make minor changes if necessary, it was considered that the scale of changes made were more significant and that the revised documents should be presented to Cabinet for approval again. Following approval from Cabinet, it was intended to commence consultation in October.

It was intended to commence with public consultation for a period of six weeks in October following approval of the amended documents. A report on the consultation responses and proposed changes would be brought to Cabinet in due course.

### **Alternative Options Considered**

Not progressing with a Masterplan for the area surrounding the new Midland Metropolitan University Hospital would not create a platform from which to promote development opportunities in this area. The continued regeneration envisioned for this area would not be achieved and it would prevent the development of up to 800 much needed homes, a primary school and employment opportunities not being realised within one of the most deprived areas of Sandwell. The changes proposed in the revised documents did not dilute the strategy for this area but ensured the information is more succinct and focussed on demonstrating the contribution to net zero and inclusive growth.

### **Agreed:-**

- (1) that approval be given to revise documents on the Draft Smethwick to Birmingham Regeneration Corridor Area Framework and Grove Lane Masterplan, to be consulted on for six weeks commencing October 2021;

- (2) that the Director Regeneration and Growth be authorised to make minor changes to the Area Framework or Masterplan prior to consultation commencing if required.

168/21

### **Additional Restrictions Grant (ARG) Top Up**

Approval was sought to accept the revised Additional Restrictions Grant Top-Up policy. The Additional Restrictions Grants policy was being changed because since the earlier part of 2021, businesses had now returned to trading as usual and the previous policy was focussed largely based on businesses which had been adversely affected by lockdown restrictions. In this instance, it was proposed to reward businesses who retained staff, particularly given that the Government's furlough scheme had ended in September 2021.

On 3 March 2021, BEIS announced that a further £425 million would be made available for local authorities, through a conditional top-up to the ARG Grant, subject to local authorities having spent their previous ARG allocations for financial years 20/21 & 21/22 by the 30 July 2021.

Sandwell Council had reported to BEIS that all ARG funding had been spent, and the Council had received £1.66m of ARG top-up in late August 2021.

Sandwell Council's Business Growth team had already administered over £9.6 million of ARG directly to businesses and sole traders. The ARG Top Up funding scheme aimed to support businesses severely impacted by the recent economic downturn created by the pandemic. Local authorities could use ARG funding for business support activities and for funding a form of discretionary grants.

All funding must be spent by the 31 March 2022 and as such, the way in which the council utilised this funding must be aligned to available resources; the council's decision-making processes; and procurement regulations. Flexibility would also be required to enable the council to respond to any changing circumstances over the grant period.

### **Reasons for Decision**

To agree a policy whereby businesses can benefit from the remaining ARG funding and agree how the funding was to be distributed to businesses who qualified for support in line with criteria set by the funder the Department of Business Energy and Industrial Strategy (BEIS) and Sandwell Council. The Council was ensuring that ARG policy and process were in accordance with the guidance provided by BEIS.

### **Alternative Options Considered**

An alternative option was to provide £1.66million (100%) in grants directly and not offer the £120,000 (7.2%) Business Support interventions. The downside of this is that it removed a level of extra support advice for up to 200 businesses, specialist guidance on trade and exporting goods for up to 20 Sandwell companies, and removed the opportunity for Sandwell Residents to participate in an 'Entrepreneurial Business School'.

It was clarified that the scheme would go live on Monday 4 October.

### **Agreed:-**

- (1) that approval be given to revise the Additional Restrictions Grant Top-up policy;
- (2) that the Director for Regeneration and Growth, in consultation with the Cabinet Member for Regeneration and Growth and the Director of Finance, be authorised to allocate and administer £1.54m of Additional Restriction Grants;
- (3) that the Director for Regeneration and Growth, in consultation with the Cabinet Member for Regeneration and Growth and the Director of Finance, be authorised to allocate and administer £120,000 in business support activities;

- (4) that the Director for Regeneration and Growth, in consultation with the Cabinet Member for Regeneration and Growth and the Director of Finance, be authorised to make any changes necessary to the Additional Restriction Grant Policy, including amounts allocated between Resolutions (2) and (3) above; in order to respond to any unforeseen circumstances which may arise between October 2021 and March 2022, in order to ensure all grant funding is expended within time frame.

169/21

### **Establishing an Equality Commission Team**

Approval was sought to fund the Equality Team from Council Reserves for the current financial year 2021/2022 and a budget allocated to meet the costs of the Team for subsequent financial years. To support the Equalities Diversity and Inclusion Agenda, it was imperative a dedicated core team was established which supported the delivery of the Council's ambitious equalities, diversity and inclusion agendas.

