

# Minutes of The Cabinet

**Wednesday 17 March at 3.30pm  
Virtual Online Meeting**

**Present:** Councillor Crompton (Chair);  
Councillors Ali, Allcock, Millard, Padda, Shaeen, Singh,  
Taylor and Underhill.

**Also present:** Cllrs E M Giles and Preece.

**Officers:** David Stevens (Chief Executive), Alan Caddick (Director - Housing and Communities), Lesley Hagger (Executive Director – Children’s Services), Rebecca Maher (Acting Section 151 Officer), Sue Stanhope (Interim Director – Human Resources), Katharine Willmette (Interim Director of Adult Social Care), Chris Ward (Director – Education, Skills and Employment), Tammy Stokes (Interim Director of Regeneration and Growth), Lisa McNally (Director – Public Health), Surjit Tour (Director - Law and Governance and Monitoring Officer), Elaine Newsome (Service Manager – Democracy), Jayne Maull (Communications Officer), Sue Knowles (Head of ICT & Revenues and Benefits) and Suky Suthi-Nagra (Democratic Services Manager).

## 53/21 **Apologies for Absence**

Apologies for absence were received from Councillors L Giles, Moore and Rollins.



54/21 **Declarations of Interest**

There were no interests declared at the meeting.

55/21 **Minutes**

The minutes of the meetings held on the 17 and 24 February 2021 were confirmed as a correct record.

56/21 **Additional Item of Business - The Construction of 20 Houses at Church Hill Street, Smethwick – Acceptance of Tender**

Approval was sought for the acceptance of a tender by J Harper and Sons Ltd which had come in second for the provision of 20 new council-owned affordable homes in Smethwick.

As a result, there would be an increased build cost of £4,392,913.00 for this scheme.

Subject to the approval and completing contractual arrangements, it was envisaged that works could commence June/July 2021 and complete Spring 2022.

**Reason for Decision**

The Cabinet on 10 February 2021 gave approval to change the funding source and award a contract for this scheme (see Minute No. 18/21). Following the approval, officers offered the successful tender to Keon Homes Ltd. However, on 26 February 2021, Keon Homes Ltd sent a formal withdrawal from the procurement process stating that they did not wish to proceed with the scheme as they did not include a price for a section of work within the tender documents in their tender submission and could not complete the works for the price they submitted.

The second placed tenderer J Harper and Sons Ltd had been contacted and they had given formal notification that they were prepared to enter into contract to deliver the scheme as per their submitted tender sum. The build cost budget estimate for this scheme was now £3,812,118 which would result in an overall scheme development value of £4,392,913.00.



The tender of J Harper & Sons Ltd, in the sum of £3,812,118.00 had been checked and found to be technically and arithmetically correct.

### **Alternative Options Considered**

If the contract was not awarded to J Harper and Sons Ltd, the alternative would be to go back out to tender. This would likely incur further delays of 4-5 months and would likely result in higher tender sums than the current offer. Further delays to the Council's new build programme could impact on the financial modelling in relation to expenditure.

#### **Agreed: -**

- (1) that the Director Regeneration and Growth be authorised to accept the tender and award a contract to J Harper & Sons Ltd, in the sum of £3,812,118.00, for the construction of 20 Houses at Church Hill Street, Smethwick as tendered using the Council's Procurement Services In-Tend portal;
- (2) that approval be given to the increase in build cost budget estimate for this scheme to £3,812,118 resulting in an overall scheme development value of £4,392,913.00;
- (3) that the Director of Law and Governance and Monitoring Officer be authorised to enter into or execute under seal any documentation in relation to award of the contract and/or other agreements as may be deemed necessary.

57/21

### **Sandwell MBC Programme of Insurance**

Approval was sought for a compliant procurement process to be undertaken to award various contracts (where appropriate), for the provision of insurance cover for periods ranging from a commencement date of 1 October 2021 to 1 October 2022 for periods of up to three years with an option to extend for up to a further two years.



This was to ensure there was sufficient cover when various insurance policies and Long Term Agreements (LTAs) expired between 30 September 2021 and 30 September 2022 respectively.

### **Reason for Decision**

As quotes and tenders from the insurance market were only valid for a short period of time, it was necessary to ensure that the evaluation process and award of contracts was completed within the relevant period. As a result, delegated authority and exemption from contract procedure rules where necessary, was also sought.

### **Alternative Options Considered**

Option 1 - Carry out a tender for casualty cover only. This was not the preferred option.

Option 2 - To not procure casualty cover and retain the risk internally. Given the insurance cover was for catastrophic loss, this would leave the council's taking on a level of risk which was in excess and outside of the council's appetite for risk and would have significant financial implications if such events materialised.

Option 3 – Carry out a tender exercise for the main programme of insurance which expired on 30 September 2021.

### **Agreed: -**

- (1) that the Acting s151 Officer be authorised to engage with the insurance market to review and agree the council's insurance policies/contracts with a view to securing new Long-Term Agreements (LTAs) commencing between the period from 1 October 2021 and 1 October 2022;
- (2) that the Chief Executive and Acting s151 Officer be authorised to award contracts to the successful supplier(s) for the council's insurance programme for a period of up to three years with an option to extend for up to a further two years, following the procurement process;



- (3) that any necessary exemptions be made to the council's Procurement and Contract Procedure Rules to enable the actions proposed in (2) above to proceed.

58/21

## **Contract Award for Mobile Working Platform**

Approval was sought to award a contract to Advanced Business Software and Solutions Limited (formerly Kirona Solutions Limited) to maintain and further develop the mobile working platform.

This would enable jobs to be raised and allocated to either the council's workforce or external contractors to give a real time view of progress being made with jobs throughout the working day.

### **Reason for Decision**

The move to a new mobile working platform had successfully delivered the transition of service areas previously not utilising ICT, for their field work, as well as updating and increasing reliability for other service areas that had previously used an ICT solution. The development and ongoing use of a mobile working platform would enable service areas to carry out their functions in relation to maintaining the Council's Housing Stock as well as service areas that deliver services to property and or land managed by the Council.

### **Alternative Options Considered**

Reverting to paper-based processes would go against Sandwell's 2030 Vision and ambitions and would have a detrimental effect on customer satisfaction. Going out to the market was not considered as the cost of change would be greater than the cost of this direct award and having developed the mobile working platform over the last 4 years this now provided a stable and improved product, for the continued management and delivery of the Asset Management and Maintenance Service.



**Agreed: -**

- (1) that approval be given to the award of a contract under the Crown Commercial Services Framework RM 3821, Lot 1a to Advanced Business Software and Solutions Limited (formerly Kirona Solutions Limited) to maintain and further develop the mobile working platform;
- (2) that in connection with (1) above, the Director – Housing and Communities be authorised to award the contract for the licensing and ongoing development of a mobile working platform to Advanced Business Software and Solutions Limited (formerly Kirona Solutions Limited) for the period 30 June 2021 to 29 June 2028 for a total cost of £1,926,650 over the seven-year period and would be based on five years at a cost of £1,464,993 with an option to extend for a further two years at a cost of £461,657;
- (3) that the Director – Law and Governance and Monitoring Officer be authorised to execute any documents necessary to give effect to the recommendation set out in (2) above and to sign any contract changes in relation to the purchase of additional licences or development days during the period of the contract;
- (4) That any necessary exemptions be made to the Council’s Procurement and Contract Procedure Rules to allow a contract period of a maximum of 7 years for the maintenance and ongoing development of the Mobile Working Platform.

