

Minutes of The Cabinet

**9 February 2022 at 3.30pm
at Council Chamber, Sandwell Council House**

Present: Councillor Carmichael (Leader of the Council)
Councillors Ahmed, Hartwell, Millard, I Padda, Piper and
Simms.

Also present: Councillors E M Giles, Moore and Shackleton.

Officers: Kim Bromley-Derry (Interim Chief Executive), Rashpal
Bishop (Director of Adult Social Care), Neil Cox (Director of
Business Change and Strategy), Alice Davey (Director of
Borough Economy), Gillian Douglas (Director of Housing),
Simone Hines (Director of Finance), Michael Jarrett (Director
of Children and Education), Tony McGovern (Director of
Regeneration and Growth), Lisa McNally (Director of Public
Health), Surjit Tour (Director of Law and Governance and
Monitoring Officer), Sue Stanhope (Interim Director of
Human Resources), Elaine Newsome (Service Manager –
Democracy) and Suky Suthi-Nagra (Democratic Services
Manager).

16/22 **Apologies for Absence**

Apologies for absence were received from Councillors Bostan and
Crompton, L Giles and Mabena.



17/22 **Declarations of Interest**

Councillor Piper declared a personal interest in Minute No. 33/22 (Sandwell Community Dementia Support Service) on the basis that he was a trustee of a dementia charity.

Councillor Carmichael declared a pecuniary interest in Minute No. 32/22 (Sandwell Leisure Trust Business Plan 2021-24) on the basis that her son was an employee of Sandwell Leisure Trust.

18/22 **Minutes**

Resolved that the minutes of the meeting held on 12 January 2022 be confirmed as a correct record.

19/22 **Additional Item of Business**

There were no additional items of business to consider.

20/22 **West Bromwich Interim Planning Statement (IPS) and West Bromwich Masterplan (Masterplan)**

Consideration was given to the outcome of the public consultation on the West Bromwich Interim Planning Statement (IPS) and West Bromwich Masterplan (Masterplan) and the response to the representations received.

Approval was sought for the West Bromwich Interim Planning Statement (IPS) and West Bromwich Masterplan (Masterplan) documents.

The Chair of the Economy, Skills, Transport and Environment Scrutiny Board asked questions regarding plans in place to secure sufficient funding to deliver the masterplan, timescales for completion of a new market/hub area and where existing indoor market stall holders would be relocated whilst works on new market area were carried out.



In response, the Cabinet Member for Regeneration and Growth stated that regarding the funding the West Midlands Combined Authority (WMCA) had expressed a willingness in principle to provide support, but the nature and timing of their involvement was dependent on further detailed and site-specific viability work which needed to take place. Officers were considering options to procure a development partner to work with the council on the delivery of the masterplan. A proposal on this would be brought to Cabinet during 2022. It was envisaged that once the development partner was in place it would be possible to be more specific about precise requirements, which would enable discussions with WMCA to progress.

Regarding the timescales for completion of the new market area, the Cabinet Member for Regeneration and Growth confirmed that the Council had acquired the former Argos units and a business plan was being prepared for the conversion of that space into a new indoor market. It was intended that the indoor market would continue to operate in its current location until the new space was ready. Specific timings for the delivery of the wider community hub area had not been determined as this would need to be considered as part of the wider masterplan delivery strategy.

The Chair of the Economy, Skills, Transport and Environment Scrutiny Board asked further questions regarding whether there were plans in place to replace the current paving on the main high street with better material as the existing paving was of poor quality and very difficult to keep clean, requiring BID levy to cover the extra costs of jet washing.

In response, the Cabinet Member for Regeneration and Growth stated that currently, the Council was at the masterplan stage, meaning no details around specific material choices had been agreed. Material choices would form an important part of the schemes at future stages and the Council was willing to learn from other local authorities' public realm schemes, including materials used in those schemes, to help inform its public realm material choices in the future.



The Chair of the Economy, Skills, Transport and Environment Scrutiny Board enquired whether a separate masterplan was envisaged for each of the other town centres in the borough. The Cabinet Member for Regeneration and Growth responded that there was currently no intention to develop this type of masterplan in all other town centres in the Borough, although it was possible that some towns would require masterplans in the future. Smethwick and Rowley Regis already had Town Investments Plans that were produced to support the Towns Fund submissions, and whilst these documents were not masterplans, they did set out areas for future investment. Also, there was a clear need to ensure regeneration opportunities in our other towns were maximised and a borough wide regeneration strategy and pipeline was therefore to be considered by Cabinet in March. This would set out some of the actions needed to ensure our town centres did not experience further decline.