In response to questions raised by the Chair of the Children and Education Scrutiny Board in relation to the timing of the establishment of the Equalities Commission Team, with the Equalities Act being passed in 2010 and the mixed response from other local authorities in the comparisons provided in the report and about the action plan of the Equality Commissions Team and whether the Council would be updated on its progress, the Cabinet Member for Communities and Neighbourhoods confirmed that:-

- the Council had met the requirement of the 2010 Act, however, it involved staff members from different departments of the Council to address equality needs and now it was felt that there was a need to have a dedicated team as it allowed a greater focus on diversity and delivering the equalities agenda;

- upon the approval and establishment of the Equalities Commission Team, several project teams would be set up to focus on different areas with the Council being updated regularly on its progress. The current arrangement utilised existing council resources, however, it was recognised that a dedicated resource was required in order to drive the equalities agenda.

### **Reasons for Decision**

Emergency Committee approved the establishment of the Sandwell Equalities Commission as a catalyst to drive forward the Council's equalities agenda. To achieve this, it aimed to break down barriers prohibiting an inclusive society, tackle unfairness caused by inequality and encourage community cohesion through increased understanding and awareness. For this reason, the scope of this project was extensive and far reaching.

Initially the resources for the Commission were met from internal staff. However, additional resources were required to deliver the Equalities, Diversity and Inclusion Agenda.

It was therefore proposed that a new team to support the Equalities, Diversity and Inclusion Agenda be established. There was no specific allocated/approved budget for the cost of this addition, however sufficient budget had been identified in reserves to meet the cost of this team during 2021/22 with further funding to be secured for subsequent years as part of the forthcoming budget setting process.

### **Alternative Options Considered**

An alternative option considered was for the Council to continue with the existing arrangements, which consisted of support being provided by various departments to help deliver the Equalities Agenda. This did not provide the level of capacity, skills, expertise needed to drive this agenda with the level of pace and vigour required. Alternatively, the Council could second 2 or 3 employees to support and lead on the work of the Commission. While this option would result in some benefits, it would not be sufficient to achieve the ambitions and outcomes sought by the council.

**Agreed** that approval be given to fund the Equality Team from Council Reserves for the current financial year 2021/2022 and a budget allocated to meet the costs of the Team for subsequent financial years.

170/21

### **Sandwell Land and Property Ltd – Future Use and Options**

Approval was sought to approve the recommendation of the Board of Directors of Sandwell Land and Property Ltd (SL&P) made on 10 May 2021, that the Company had served the purpose for which it was incorporated, had reached the end of its useful life and that the company be placed into Members' Voluntary Liquidation.

The transfers necessary to other bodies (such as the Governing Body of a Foundation School or Lichfield Dioceses) would be undertaken following a thorough due diligence exercise to ensure only transfers that were legally required were executed.

In response to a question from the Chair of Children and Education Scrutiny Board on whether the scheme would cause any financial implications for the Council, it was clarified that the scheme would not impact any interests that could be acquired in the estate, but instead would make it easier for the administration of the education portfolio going forward.

#### **Reason for Decision**

The current position was that the Board of Directors of SL&P, having considered the advice obtained, the legal position, and the recommendations of the Council's external auditors, had resolved that the company should be placed into Members Voluntary Liquidation as it had reached the end of its useful life, should cease to be used by the Council as a property holding company, and the company's interest in the properties transferred back to the Council. It currently created an administrative barrier to the smooth operation of the Education portfolio and was preventing or hindering the rectification of historical anomalies with regard to the registration of a number of Education assets.

### **Alternative Options Considered**

The alternative options were considered and summarised in a report to the Board of Directors prepared by the external advisors (with input from Kroll).

#### **Agreed:-**

- (1) that approval be given, on behalf of the Council as sole shareholder of Sandwell Land & Property Limited agrees the recommendation of the Board of Directors of Sandwell Land and Property Ltd made on 10 May 2021, that the company has served the purpose for which it was incorporated, has reached the end of its useful life, and that the company be placed into Members' Voluntary Liquidation;
- (2) that approval be given to provide an indemnity on the terms as now submitted to the appointed Insolvency Practitioner concerning Sandwell Land and Property Limited;
- (3) that the Director of Law and Governance & Monitoring Officer be authorised to take the necessary steps to appoint appropriate professional practitioners and requisite actions necessary to administer the Members Voluntary Liquidation of Sandwell Land and Property Ltd.

171/21

### **Co-operative Working with Sandwell and West Birmingham Hospitals NHS Trust**

Approval was sought to authorise the extension of the Co-operative Working Arrangement for Public Health Services with Sandwell and West Bromwich Hospitals NHS Trust.