59/21

**Revenues and Benefits Policy Framework 2021/22**

Approval was sought to the Revenues and Benefits Policy Framework 2021/22.



## Reason for Decision

The Revenues and Benefits Service conducts an annual review of their policies. The review had been completed and this report sought approval of the Revenues and Benefits policy framework for 2021-22.

## Alternative Options Considered

There were no alternative options as the council was required to set out its application of certain areas of the legislation which allowed for local application of rules. The suite of policies included in the framework achieved this.

**Agreed** that the Revenues and Benefits policy framework for 2021-2022 be approved for the following policies:-

- Council Tax Discretionary Relief Policy
- Non-Domestic Rates Hardship Relief Policy
- Non-Domestic Rates Discretionary Rate Relief Policy
- Council Tax Award of Discount Policy
- Housing Benefit Overpayment Recovery Policy
- Corporate Debt Recovery Policy
- Discretionary Housing Payments Policy
- Local Welfare Provision Policy

60/21

## Oracle E-Business Suite Software License renewal for period 2021-22

Approval was sought to award a contract to renew the existing Oracle E-Business Suite software licences for the period 1 April 2021 to 31 October 2021.

Whilst the Council was currently progressing a large-scale project to migrate from the Oracle E- Business Suite to a cloud-based Enterprise Resource Planning (ERP) solution, Oracle Fusion, due to the impact of the COVID-19 pandemic and the need for the council to prioritise resources to focus on frontline services to support the community, this had delayed the implementation of the project. The project continued to be reviewed and risks mitigated with the go live date scheduled for the Autumn of 2021.



### **Reason for Decision**

The necessary delay in implementing the project into the 2021/22 financial year required the council to renew the council's existing ORACLE E Business Suite software license agreement to ensure that adequate cover was in place for continued vendor support, software maintenance updates and license compliancy.

### **Alternative Options Considered**

The migration to the Oracle Fusion solution would not be completed before 1 April 2021 therefore the council would need to continue to operate with the Oracle E-Business Suite. The council could have continued to use the E-Business Suite without renewing licences and maintenance. However, remaining on unsupported software was an unacceptable risk to the council due to the loss of service updates and support patches which would be required to ensure that the software operated effectively and in accordance with appropriate legislation.

### **Agreed: -**

- (1) that the Acting s151 Officer be authorised to award a contract to renew the existing Oracle E-Business Suite software licences for the period 1 April 2021 to 31 October 2021;
- (2) that the Director – Law and Governance and Monitoring Officer be authorised to sign any contract documentation in relation to the renewal of the Oracle software maintenance and license agreement.

61/21

### **Recommendations from Budget and Corporate Scrutiny Management Board in response to pressures within the Medium Term Financial Strategy**

The Chair of Health and Adult Social Care Scrutiny Board, in the absence of the Chair of the Budget and Corporate Scrutiny Management Board, presented the recommendations of the Cabinet in relation to key budget pressures that impact upon the Council's Medium Term Financial Strategy.



Arising from meetings of the Budget and Corporate Scrutiny Management Board, the Board felt that the Cabinet should:-

- consider the use of capital borrowing in order to fund both planned and unplanned maintenance works to Council buildings and to enable a more energy efficient solution to be implemented to make the improvements more sustainable in the future;
- highlight the cost to the Council taxpayer of the numerous Freedom of Information queries it received.

### **Reason for Decision**

The Budget and Corporate Scrutiny Management Board had considered the reasons for ongoing pressure on the Medium Term Financial Strategy in relation to:-

- Property Maintenance Account;
- Printing Devices;
- Legal Services.

The recommendations were made by the Scrutiny Management Board at its meeting held on 24 February 2021.

### **Alternative Options Considered**

In accordance with the Localism Act 2011, Cabinet is requested to respond to the recommendations of the Scrutiny Management Board within two months, setting out any approved recommendations, and how they will be implemented.

The Cabinet welcomed the findings of the Board and would submit a response to the Scrutiny Board within two months' time.

62/21

### **West Bromwich Town Hall Lateral Flow Testing Contract Extension**

Approval was sought to award a contract to Solutions4Health to provide a community lateral flow testing programme at West Bromwich Town Hall from 9 April 2021 to 29 July 2021 (a further 6 weeks) with further potential extensions (in 16-week blocks) to be utilised as needed and to end no later than 30 June 2022.



Lateral flow tests would be provided to people aged 11+, who lived or worked in Sandwell. Lateral flow testing allowed the identification of COVID-19 in asymptomatic individuals. This, in turn, helped reduce community transmission and prevent outbreaks.

Funding for providing the community testing was being allocated through a Government reimbursement programme, based on the expenditure for providing the lateral flow testing programme, and the number of tests performed. The exact amount paid per test was yet to be confirmed. There was the possibility that Sandwell Council may get less back than was spent on the testing programme. Any shortfall would be made up from the Public Health grant.

### **Reason for Decision**

There was no information on how long local areas would be required to provide lateral flow testing. This would depend on the future course of the pandemic as well as any changes in national testing policy. Therefore, a flexible approach to commissioning was required that allowed for longer term service provision but provided the ability to stop the contract when appropriate. It was therefore proposed to commission the testing service in blocks of 16 weeks. This would allow regular review of the need for the service.

Continuing with the same service provider would ensure continuity of the high quality of service experienced by Sandwell residents. The service to date had tested well over 3,000 residents a month and the Council had received consistently positive feedback from residents on the testing experience, including comments about the simple and accessible booking system, a spacious venue, minimal waiting times, very helpful testing staff and prompt expert advice at follow up if required.

### **Alternative Options Considered**

There were not any alternative providers to run the community testing site at West Bromwich Town Hall. To change providers would require a competitive tender process and an inevitable delay or even full break in service if a new provider was selected.



An alternative solution would be to close the testing site at the end of the initial 16 week testing period, on 8 April 2021, however, this would not serve the interests of the local population and would result in reputational damage to the Council.

**Agreed: -**

- (1) that the Director Public Health be authorised to award a contract to Solutions4Health to provide community lateral flow testing programme at West Bromwich Town Hall from 9 April 2021 to 29 July 2021 (a further 16 weeks) with further potential extensions (in 16-week blocks) to be utilised as needed and to end no later than 30 June 2022;
- (2) that approval be given to provide lateral flow tests to people aged 11+, who live or work in Sandwell;
- (3) that in connection with (1) above, the Director of Public Health be authorised to continue to fund Solutions4Health to provide the lateral flow testing service up to 30 June 2022 and to a maximum total value of £1,095,000.

63/21

## **School Absence Prosecutions Policy**

Approval was sought to the School Absence Prosecutions Policy.