Reason for Decision

Following public consultation, approval of the West Bromwich Interim Planning Statement (IPS) and associated West Bromwich Masterplan (the Masterplan) would provide the Council with an updated framework to guide the further regeneration of West Bromwich, the Borough's Strategic Centre. The documents were to bridge the gap between the current statutory Local Plan document, the 2012 West Bromwich Area Action Plan, and its replacement expected to be adopted in 2024.

Alternative Options Considered

To not proceed with endorsing the West Bromwich Interim Planning Statement (IPS) and West Bromwich Masterplan was not the preferred option as the existing development planning framework, as set out in the West Bromwich Area Action Plan, was becoming increasingly out of date. This would diminish the prospects of securing investment and development for the continued regeneration of West Bromwich.

It was considered that not providing an IPS and Masterplan would mean this gap between the existing Local Plan and the WBAAP, and its revised version, after 2024 at the earliest, would be too great. The IPS and Masterplan would form a material planning consideration that could fill this gap.



Agreed:-

- (1) that the outcome of the public consultation and the response to the representations received in relation to West Bromwich Interim Planning Statement (IPS) and West Bromwich Masterplan (Masterplan) be noted;
- (2) that the West Bromwich Interim Planning Statement and West Bromwich Masterplan be approved.

21/22

Re-commissioning Sandwell Adult Drug and Alcohol Treatment Services

Approval was sought for the Director of Public Health to be authorised to procure Adult Drug and Alcohol Treatment Services, with the contract commencing from 1 February 2023 for a period of three years to 31 January 2026 with the option to extend up to a further 2 years (until 31 January 2028).

Approval was also sought for the Director of Public Health to be authorised, in relation to the above contract, to include any future Drug Strategy monies awarded from National Government into the contract value, to enable the delivery of the 2021 Drug Strategy ambitions towards a delivering a world class treatment system.

It was reported that Sandwell was among the 10 local authorities with the lowest drug related deaths in the country and had won multiple awards for its drug and alcohol treatment services. It was deemed important that this positive trend was continued and re-commissioning of the contract for these services was important in this respect.

Reason for Decision

Procurement of Adult Drug and Alcohol Treatment Services would ensure that support for Sandwell residents continued to be available beyond the currently commissioned service which was due to end on 31 January 2023.



Whilst work to address the harms from substance misuse had resulted in some real successes for the local population, including one of the lowest drug related deaths in the country, the provision of well-delivered evidence-based community treatment provision remained integral to continuing such efforts. Furthermore, conditions attached to use of the Public Health Grant required that local areas must: “have regard to the need to improve the take up of, and outcomes from, its drug and alcohol misuse treatment services”.

Alternative Options Considered

To not approve the procurement of Adult Drug and Alcohol Service provision beyond 31 January 2023 would impact health outcomes (not just of substance misusers themselves but the health of others through secondary harms) and further exacerbate health inequalities for the most disadvantaged groups within the borough. This would be inadvisable given the impact across the wider health and criminal justice system due to substance misuse.

Agreed:-

- (1) that approval be given to re-commission Adult Drug and Alcohol Treatment Services ensuring future delivery of support for Sandwell residents;
- (2) that the Director of Public Health be authorised to commence a procurement process for the provision of Adult Drug and Alcohol Treatment Services to commence 1 February 2023 for a period of 3 years with the option to extend for up to a further 2 years;
- (3) that in connection with Resolution (2) above, the Director of Public Health be authorised to include any future Drug Strategy monies awarded from National Government into the contract value to enable delivery of the 2021 Drug Strategy ambitions towards a delivering a world class treatment system;
- (4) that the Director of Public Health be authorised to award a contract and enter into a contract with the successful bidder, on terms to be agreed by the Director of Public Health, for the provision of Adult



Drug and Alcohol Treatment Services to commence on 1 February 2023 for a period of 3 years to 31 January 2026 with the option to extend up to a further 2 years (until 31st January 2028);

- (5) that an exemption to rule 8.7 of the Council's Procurement and Contract Procedure Rules be made to allow a contract to be awarded to a successful tenderer in the event that the required minimum number of tenders are not received;
- (6) that the Director of Public Health, in consultation with the Cabinet Member for Adults, Social Care and Health, be authorised to make variations to the Contract up to a maximum of 10% of the Contract value, should they be necessitated;
- (7) that the Director of Law and Governance be authorised to execute any documentation necessary to give effect to the proposals set out in (1) – (6) above for the provision of Adult Drug and Alcohol Treatment Services.