This aimed to strengthen the governance around the Co-operative Working Agreement with Sandwell and West Birmingham Hospitals NHS Trust (SWBH). In particular, in relation to Regulation 12(7) of the Public Contracts Regulations 2015.

By extending the current agreement and reducing the duration of the new agreement by the same time period, the Council and SWBH would gain an opportunity to strengthen the governance around the new agreement without any impact on patients, services or budgets.

### **Reason for Decision**

The Co-operative Working Arrangement were operational however the contract ended on 30 September 2021.

The governance arrangements were in place and working effectively including the Co-operative Working Management Board, the Cooperative Working Steering Group and the joint performance management of services under Co-operative Working. The operation of the Co-operative Working relationship had been assessed and was considered to satisfy the conditions of Public Contracts Regulations 2015, regulation 12(7); however, there was a need to elaborate the collaborative arrangements in the new Co-operative Working Agreement for Public Health Services. The extension period of 4 months to the existing contract would enable this to be undertaken.

Following the proposed extension, the contract would be for four years and 8 months. An initial period of 2 years 8 months from 1 Feb 2022 to 30 September 2024, and an option to extend for a further two years to 30 September 2026.

### **Alternative Options Considered**

An alternative option considered was for the Council to consider the procurement of the services in question; however, that was likely to result in less co-ordinated, efficient and cost effective services being delivered. The collaborative approach with the NHS Trust ensure greater proficiencies and enabled both public sector bodies to achieve more effectively key objectives.

### **Agreed:-**

- (1) that the Director of Public Health be authorised to extend the Cooperative Working Agreement for Public Health Services with Sandwell and West Birmingham Hospitals NHS Trust by 4 months on the same terms and conditions for the period 1 October 2021 to 31 January 2022;

- (2) that in connection with Resolution (1) above, approval be given to the cost of the extension to the Co-operative Working Agreement for Public Health Services with Sandwell and West Birmingham Hospitals NHS Trust, which totals approximately £2,709,670;
- (3) that with reference to Minute No. 117/20 taken by the Cabinet on 9 December 2020 in relation to the term of the new Co-operative Working Agreement, this now be reduced by 4 months as a means of offsetting the costs of the extension;
- (4) that the decision taken by the Cabinet on 9 December 2020 in relation to the new contract (see Minute No. 117/20), the term of the contract be amended for an initial period of 2 years 8 months, namely from 1 February 2021 to 30 September 2024 (reduced from three years) with an option to extend for a further two years to 30 September 2026;
- (5) that the Director of Law and Governance & Monitoring Officer, in consultation with the Director of Public Health, be authorised to approve variations up to a maximum of 10% of the contract value, should they be necessary;
- (6) that the Director of Law and Governance & Monitoring Officer be authorised to execute any documentation necessary to enable the above recommendations to be implemented;
- (7) that subject to approval of recommendations above, any necessary exemptions be made to the Council's Procurement and Contract Procedure Rules to enable the course of action to proceed.

172/21 **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.

173/21 **West Bromwich Towns Fund – Digital Den Full Business Case Approval**

Approval was sought to the Full Business Case and associated reports of the West Bromwich Towns Fund Digital Den Project, following a positive recommendation by the Council's Strategic Finance Team, for submission to the Department for Levelling Up, Housing and Communities for approval to be delivered by Greets Green Community Enterprises.

**Reason for Decision**

The Towns Fund Business Case Guidance, December 2020 set out that local assurance process should be followed for Towns Fund business case appraisal and approval led by the Council as the Accountable Body for the Towns Fund. In Sandwell, the process was for Full Business Cases to be reviewed by the Council's Strategic Finance Team and put to Cabinet for approval once an appraisal threshold was met.

The Town Deal Superboard considered this Full Business Case at its meeting on 22 July 2021 and subsequently approved it (see Minute No. 49/2021). The Full Business Case had been submitted to the Council's Strategic Finance Team (Strategic Investment Unit) for appraisal. However, the results and recommendations of the appraisal were not yet available. Therefore, the recommendation to Cabinet was subject to the outcome of this appraisal.

The appraisal would include a review of each of the 5 cases contained within the Full Business Case (strategic, economic, financial, management, commercial) and would ensure compliance with the Government's Green Book Standards for business cases. As the value of this project was less than £250,000 the Strategic Investment Unit would not score the appraisal but would provide a recommendation to the s.151 officer.

The Digital Den project value was £154,600 comprising £42,600 from Towns Fund and match funding of £112,000 from Greets Green Community Enterprise.