The Attendance and Prosecution Service's practices and procedures follow legislation under the Education Act 1996, specifically Section 444. The principal drivers that had triggered the need for a new school absence prosecution policy were as follows:

- Consultation by Attendance and Prosecution Services with the recently appointed school prosecutions lead in Legal and Assurance
- Policy needs to be in place in case of challenge by defence and/or other individuals
- Ensures consistency of practice



- Readiness for resumption of prosecutions following latest Department for Education – Disapplication Notice: school attendance legislation changes (see link below in report)

The council would continue to work with families and children who had worries about safety and would be working with families to encourage those returning back to school.

### **Reason for Decision**

The existing policy was due to be implemented as from September 2020. Prior to this date, policy was implied by operational practice which adhered to existing legislation.

### **Alternative Options Considered**

There were not any alternative options, as it was best practice for councils to have a policy in place to protect legal processes, if and when required. The policy would ensure that the prosecution process and policy was clear. It would ensure that a case taken to court was legally robust and that parents had been treated fairly in accordance with the Council's policy.

**Agreed** that approval be given to the School Absence Prosecutions Policy.

64/21

## **Recommissioning of Children's Centres**

Approval was sought to award new contracts for the provision of children's centre services for a period of three years from 1 April 2022 (with the option to extend for a year).

There were seven core children's centres in the borough with one based in each town and two in the West Bromwich area. The core centres provide the main base for staffing as well as providing facilities to run sessions and groups for families.



During the COVID-19 pandemic, children's centres were able to maintain their contact and support to the most vulnerable families, for example those who were subject to Early Help plans. Centres had adapted their approach to the delivery of parenting courses, antenatal education groups, etc. to provide these virtually.

Children's centres would have short-term plans to recommence play sessions, identify those children in need of additional support and to proactively encourage parents to utilise existing childcare places. The centres would also be a part of the wider strategy for offering additional support to children and families. This was likely to include additional focussed sessions and even greater emphasis on reaching out to all children in the borough along with different partner agencies.

### **Reason for Decision**

The current commissioning arrangements for children's centres would end on 31 March 2022. Cabinet approval would enable the recommissioning process to be completed during 2021 so that the successful bidder was in place for 1 April 2022. This in turn would ensure a smooth transition between agencies where necessary and a resultant consistency of service provision.

### **Alternative Options Considered**

There was no option to further extend existing contracts as the current contracts expire on 31 March 2022.

Option 1 – To shorten the length of contracts offered to two years. It would be possible to go out to tender based on a shorter contract period e.g. two years. This would allow the matter to be reconsidered again in two years' time. This course of action however was likely to have a negative impact on the number of agencies bidding for the contracts and have an impact on staff retention as they look for more permanent positions.

Option 2 - To bring the service in-house. An alternative solution would be to bring the operation of core children's centres into the local authority. This would require substantial input on a range of legal, financial and human resources issues. The TUPE transfer of existing staff that meet the TUPE requirements into the local authority would be a major undertaking.



**Agreed: -**

- (1) that in accordance with the Council's Procurement and Contract Procedure Rules and the Public Contracts Regulations 2015, the Executive Director of Children's Services be authorised to award new contracts and any associated documentation for the provision of children's centre services for a period of three years from 1 April 2022 (with the option to extend for a year);
- (2) that in connection with (1) above, the Director of Law and Governance – Monitoring Officer be authorised to enter into or execute under seal if necessary any related documentation in connection with the land and property as part of the children's centre service on terms and conditions agreed by the Director of Regeneration and Growth.

65/21

**Urban Design & Building Services Asbestos Consultancy Services**

The Council's current arrangements for Asbestos Consultancy Services were due to terminate on the 31 July 2021, having already been extended to facilitate officers undertaking a review of projected future needs (in line with the emerging asset strategy and the work place vision programme rollout) which would lead to a more efficient and effective delivery of asbestos related services

A procurement process was on-going with a programme for new contractual arrangements to commence on 1 August 2021. The anticipated value of the proposed arrangements (at circa. £160k) would be above the relevant EU tender threshold, and the proposals would therefore be progressed in full compliance with the Public Contracts Regulations 2015.



## Reason for Decision

Specialist asbestos consultants were required to provide various highly specialist services associated with the management of asbestos including undertaking surveys, producing specifications and providing project management support for asbestos works, as well as offering assistance with the development of asbestos management plans, all of which were critical to ensure the Council complies with the Control of Asbestos Regulations 2012.

The specialist services provided within the Asbestos Consultancy Framework were an essential element of the Duty Holders ability to manage asbestos and comply with the requirements of the Control of Asbestos Regulations 2012, and keep public buildings and schools open, functioning and safe. Operating buildings without the provision of these services would likely lead to a breach of the Control of Asbestos Regulations.

## Alternative Options Considered

As the previous framework arrangements had now been extended and were due for retender, alternative options have already been explored. The most economically advantageous solution was still to conduct tender processes in compliance with the Public Contracts Regulations 2015.

### Agreed: -

- (1) that approval be given to authorise the Interim Director – Regeneration and Growth in consultation with the Head of Finance and Section 151 Officer to award a Term Service contract for Asbestos Consultancy Services, from 1 August 2021 for a period of four years;
- (2) that subject to (1) above, the Director - Law and Governance and Monitoring Officer be authorised to enter into or execute under seal any documentation in relation to award of the Asbestos Consultancy Services Term Service contracts and/or other agreements as may be deemed necessary.



## Tender for the Provision of Interpreting and Translation Services – Appointment of Contractors

The Council had an ongoing requirement for the provision of externally provided Interpreting and Translation Services via face to face meetings, via telephone/video calls and the translation of the written word (letters, leaflets etc)

Although there was some smaller usage across other various Council Services (e.g. School Admissions/Taxi Licencing) and Sandwell Children's Trust, the largest spend and frequency of usage of Interpreting and Translation was within Adult Social Care where Social Workers were working with Service Users to complete care assessments, mental health act assessments, safeguarding issues, case reviews, Best Interest Assessor assessments, etc.

The contract arrangement was due to expire on 31 March 2021 and a tendering exercise had been conducted in accordance with the Council's Procurement and Contract Procedure Rules to renew the contract for a four-year period. Sandwell Childrens Trust had also requested that they were able to participate in the Council's Contract for the provision of these services and their annual expenditure combined with the Council's was around £100,000 based on current usage levels.

### Reason for Decision

The current contract was due to expire on 31 March 2021. In response to the contract notice published in the Government's Find a Tender website, 14 completed tenders were received. Evaluation of the returned tenders in accordance with the published award criteria in terms of price and quality was being undertaken but due to the relatively short timeline available to complete this activity, it was necessary to request authority to award this contract upon completion of tender evaluation by early to mid-March 2021. This would ensure that mandatory standstill requirements were observed and it would allow for any appropriate mobilisation period to be implemented.



## Alternative Options Considered

The only alternative option to enable interpretation and translation to be undertaken would be for the Council to employ its own interpreters but this would prove to be costly and impractical due the wide range of languages that would need to be covered.

### Agreed: -

- (1) that approval be given to authorise the Chief Executive and the Acting Section 151 Officer to award a contract for the provision of Interpreting and Translation Services for the period 1 April 2021 to 31 March 2025 at an anticipated value of £400,000 following the conclusion of the current procurement exercise;
- (2) that in connection with (1) above, the Director, Law and Governance and Monitoring Officer be authorised to enter into appropriate contracts.