22/22

Appointment of an Executive Director to Sandwell Children's Trust Ltd

Approval was sought to appoint Teodora Bot as an executive director of Sandwell Children's Trust Ltd following her appointment as Director of Practice, Quality and Partnerships for the Trust.

Reason for Decision

There were currently only two executive directors in place, one of which was the Chief Executive of the Trust. The appointment of Teodora Bot as the third executive director would bring the composition of Sandwell Children's Trust board into alignment with the Governance Side Agreement between the Council and Department for Education (DfE).



The Council had written to the Secretary of State to consult with them prior to confirming its decision. The Department for Education (DfE) officials had confirmed by email that the Parliamentary Under Secretary of State for Children and Families had approved the recommendation.

Alternative Options Considered

The alternative option would be for the Director of Practice, Quality and Partnerships to not be appointed as a company director. However, this would mean the composition of the board of directors was other than that as set out in the Governance Side Agreement and Articles of Association.

Agreed:-

- (1) that the Cabinet, as the decision maker for the Council in its capacity as sole owner of Sandwell Children's Trust (SCT):
 - (a) the completed sequence of events that were contractually required to appoint an executive director of Sandwell Children's Trust Ltd be noted;
 - (b) the response from the Secretary of State be noted and taken into account in its decision-making;
 - (c) Teodora Bot, Director of Practice, Quality and Partnerships, be appointed as an executive director of Sandwell Children's Trust Ltd.

23/22

Award a Contract for Highway Surfacing and Associated Works

Approval was sought for Sandwell MBC to work in collaboration with Dudley MBC and Wolverhampton City Council, with Dudley acting as the lead Authority, to procure a contract for the provision of highway surfacing and associated works.



In response to a question by the Chair of Economy, Skills, Transport and Environment Scrutiny Board regarding slabbed footways and steps taken to planned footway maintenance priorities with ward members, the Cabinet Member for Community Safety stated, on behalf of Cabinet Member for Environment, that the contract recommended for approval in the report provided only for construction work to be undertaken, which would allow for work to be undertaken on all types of footway including locations with existing slabbed footways. Priorities were established separately in an equitable way based on regular borough wide condition surveys that provided the evidence for an impartial comparison across 1,400 km of footways in all wards. Ward members were advised of the work programme for the priority locations within their area in advance of construction and provided with information releases before they were made public.

Routine safety inspections were carried out on all streets around Sandwell at least annually. Where defects had been identified, these were classified according to degree of hazard. Prior to work taking place, where there were plans to remove slabbed footways, ward members would be advised that the work would see slabbed footways replaced with tarmac.

The Chair of Economy, Skills, Transport and Environment also enquired whether the Council considered purchasing JCB PotholePro machines to improve its efficiency in dealing with potholes.

In response, Cabinet Member for Community Safety stated, on behalf of Cabinet Member for Environment, that Sandwell Highway Officers had always been horizon scanning for innovative new products or tools to help increase efficiency and effectiveness. The Highway Service was aware of the use of the JCB PotholePro by Stoke City and other Councils, including Coventry and were monitoring the outcome these trials. Sandwell had also seen similar technology at various industry demonstrations.

These were, however, expensive machines costing in the region of £150k to £200k each. They could be cost effective in improving the speed of maintenance and/or productivity of pothole repairs in the right situation. In Sandwell, the Highway Service already repaired 96% of defects on time (Highways Services Performance



Summary Report- Quarter 3 2021/22), meaning little scope to improve the speed of defect repairs. There was no significant backlog of potholes to repair either. Equipment like the JCB PotholePro was most effective at delivering significant productivity benefits where authorities had substantial programmes of potholes to address. Typically, these machines could complete 3 years of pothole repairs in 4 months. Sandwell did not have the number of potholes to repair that would make deployment of this type of machine beneficial. Highway Service would continue to monitor trials at other local authorities, although currently there were no plans to purchase a JCB PotholePro device.

Reason for Decision

The Council had a statutory duty under section 41 of The Highways Act 1980 to maintain highways that were maintainable at the public expense.

To meet this duty, routine highway maintenance works had been programmed such as patching for minor defects or wider resurfacing and reconstruction works where required.

Alternative Options Considered

There were no other viable and affordable alternatives to enable effective and efficient highway surfacing and associated works.