### **Alternative Options Considered**

The alternative option considered would be to not approve the Digital Den Full Business Case, however this would conclude Sandwell's partnership with Greets Green Community Enterprises. This would result in the loss of £0.0426m investment to West Bromwich from the Towns Fund and project benefits not being achieved.

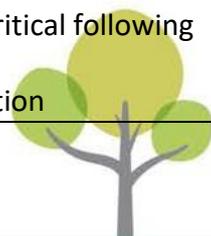
**Agreed** that the Director – Finance be authorised to consider and approve the Full Business Case and associated reports for the West Bromwich Towns Fund Digital Den Project for submission to the Department for Levelling Up, Housing and Communities, to be delivered by Greets Green Community Enterprises.

Meeting ended at 4.25pm

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



Strategic Outcomes	Challenges
<b>One Council, One team</b>	<ul style="list-style-type: none"> <li>• Balancing the budget</li> <li>• Developing the new operating model and transformation agenda</li> <li>• Developing the digital offer</li> <li>• Combatting digital exclusion</li> <li>• Embedding senior management restructure</li> <li>• Strategic communication</li> <li>• Positive mental wellbeing of staff</li> <li>• Equalities Commission</li> <li>• Updating our governance arrangements</li> </ul>
<b>Best Start in Life for Children and Young People</b>	<ul style="list-style-type: none"> <li>• Rising poverty and household stress, notably food insecurity</li> <li>• Increasing safeguarding concerns and need for family support</li> <li>• Young people disproportionately affected by the pandemic</li> <li>• Lost teaching in pandemic worsening existing education gap and risk of those Not in Employment, Education or Training (NEET) increasing</li> </ul>
<b>People live well, age well</b>	<ul style="list-style-type: none"> <li>• Widening health inequalities</li> <li>• Pandemic gravely affected specific groups, notably BAME and disabled people</li> <li>• Combatting mental ill health and social isolation</li> <li>• Promoting wellbeing and preventing the need for longer term support.</li> <li>• Joined up care</li> <li>• Vaccination take-up and risk of localities where Covid persists</li> </ul>
<b>Strong, Resilient Communities</b>	<ul style="list-style-type: none"> <li>• Rising reliance on benefits, poverty, debt and inequality</li> <li>• Impact on our high streets</li> <li>• Anticipation of increasing homelessness</li> <li>• Building on the increase in civic participation</li> <li>• Digital exclusion made worse</li> <li>• Action to address climate change as an organisation and in the community, a green recovery</li> <li>• 40% increase in waste collection</li> </ul>
<b>Quality Homes in Thriving Neighbourhoods</b>	<ul style="list-style-type: none"> <li>• Aspiration for new house building programme delivering green, environmentally-friendly and affordable homes</li> <li>• Fire safety in our high and low-rise blocks critical following Hackitt Report</li> <li>• Vulnerability in private rented accommodation</li> </ul>



<p><b>A Strong, Inclusive Economy</b></p>	<ul style="list-style-type: none"> <li>• Isolation of families in high rise blocks</li> <li>• Low wages, low Skills, and higher levels of deprivation</li> <li>• Meeting additional skills and retraining needs</li> <li>• Increasing need for digital skills and equipment</li> <li>• Increasing need for improved support for businesses</li> <li>• Disadvantaged groups being left behind</li> <li>• Impact on high streets and other economic scarring</li> <li>• Making the most of government funding opportunities</li> </ul>
<p><b>A connected and accessible Sandwell</b></p>	<ul style="list-style-type: none"> <li>• Continuing development of sustainable travel opportunities to build on increased walking/cycling</li> <li>• Securing funding/investment and delivering major transport projects</li> <li>• Implementing 5G infrastructure</li> </ul>



# REGENERATION AND PLANNING

STRATEGIC ASSET MANAGEMENT



NORTH



LEGEND	DESCRIPTION	SANDWELL	TERRIER
	34 BRIDGE STREET WEST BROMWICH B70 9HN	S09991NE	180
		SCALE 1:1250	CENTROID 399702/291672
		DRAWN JR	DATE 23-AUG-2021
		<small>THIS MAP IS BASED UPON ORDNANCE SURVEY MATERIAL WITH THE PERMISSION OF ORDNANCE SURVEY ON BEHALF OF THE CONTROLLER OF HER MAJESTY'S STATIONERY OFFICE</small> ©CROWN COPYRIGHT	
	AREA 425.1 M2    508.4 Y2	<small>UNAUTHORISED REPRODUCTION INFRINGES CROWN COPYRIGHT AND MAY LEAD TO PROSECUTION OR CIVIL PROCEEDINGS</small> SANDWELL MBC LICENCE NO 100032119 2021	
	PLAN NUMBER SAM/06980/005		