67/21

## Award a Contract for Bulk Rock Salt for Winter Service Operations

Approval was sought to award a framework tender in collaboration with Dudley Metropolitan Borough Council (MBC) for a period of up to four years for ground rock salt to support the efficient and effective running of the Winter Service Operational Plan. The current contract for the supply of ground rock salt was set to expire on 25 May 2021.

The tendering exercise would be carried out to ensure seamless operations remain in place and to enable a pre-season re-stock to be completed prior to the upcoming winter of 2021/22. The exercise would be carried out by Sandwell MBC acting as lead authority, in collaboration with Dudley MBC who would utilise the contract to support their own winter service operations.

### Reason for Decision

The council had a statutory duty 'to ensure, so far as reasonably practicable, that safe passage along a highway is not endangered by snow or ice'.



The duty is not absolute, but decisions must be taken on reasonable grounds with due care and regard to relevant considerations set out in best practice guidance.

Failure to do so could result in adverse economic and social impacts, public dissatisfaction and significant reputational damage.

### **Alternative Options Considered**

There were no recommended affordable alternatives to mitigate the safety risks arising from winter weather.

#### **Agreed: -**

- (1) that the Interim Director – Regeneration and Growth and the Head of Finance/ S151 Officer, in consultation with the Cabinet Member for Sustainable Transport, be authorised to enter into a collaborative framework agreement with Dudley Metropolitan Borough Council for the provision of bulk ground rock salt for winter service operations;
- (2) that the Interim Director – Regeneration and Growth and the Head of Finance/ S151 Officer, in consultation with the Cabinet Member for Sustainable Transport, be authorised to award a contract for the provision of bulk ground rock salt for winter service operations, following a compliant competitive tender process in collaboration with Dudley Metropolitan Borough Council for a 4 year period;
- (3) that the Director of Law and Governance – Monitoring Officer be authorised to execute any documentation necessary to enable the course of action in (1) above;
- (4) that any necessary exemptions be made to the Council’s Procurement and Contract Procedure Rules to enable the course of action referred to in (2) above to proceed.



## Asbestos Removal, Associated Works & Asbestos Testing

Approval was sought to appoint one contractor to undertake the Asbestos Removal and Associated Works and one contractor to undertake the Asbestos Sample Testing. The contracts were for a period of four years, from 1 April 2021 to 31 March 2025.

The anticipated value of the contracts was £807,519.75 (£201,879.93 per annum) for a period of four years.

### Reason for Decision

To renew an existing contract to remove identified asbestos, undertake any associated repairs, and the facility to undertake testing of samples identified by Sandwell MBC.

### Alternative Options Considered

There were no alternative options as Sandwell MBC's Asset Management and Maintenance Service did not have trained/qualified employees that could undertake either of the requirements for either of the lots in this tender due to the specialist nature of the service.

### Agreed: -

- (1) that the Director – Housing and Communities be authorised to award contracts to undertake Asbestos Removal and Associated Works to Envirocall Ltd, for the sum of £729,519.75 and to undertake Asbestos Testing to Bradley Environmental Consultants Ltd, for the sum of £78,000.00, for the period of 4 years, from 1 April 2021 to 31 March 2025;
- (2) that the Director – Law and Governance and Monitoring Officer be authorised to enter into any legal agreements in connection with (1) above.



## Sexual Health Spend at University Hospitals Birmingham

Approval was sought to make an exemption to clause 20.6 of the Council's Procurement and Contract Procedure Rules in relation to the provision of Genito -Urinary Medicine (GUM) and Contraception and Sexual Health (CaSH) services provided by University Hospitals NHS Foundation Trust (UHB), removing the requirement to aim to enter into a contract with the organisation.

The Council had a Co-operative working agreement with Sandwell and West Birmingham Hospitals NHS Trust. Included within this agreement was the provision of the Integrated Sexual Health Service. This had a risk-share arrangement that aimed to reduce attendances in out-of-area GUM and CaSH provision. Genito-Urinary Medicine (GUM) and CaSH services were open access services. This meant Sandwell patients could choose to attend services in any part of the country, the cost of which would be met by the Public Health budget of Sandwell MBC. University Hospitals Birmingham NHS Foundation Trust (UHB) was Sandwell's second largest provider of these out-of-area (OOA) services.

The Council paid UBH a fixed fee for CaSH attendances. UHB also charged the council for GUM attendances (on a quarterly basis) and there were no plans to alter this part of the arrangement. GUM attendances were charged on a Tariff basis for First appointments, Follow-Up appointments and telephone appointments.

### Reason for Decision

Analysis of the attendance numbers by Sandwell residents at UHB clinics for CaSH services in 2019/2020 demonstrated that the current CaSH fixed fee with UHB was too high. Additionally, changes in the way residents were accessing sexual health services, due to the pandemic, indicated that the number of residents going out-of-area to access UHB CaSH services was likely to decline; creating uncertainty about the appropriate value of future payments to UHB for CaSH provision.



## Alternative Options Considered

Continue to pay UHB a fixed payment for CaSH services and aim to renegotiate a lower fixed payment. This was not the preferred option as cost savings on payment by activity had already been identified. This was also in keeping with the overall aim to reduce all OOA activity through continued improvements in the Cooperative arrangement.

### Agreed: -

- (1) that approval be given to make an exemption to clause 20.6 of the Council's Procurement and Contract Procedure Rules in relation to the provision of Genito - Urinary Medicine (GUM) and Contraception and Sexual Health (CaSH) services provided by University Hospitals NHS Foundation Trust (UHB), removing the requirement to aim to enter into a contract with the organisation;
- (2) that the Director – Public Health be authorised to process payments in line with existing budgets for any validated Genito -Urinary Medicine (GUM) and Contraception and Sexual Health (CaSH) services provided by University Hospitals NHS Foundation Trust (UHB), without a contract.

70/21

## Award, Supply and Installation of Domestic Lifts 2021-2024

Approval was sought to award a contract for the supply and installation of Domestic Lifts 2021-2023, for a period of two years with the option to extend for a further year, following the conclusion of the current procurement exercise.

The framework was funded through the approved Council's Housing Revenue Budget and Better Care funded budgets via the award of Disabled Facilities Grants to residents.

The framework was necessary to ensure the council could continue to deliver grant aided adaptations on behalf eligible residents.



## Reason for Decision

The Cabinet heard that contract framework was due to end on the 31 May 2021. Due to the short timeline available to conduct the tender exercise, it was necessary to request delegated Director authority to award the contract upon completion of tender evaluation at the end of March 2021. Doing this ensured that the mandatory standstill requirements were observed and sufficient time was available to comply with any potential TUPE requirements. Furthermore, it allowed for an appropriate mobilisation period to be implemented.

## Alternative Options Considered

Cabinet was informed that no alternate options had been considered as the existing contract was required under the Housing Grants, Construction and Regeneration Act 1996. The most economically advantageous solution it was noted was to conduct a tender process in compliance with the Public Contracts Regulations 2015.

### Agreed: -

- (1) that the Director of Adult Social Care in consultation with the Cabinet Member for Living Healthy Lives, be authorised to award a contract for the supply and installation of Domestic Lifts 2021-2023, for a period of two years with the option to extend for a further year, following the conclusion of the current procurement exercise;
- (2) that the Director – Law and Governance and Monitoring Officer be authorised to enter into any legal agreements to enable the course of action referred to in the above to proceed.