Agreed:-

- (1) that approval be given to Sandwell MBC working in collaboration with Dudley MBC and Wolverhampton City Council, with Dudley acting as the lead Authority, to procure a contract for the provision of highway surfacing and associated works;
- (2) that the Director of Borough Economy be authorised to accept tenders and award the recommended collaborative contract for the provision of highway surfacing and associated works in support of Sandwell's annual planned highway maintenance programme, following a compliant competitive tender process;



- (3) that the Director of Law and Governance and Monitoring Officer be authorised to execute any documentation necessary to enable the recommended course of action;
- (4) that any necessary exemptions be made to the Council's Procurement and Contract Procedure Rules to enable the recommended course of action referred to proceed.

24/22

Revocation of Highway Improvement Lines - A41 Birmingham Road, West Bromwich

Approval was sought to revoke the highway improvement lines at A41 Birmingham Road/Park Lane, West Bromwich.

Reason for Decision

Following a review by both Sandwell and Birmingham councils, the road widening scheme on the A41 between Park Lane and Island Road was no longer intended to be delivered. Therefore, the improvement lines which protected the land required for the scheme were no longer required.

Alternative Options Considered

The alternative would be to retain the improvement line. However, as Birmingham City Council no longer wished to pursue road widening in this location, and Sandwell had no proposals of its own for the land affected, there was no justification to do so.

Agreed that the highway improvement lines at A41 Birmingham Road/Park Lane, West Bromwich, more particularly identified on Drawing No. SP0290SE/J be revoked.

25/22

Smethwick to Birmingham Area Framework and Grove Lane Masterplan

Consideration was given to the results of the consultation undertaken on the Smethwick to Birmingham Area Framework and Grove Lane Masterplan during October to December 2021.



Approval was sought for the Smethwick to Birmingham Area Framework and Grove Lane Masterplan documents, as amended, and for both documents to be treated as a material consideration in the determination of future planning applications.

The Chair of Economy, Skills, Transport and Environment Scrutiny Board sought further clarification on the plan with regards to the industrial buildings either side of the road on Cranford Street and Heath Street, as these spaces were unsightly for visitors driving into Sandwell or into Birmingham.

In response, the Cabinet Member for Regeneration and Growth explained the vision for the wider Grove Lane area was to bring sites forward for residential development. As part of that process, buildings within the area would be assessed for their heritage value and consideration given to their reuse where physically and viably possible, and where it would contribute to the wider regeneration principles set out in the Masterplan. The buildings on Heath Street/ Cranford Street would be looked at once more detailed proposals come forward and in conjunction with other proposals set out in the plan such as improving walking and cycling connectivity. However, as part of the redevelopment of the sites north and south of Cranford Street, it was not envisaged to retain the bridge spanning the road.

Reason for Decision

The Draft Smethwick to Birmingham Area Framework and Grove Lane Masterplan were presented to Cabinet in June 2021 for consultation. However, prior to consultation being undertaken, amendments were requested from Birmingham City Council in the capacity of our joint partner for this project. Following this revision, both documents were presented to Cabinet again on 29 September 2021 for authority to consult.

It was also recommended that a further report be presented to Cabinet with the results of the consultation in due course. Consultation is now complete and both documents had been amended to take into account relevant amendments. This report requested that both documents be approved to assist with guiding decisions on future development proposals in the area.



Alternative Options Considered

Not progressing with the Masterplan for the Grove Lane area was discounted as the masterplan provided insight to developers and landowners in what type of development could positively contribute to the wider area regeneration. Lack of a masterplan might also lead to unconnected, piecemeal development that would lack cohesiveness and not provide for connectivity to the wider area and the creation of new, related communities.

Not progressing with the Corridor Area Framework was also discounted as an option. This was because the Corridor Framework ensured consistency between the two local authorities within this important regeneration corridor in achieving the provision of good quality housing that was well connected to sustainable transport links, open space and the canal network. The guiding principles also assisted in contributing to the vision for this area in creating a healthy place to live, work and visit and contributing to net zero and inclusive growth. Without the Area Framework to direct appropriate development for the opportunity sites and the related transport strategy to focus on sustainable transport, development within the corridor might fail to achieve the vision set out by the respective local authorities and partner agencies for the regeneration transformation of this area.

Agreed:-

- (1) that the results of the consultation undertaken on the Smethwick to Birmingham Area Framework and Grove Lane Masterplan during October to December 2021 as set out in the Consultation Report, be noted;
- (2) that the Area Framework and Grove Lane Masterplan as amended, be approved, and for both documents to be treated as a material consideration in the determination of future planning applications.