## Composite Door Programme

Approval was sought to award contracts to undertake the composite door programme to various properties to Lovell Partnerships Limited and Nationwide Windows Limited for a contract period of two years, from April 2021 to March 2023 to a value of £10m per annum. This would enable the management, upkeep and repair of Sandwell's housing stock.

The contract was required to enable the Asset Management and Maintenance section of Neighbourhood Services to install composite front, rear and fire doors to tenanted Sandwell Council properties on both a reactive and planned maintenance basis.

### Reason for Decision

The report sought approval to award the contract to undertake composite door replacements to various locations within Housing Stock owned by Sandwell Council. The delivery included both planned programmes of replacement as well as reactive maintenance where existing doors fail or are not fit for purpose.

The contract Cabinet heard would seek to appoint two Contractors, one to serve the North of the Borough and one in the South. Each area would have a separate contractor. Contractors could apply for one or both contract areas but would only be awarded one contract. The most economically advantageous tenders would be appointed.

As Lovell's were the most economically advantageous tender in both the North and the South, Nationwide as the second most economically advantageous tender would be appointed to the South.

### 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 the Director – Housing and Communities be authorised to award contracts to undertake the Composite Door Programme to various properties to Lovell Partnerships Limited and Nationwide Windows Limited for a contract period of two years, from April 2021 to March 2023 to a value of £10m per annum;
- (2) that in connection with (1) above, the Director – Law and Governance and Monitoring Officer be authorised to enter into appropriate contracts with Lovell Partnerships Limited and Nationwide Windows Limited.

72/21

## **Sandwell's Air Quality Action Plan**

The Council was recommended to approve Sandwell's Air Quality Action Plan (AQAP) 2020-2025 as part of the Council's statutory duty to work towards the Air Quality Strategy (AQS) objectives as required by The Environment Act 1995 (Part IV) and to meet the requirements of the Local Air Quality Management (LAQM) statutory process.

The Cabinet recognised that air pollution had been a longstanding problem in Sandwell noting that in 2005 the Council had declared a borough wide Air Quality Management Area. The prevalence of Nitrogen Dioxide (NO<sub>2</sub>) exceeded the objective at the time in 22 separate locations. The current monitoring of NO<sub>2</sub> concentrations found that in 7 locations it still exceeded the annual objective with no significant evidence that there existed a downward trend.

Projects delivered through the last AQAP included:

- Promotion of health initiatives that support sustainable transport and behavioural change
- Traffic management and highway improvement
- Implementation of guidance and policy working with key stakeholders
- Improving understanding of pollutant behaviour
- Reviewing the Council's impact on air quality.



The principal source of air pollution was vehicle exhaust emissions, particularly from diesel engines. The Council's aims were therefore to:

- Reduce the overall health impacts and burdens of poor air quality
- Achieve the national air quality NO2 annual mean objective across the borough in the shortest possible time frame
- Reduce concentrations of particulate matter emissions (PM10 and PM2.5 inhalable particles) to protect human health.

### **Reason for Decision**

Tackling air pollution was one of Sandwell Council's health priorities and the AQAP outlined the actions to be delivered between 2020 and 2025 with the aim to reduce concentrations of air pollutants and exposure to them.

The programme outlined in the AQAP would help reduce carbon emissions to a level which would meet Sandwell's 2030 and 2041 targets as set out in the recent adopted Climate Change Strategy and associated action plan. It was also understood that actions to reduce air pollution could also result in lower carbon emissions. The impacts of climate change were considered likely to be extensive and detrimentally affect poorer residents, therefore action was taken to reduce that impact and ensure the future prosperity and equality of Sandwell's residents.

The wide-ranging actions required to tackle the impacts of air quality and climate change would have significant resource implications for the Council, therefore funding and likely sources of income would be sought to assist.

### **Alternative Options Considered**

The Council had a statutory duty to have an AQAP so there were no alternative options.



**Agreed to recommend to Council** that in relation to Sandwell's Air Quality Action Plan, approval be given to:

- (1) Sandwell's Air Quality Action Plan (AQAP) 2020-2025;
- (2) Authorise the Director of Public Health to address air quality according to the actions outlined in the Air Quality Action Plan (AQAP) following approval by the Council.

73/21

## **Water Fluoridation - Payment of operating costs**

It was reported that community water fluoridation (CWF) was considered one of the ten greatest public health achievements of the twentieth century and was the cornerstone strategy for the prevention and control of dental caries across many countries.

Good oral health was recognised as essential to good general health and achieving a good quality of life.

All tap water supplied in Sandwell had been artificially fluoridated to the optimum level since 1986. The original agreement was signed on 10 February 1982 by Severn-Trent Water Authority & Sandwell Area Health Authority and 30 March 1982 by The South Staffordshire Waterworks Company and Sandwell Area Health Authority, to raise the fluoride content of water supplied to consumers. Public health funds this fluoridation and it was believed it was one of the reasons tooth decay in children in Sandwell was in line with the national average, despite the population having a higher prevalence of a number of risk factors.

Public Health England (PHE) had advised the Authority that they do receive an early estimate of likely costs from both water companies from May/June each year – at this point the water companies were able to supply a breakdown of the actual costs in the previous year and an early indication of the budget for the current year. PHE advised that they robustly challenge these costs prior to paying the water companies water fluoridation operating costs and invoicing Sandwell Council thereafter.



## Reason for Decision

There was only one process for payment of water fluoridation operating costs so there was no possibility to go out to competitive procedure.

Sandwell Council pay Sandwell's contribution to PHE for Water Fluoridation operating costs. There was no contract between Sandwell Council and PHE regarding the payment of operating costs for water fluoridation; however, the relationship was one set out in legislation. These were the Water Industry Act, 1991, as amended and the relevant section is 88H, and detail was given in the Health and Social Care Act 2012 section 36.

The annual costs of water fluoridation were approximately £160,000. A £1,000,000 limit would allow costs to be covered for the next 5-6 years.

## Alternative Options Considered

The only alternative option would be to withdraw from the current agreement. This would not be possible unilaterally and may need the agreement of other local authorities that are also currently being supplied by South Staffordshire Water.

### Agreed: -

- (1) that approval be given to make any exemptions to the Council's Procurement and Contract Procedure Rules and to not enter into a contract for the provision of water fluoridation;
- (2) that the Director of Public Health be authorised to pay Public Health England for future water fluoridation operating costs up to a maximum of £1,000,000 starting with the 2020/2021 costs.



## West Midlands Collaborative Framework Contract for the Provision of Professional Services for Highway Structures, Transportation and Development

Approval was sought to participate in the West Midlands Collaborative Framework Contract for the provision of professional services for highway structures, transportation and development led by Birmingham City Council.

### Reason for Decision

The scope of the Framework Agreement provided Sandwell Council with access to professional support from consultants for highway infrastructure works, including specialist advice and design services for our highway structures inspection programmes, bridge repair and maintenance schemes as well as for other highway-associated structures.

All participants in the Framework Agreement would be able to achieve cost savings and additional benefits through: a reduction in tendering costs; reduced contract administration; regional innovation; creativity and collaboration; improved customer service; delivery of social value benefits and improved measurement of outcomes.

### Alternative Options Considered

A decision not to participate in this new Framework Agreement would necessitate Sandwell awarding commissions for specialist professional services relating to bridge structures and other assets to consultants on an individual basis. This would not enable framework savings to be realised and was not therefore a recommended option.

### Agreed: -

- (1) that approval be given to participate in the West Midlands Collaborative Framework Contract for the Provision of Professional Services for Highway Structures, Transportation and Development led by Birmingham City Council;



- (2) that the Director of Law and Governance and Monitoring Officer be authorised to execute any documents necessary to give effect to the (1) above.

75/21

## Local Transport Settlement 2021/22 – Sandwell Allocation

It was reported that the Integrated Transport and Maintenance blocks were Central Government funding sources administered by the Department for Transport (DfT) and allocated to local authorities for minor highway works, and highway and bridge maintenance (including street lighting) on the local road network.

The Black Country authorities had collectively made a bid to the Department for Transport's (DfT) Pinch Point Programme in January 2020. The bid included proposals for improvements at Bromford Lane/Brandon Way in Sandwell. No announcement had been made on the outcome of this bid. The scheme remained at the feasibility stage, however the estimated cost was around £2,500,000 with funding anticipated to be spread across financial years 2021/22 and 2022/23. There had a DfT requirement to include a local contribution of at least 10% towards the funding of successful bids. The programme made provision for the local contribution from the 'Named Schemes over £250,000' heading for the coming financial year. Should the bid be successful a similar provision would be required in 2022/23. In the event that no announcement was made, these resources would be reallocated to other headings.

Sandwell's allocations for 2021/22, included additional allocations for maintenance.

The Cabinet noted that the 2021/22 Local Transport Settlement was a single year allocation with no indicative allocations for future years. There were no indications from Government as to the likely level of funding that would be available from 1st April 2022, nor if there would be any changes to the way that local transport funding would be allocated going forward. Nationally the available funding may reflect the long-term economic impact of the Covid-19 pandemic.



Approval was sought from Cabinet for the programme of works outlined in the recommendations. Details of individual schemes would be reported back to the appropriate Cabinet Member(s) for approval.

### **Reason for Decision**

Local transport resources allocated to the Authority for 2021/22 which would be confirmed at West Midlands Combined Authority (WMCA) Board on 19 March 2021. Approval was subsequently required prior to the next scheduled meeting of Cabinet.

The funds allocated from the local transport settlement comprise the majority of the Council's capital programme of minor works, highway and bridge maintenance.

### **Alternative Options Considered**

Whilst the Integrated Transport Block was not ring-fenced, the money was allocated to the West Midlands Combined Authority and then pass-ported to the individual authorities under the proviso that it was spent in support of the objectives of the West Midlands Strategic Transport Plan known as 'Movement for Growth'. The proportion of the funding allocated to each of the individual block headings was in line with previous years' allocations. The option existed to allocate more funding to some headings and less to others dependant on member priorities. It also remained possible to alter the allocations 'in year' should circumstance require it.

### **Agreed: -**

- (1) that the details of the allocation of resources, for Integrated Transport and Local Highway Maintenance Block funding for financial year 2021/22, which will be confirmed by the West Midlands Combined Authority at its Board on 19 March 2021, be noted;
- (2) that in connection with (1) above and subject to confirmation at West Midlands Combined Authority Board, approval be given to the following programme of minor works, highways, bridges and street lighting maintenance works for 2021/22:



<b>Minor Works Programme</b>	<b>Funds 2021/22 £</b>
Major Schemes Development (Ring Fenced)	220,000
Road Safety Schemes	115,000
Local Safety Schemes	160,000
Safer Routes to School	125,000
Vulnerable Users	250,000
Demand Management	100,000
Traffic Calming	100,000
Major Route Signing	60,000
Named Schemes Over £250k.	356,000
<b>Total</b>	<b>1,486,000</b>

<b>Maintenance Programme</b>	<b>Funds 2021/22 £</b>
Carriageway Maintenance – Needs Formula	1,135,000
Carriageway Maintenance – Incentive Fund	445,000
Carriageway Maintenance – Pothole Action Fund	1,780,000
Bridges – Needs Formula	516,000
Street Lighting – Needs Formula	130,000
<b>Total</b>	<b>4,006,000</b>

- (3) that the continuing funding pressures relating to highway maintenance resulting from the impact of the Covid-19 pandemic on supporting income sources, and the potential implications of any long-term economic pressures on Central Government funding in future years be noted.

76/21

### **Wednesbury – Brierley Hill Metro Extension**

Approval was sought to enter into a deed of variation from the original Wednesbury – Brierley Hill Metro Extension legal agreement that was previously signed in 2005 by Sandwell MBC and Centro, now the West Midlands Combined Authority.

The design of the metro scheme had evolved since 2005, and Sandwell's land holdings have changed. It was therefore necessary to enter into a Deed of Variation to modify the 2005 agreement to reflect the position as it stood at the time.



The Metro Extension through Sandwell from Wednesbury to Brierley Hill would unlock housing growth and significant economic regeneration in the area supporting the Sandwell Inclusive Economy.

The key benefits of the scheme were laid out to Cabinet were as follows:-

- Support for housing regeneration priorities through improved connectivity to areas of housing development opportunity.
- Support for economic regeneration by improving accessibility to major employment areas such as Golds Hill.
- Encouragement for modal shift from private car by delivering a high quality and reliable public transport service.
- Support for an integrated transport network through providing seamless interchange

The metro extension was a priority project within both the West Midlands Local Transport Plan and the Black Country Core Strategy which were the Council's main policy documents for transport and land use planning respectively. The principle of the Council's land being provided at nil consideration as a contribution to the project therefore remains well founded.

### **Reason for Decision**

The legal agreement between Sandwell Council and Centro relating to the construction of the scheme and the use of Sandwell Council land scheme was signed in 2005 and remained in force. However, it was understood that in the intervening years the scheme had been modified and further developed, land holdings had changed and so a Deed of Variation was required to update the original Agreement.

The Wednesbury – Brierley Hill Metro Extension would benefit many Sandwell communities and improve sustainable transport options. The scheme was now progressing at a pace, but the legal agreement needed updating to ensure Sandwell's wants and needs were accounted for.



## Alternative Options Considered

The complementary measures programme would be modified and further developed following completion of the overall metro project detailed design. Options at individual locations would be considered as part of that process and, where necessary, reported to the Cabinet Member for Sustainable Transport.

It was possible to progress matters relating to the use of the Council's land holdings through WMCA enacting its powers through the 2019 Transport & Works Act Order. However, it was considered beneficial, and more cost effective, to both parties to conclude this by agreement.

### Agreed: -

- (1) that the Director of Regeneration and Growth be authorised to enter into a deed of variation from the original Wednesbury – Brierley Hill Metro Extension legal agreement that was previously signed in 2005 by Sandwell MBC and Centro, now the West Midlands Combined Authority;
- (2) that the Director of Regeneration and Growth be authorised to negotiate the terms of the Deed of Variation to include an agreed West Midlands Combined Authority capped funding contribution of £257,000 for advance maintenance work on the Eagle Lane Viaduct, Metro line closures for inspections and maintenance, and the principle of undertaking revised complementary measures to a similar or lesser extent than scheduled in the original agreement with fee costs funded by West Midlands Combined Authority;
- (3) that in connection with (1) above, the Director of Law and Governance and Monitoring Officer be authorised to enter into, and sign, a Deed of Variation of the Wednesbury – Brierley Hill Metro Extension legal agreement that was originally signed in 2005;



- (4) that approval be given to transfer Sandwell owned land along the Wednesbury – Brierley Hill Metro Extension corridor to West Midlands Combined Authority at nil consideration subject to terms to be agreed by the Director of Regeneration and Growth.

77/21

## **Black Country Transportation Hub Collaboration Agreement**

It was reported that the Black Country Core Strategy, which had been adopted in 2011, was based on steering growth to the four strategic centres (Wolverhampton, Walsall, Brierley Hill and West Bromwich) and sixteen regeneration corridors, where transport improvements underpin and enable the new employment and housing growth.

The Black Country's approach would create:

- 132,000 new jobs from 2023
- 630,000 new homes by 2026
- Increased incomes to the national average by 2033
- An extra £17bn Gross Value Added (GVA) by 2033

In 2018, the Black Country Director of Transport commissioned management consultants to undertake a review of the strategic transport capabilities across the Black Country. Through this work, and detailed discussions between Regeneration Directors and Chief Executives, a clear rationale and business case was developed demonstrating the need and benefit in establishing a new Black Country Transport Team to provide additional capacity to the four Black Country local authorities.

The new Black Country Transport Team working on behalf of the four Black Country local authorities and the BCLEP, would deliver benefits of at least £4.3bn in the long-term from current schemes. Research generated by the appointed consultants in May 2018 signified that all strategic transport teams were at full capacity and over 50% of the total pipeline of transport projects remained unfunded and not resourced.



A new Black Country Transport Team would work to develop strategies and major schemes, which would unlock growth and help support key agendas. The team would work collaboratively with key regional and national partners such as Highways England, Network Rail, Midlands Connect and Department for Transport amongst others.

The Team would work seamlessly with Transport for West Midlands to drive forward investment in key Black Country priorities. Combined it was understood, the Black Country Transport priorities amount to £2.1bn of total investment in transport infrastructure and services.

### **Reason for Decision**

The four Black Country authorities had agreed to collaborate to identify and develop strategic transport projects across the Black Country and to maximise transport funding opportunities for such projects through the creation and operation of pooled resources in the form of a joint Transportation Hub. The core of the Transportation Hub was a joint team which provided an additional resource to support the existing four Local Authority teams on project and programme delivery and would not replace the scheme delivery function which would continue to sit with the individual Local Authorities.

### **Alternative Options Considered**

Through the development of the business case and the original work undertaken by management consultants, two alternative options were considered by Cabinet: -

- ‘Do Nothing’ – leave the existing teams operating exactly as they had prior to the review. This option was discounted on the basis that there was a clear rationale to improve the current working situation and seek to lever-in a greater level of investment. Failure to improve and evolve would have resulted in a decreased level of investment.
- Merge Existing Teams – an option identified was to merge the four-local authority Strategic Transport Teams together. It was discounted for a number of reasons however. The merging of teams would not have benefit to the existing setup, because there would be no additional personnel to assist with the increasing workload. Each of the four teams were also funded



and structured in different ways, with some funded via revenue, some funded capital, whilst some teams included additional functions e.g. planning policy and development control. In order to meet the funding opportunities on offer, undertaking a complicated merger of teams with TUPE and restructure implications, would have had a negative impact on the level of funding available to the Black Country. The option was discounted on time, financial and legal grounds as being too expensive and complicated.

**Agreed: -**

- (1) that the financial implications of the Black Country Transport Hub set out below be approved:-
  - Local Authority capital contributions of £40,000 each authority per annum (£160,000 total per annum).
  - Local Authority revenue contributions circa £25,000 each authority per annum (£100,000 total per annum).
  - External Development grants.
- (2) that the Director of Regeneration and Growth in conjunction with the Director of Law and Governance and Monitoring Officer be authorised to enter into a Collaboration Agreement covering the operation and financial arrangements associated with the newly established Black Country Transportation Hub and the Director of Law and Governance and Monitoring Officer be authorised to seal or sign any associated contracts, deeds or other related documents to give full effect to the work of the Black Country Transport Team.

78/21

**Authority to submit a bid for Grant Funding from the Homes England Affordable Housing Programme 2021/26**

Approval was sought to submit a bid for Homes England Affordable Housing 2021/26 grant funding for 200 units through the Matrix consortium as an existing consortium partner.



The development of Homes England funded sites with new homes would result in the following benefits:

- Increased levels of high quality stock to replace units lost under Right to Buy through the HRA investment programme.
- Contributing positively to the financial position of the Council by generating New Homes Bonus and new Council Tax receipts.
- Developing fit for purpose accommodation.
- Increased good quality, energy efficient housing provision in the Borough
- Increased levels of new build Council housing stock within the Borough contributing towards meeting target forecasts.
- Re-developed areas of vacant land reducing the quantity of vacant land in the Borough and improve the image of the local built environment thereby supporting the aim of creating a safe and clean place to live.
- Linked to the work of Think Local and Think Sandwell approaches that will offer significant employment and training opportunities as well as additional community benefits to the local economy, including working with local supply chains and use of local labour.
- Producing positive outputs for community safety through the redevelopment of a vacant sites.

### **Reason for Decision**

The original Cabinet Report - Approval to enter into a Grant Funding Agreement with Homes England and a Consortium Agreement with Accord Housing Association 28 February 2018 (Minute No.38/18) had given approval to enter into the Grant Agreement with Homes England in relation to the Affordable Homes Programme 2016-2021 and the Consortium Agreement with Accord Housing Association Limited as lead partner and any other agreements necessary to facilitate accessing grant funding to develop affordable Council housing.

The Shared Ownership and Affordable Homes Programme 2016-2021 and the New Ways of Working Affordable Homes Programme 2016-2021 had planned to be completed by March 2021, however, due to Covid 19 related issues, this completion date had now been extended to 2023. The Council would continue to deliver all schemes under these programmes.



The Council was in the process of determining proposals for its new build programme for the next 5 years. The initial financial modelling around currently available and potentially available sites (Subject to Cabinet approval and the delivery assumptions made) had shown that when the other available funding had been allocated there was potential to deliver a further 200 units through the Homes England grant funded route.

### **Alternative Options Considered**

If the approval for the contract was not gained there would be knock-on delay for the proposed completion of urgently needed housing and adapted accommodation and have implications for the Council in meeting its commitment to deliver housing outputs and draw down Homes England affordable housing grant.

#### **Agreed: -**

- (1) that the Director of Regeneration and Growth be authorised to submit a bid for Homes England Affordable Housing 2021/26 grant funding for 200 units through the Matrix consortium as an existing consortium partner;
- (2) that the Director of Law and Governance and Monitoring Officer be authorised to enter into or execute under seal any documentation in relation to Grant Agreements with Homes England for the Affordable Homes Programme 2021-2026 through the Matrix Consortium Agreement with Accord Housing Association Limited as lead partner and any other related ancillary documents etc. to facilitate accessing grant funding to develop affordable housing on terms and conditions to be agreed by the Interim Director of Regeneration and Growth the Director of Housing and Communities;



- (3) that the Director of Law and Governance and Monitoring Officer in consultation with the Interim Director of Regeneration and Growth the Director of Housing and Communities be authorised to apply any exemptions to the Council’s Procurement and Contract Procedure Rules to allow the recommendations in (1) and (2) above to take place.

79/21

## **The Meadows School (9-19) – Extension Works**

Approval was sought to the allocation of £850,000 from the council’s Special Education Needs and Disability capital grant to fund extension works to The Meadows School, Oldbury which would allow a three-classroom block required from September 2021 following pressure being experienced within the special school sector.

The proposed extension would enable the local authority to sustain provision of special school places, in line with projected demand.

### **Reason for Decision**

The Council had a statutory duty to ensure a sufficient supply of school places. The Meadows School had reached its optimum pupil capacity. Sourcing placements out of borough was costly, with a significant impact placed upon the High Needs Block. Such placements were not always the right solution for the child and their family. To ensure that the additional school places were ready for the start of the next academic year a start on site is required early May 2021.

### **Alternative Options Considered**

Taking ‘no action’ was not an option since the authority would fail in its statutory duty ensure a sufficient supply of school places. The school was unable to sustain curriculum delivery with the shortfall in teaching accommodation for the number of pupils requiring school places from September.



The Orchard and The Westminster Schools were recognised as having previously extended their respective age ranges to provide additional school places to assist the Authority's pupil place planning.

Site appraisals had determined there was only one location that could sustain a 3-classroom extension without placing further impact upon external curriculum and service areas and offers a value for money solution.

**Agreed: -**

- (1) that approval be given to the allocation of £850,000 from the council's Special Education Needs and Disability capital grant to fund extension works to The Meadows School, Oldbury;
- (2) that subject to (1) above and to approval by Planning Committee, in accordance with the council's Procurement and Contract Procedure Rules 2018-2019, the Director – Education, Skills and Employment be authorised to accept a tender and agree terms, in conjunction with the Acting Section 151 Officer and in consultation with the Cabinet Member for Best Start in Life, for the award of a contract for construction works at The Meadows School, Oldbury;
- (3) that subject to (1) and (2) above, the Director – Law and Governance and Monitoring Officer be authorised to enter into a contract on terms agreed by the Director – Education, Skills and Employment, as required, to complete the extension works at the school.



## Towns Fund Heads of Terms

The Sandwell Towns Fund Superboard was recommended to give approval to the Towns Fund Heads of Terms offers for Rowley Regis, Smethwick and West Bromwich.

The objective of the fund was to drive the economic regeneration within Towns to deliver long term economic and productive growth.

Sandwell had in October 2020 submitted three Town Investment Plans for Rowley Regis, Smethwick and West Bromwich to Government as part of the Towns Fund Programme. The Town Investment Plans included an ask of £25m investment per Town. Six projects had been put forward in each Town.

It was reported that on 3 March 2021, confirmation had been received and that the Town Investment Plans had been accepted and Heads of Terms were offered.

The Heads of Terms would act as a Memorandum of Understanding for the future development and delivery of each Town Investment Plan.

The Heads of Terms offers contain a maximum funding amount, detailed the projects the Government is willing to fund and other conditions, including that each project should be developed to Full Business Case stage, each Full Business Case should be assured in line with Sandwell Councils usual process, and that a Public-Sector Equalities Duty analysis be undertaken.

The Cabinet welcomed the details relating to the Sandwell's Heads of Terms offers which was largest amount of funding being received by any local authority nationally. The funding would enable projects to go ahead across the three towns with a particular focus on increased learning and skills opportunities, improvements to Town Centres, the creation of new cycling and walking routes and new housing developments.



## Reason for Decision

The Government had provided Sandwell with a Towns Fund Heads of Terms Offer for Rowley Regis, Smethwick and West Bromwich. The Heads of Terms Offers were not contractually binding offers but were intended to act as a Memorandum of Understanding between Government, Sandwell Council and the Towns Fund Superboard for the future delivery of the Town Investment Plans.

There was a deadline of 24 March 2021 for the Town Deal Board to agree the Heads of Terms offers.

## Alternative Options Considered

The alternative option would be to not accept the Heads of Terms offer, however, this would have concluded Sandwell's participation in the Towns Fund Programme and resulted in an offer of £67.5m investment into the Borough and its project benefits not being achieved.

**Agreed** that the Sandwell Towns Fund Superboard give approval to the Towns Fund Heads of Terms offers for Rowley Regis, Smethwick and West Bromwich.

81/21

## Exclusion of the Public

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



## Wednesbury High Street Heritage Action Zone (Wednesbury HAZ) Cultural Programme

Approval was sought to be authorised to undertake a competitive procurement process and award a contract for the design and delivery of the Wednesbury High Street Heritage Action Zone Cultural Programme.

### Reason for Decision

A decision was required in order to respond to Historic England for the acceptance of the additional funding grant, and to minimise the pause in the Cultural Programme Delivery. Resolution in March enabled the Cultural Programme activity to recommence in July 2021.

The Wednesbury HAZ project team would undertake an OJEU competitive procurement process for the design and delivery of the Cultural Programme, including the role as Cultural Consortia lead, for the remaining 3 years of the project.

As part of the procurement process the project team would liaise with Strategic Finance and Legal to ascertain any implications for the Council, pertaining to the additional grant award of from Historic England.

### Alternative Options Considered

Cabinet considered two alternative options:

Option 1 – The Council would have refused the additional grant offer from Historic England, which would see the value of the Cultural Programme contract revert to the value contained within the March 2020 Cabinet Report and Grant Agreement with Historic England. This would have reduced the level of cultural activity that could be undertaken in the town as part of the HAZ project.



Option 2 – The Council would have considered independently to approve a procurement process for the delivery of a Cultural Programme for the remaining 3-year project period. The delivery of a Cultural Programme it was understood by Cabinet, was a condition of the grant agreement with Historic England whose delivery of a four-year programme of community engagement and cultural activities was required.

**Agreed: -**

- (1) that the Interim Director of Regeneration and Growth, in consultation with the Cabinet Member for Inclusive Economic Growth, be authorised to undertake a competitive procurement process and award a contract up to the value of £260k for the design and delivery of the Wednesbury High Street Heritage Action Zone Cultural Programme;
- (2) that in connection with (1) above, the Director – Law and Governance and Monitoring Officer, in consultation with the Head of Finance, be authorised to implement the recommendations arising from a financial and legal review, enter into or execute under seal, if necessary, the new funding agreement pertaining to the additional Historic England grant of £89,819.19 on terms and conditions to be negotiated by the Interim Director – Regeneration and Growth;
- (3) that subject to (1) and (2) above, the Director – Law and Governance and Monitoring Officer enter into or execute under seal the contract and any ancillary documentation in relation to the award of additional grant and the award of the contract for the Cultural Programme. Terms and conditions to be agreed by the Interim Director of Regeneration and Growth.

Meeting ended at 4.51pm

Click [here](#) to view a recording of the meeting.

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