Sandwell Valley Urban Bike Park Project

Approval was sought to create a series of cycle trails within Sandwell Valley, close to the Swan Pool area and on neighbouring land within Birmingham (The former Hill Top Golf Course) with the Council to accept Grant funding from both Sport England (£400,000) and Birmingham City Council (£100,000), and to commit match funding of £100,000 towards the project.

The project was planned to start in September 2022 and to be completed by March 2023. It would form one of the legacy projects from the 2022 Commonwealth Games.

In response to a question by the Chair of Economy, Skills, Transport and Environment Scrutiny Board regarding how the Council's £100,000 commitment to the project would be funded, the Cabinet Member for Culture and Tourism explained the commitment was expected to be funded from the 2021/22 underspend within the revenue budget for Borough Economy Directorate. A request for this reserve would be made at year end to set aside these funds for use in 2022/23.

The Cabinet Member for Culture and Tourism commented it was very positive to see Sandwell Council to be involved in a project with Sport England again.

Reason for Decision

The creation of new cycle trails would help increase visitor numbers to Sandwell Valley and would increase popularity of the destination for cyclists within the region. The facility would be a 'Legacy' from the 2022 Commonwealth Games and encourage people to visit the area. Cycling for sport and recreation provided many health benefits and could help individuals to meet their recommended levels of physical activity, help reduce social isolation and encourage community cohesion.

The recommendations would allow the project to be delivered in line with the project plan which was submitted to, and agreed, by both Sport England and Birmingham City Council. Authorising the Director of Borough Economy to oversee the implementation of recommendations would remove the need for further reports to be presented before Cabinet.



Alternative Options Considered

No alternative options had been considered for this project, however, as the scheme would be delivered on a 'design and build' basis, the final designs could be altered to fit with on-site factors such as environmental / ecological matters.

Agreed:-

- (1) that approval be given to create a series of cycle trails within Sandwell Valley, close to the Swan Pool area and on neighbouring land within Birmingham (The former Hill Top Golf Course);
- (2) that the Director of Borough Economy in consultation with the Section 151 Officer be authorised to:
 - prepare the necessary Tendering documentation;
 - procure, in accordance with the public procurement rules, the Council's procurement and financial regulations a contractor(s) to develop, on behalf of the Council, the proposed scheme;
 - enter into or execute under seal any financial agreement(s) as may be deemed necessary in relation to the scheme;
 - accept Grant funding from both Sport England (£400,000) and Birmingham City Council (£100,000) on terms and conditions to be agreed by the Director of Borough Economy in consultation with Legal services;
 - commit match funding of £100,000 towards the project.

27/22

Council new build homes on land at Beaver Road, Tipton

Approval was sought to make an application to the Secretary of State to appropriate the site for housing purposes and to develop approximately 0.783 hectares of land at Beaver Road, Tipton with new affordable rent council housing.



Reason for Decision

This project would deliver 18 new Council-owned affordable rented properties on a council-owned site including 10 bungalows and 8 apartments are 2 flats and 2 bungalows that were being built to M(4)3 full wheelchair compliant standard for people with specific needs.

The development of this council site with new homes would result in additional benefits for the Council such as reducing the amount of vacant, under-utilised land within its ownership which is incurring maintenance costs; increasing the numbers of authority owned stock which would ease pressure on existing housing; replacing housing stock lost through Right to Buy; increasing income to the Housing Revenue Account; and contributing positively to the financial position of the Council by generating New Homes Bonus and new Council Tax receipts.

Benefits to residents would include developing fit for purpose accommodation, increasing good quality, energy efficient housing provision in the Borough; linking to the work of Think Local and Find-it-in-Sandwell approaches that would 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; and producing positive outputs for community safety through the redevelopment of a vacant site.

Alternative Options Considered

The following options were considered as part of the appraisal process:

Option A – Dispose of the Site on the Open Market

Option B – Work in partnership with a Registered Provider Partner with the assistance of Homes England to build new affordable homes for rent

Option C – Leave the site undeveloped.



Agreed:-

- (1) that approval be given to make an application to the Secretary of State to appropriate the site for housing purposes and develop approximately 0.783 hectares of land at Beaver Road, Tipton with new affordable rent council housing, as shown for identification purposes in the report now submitted and subject to the Secretary of State's consent;
- (2) that the Director of Finance be authorised to allocate adequate resources from the Council's Housing Revenue Account to deliver the scheme and to utilise grant funding offered by Homes England, under the extended Homes England Strategic Partnership 1 Programme 2016 to 2021, to assist with the delivery of the project;
- (3) that the Director of Regeneration and Growth in consultation with the Director of Finance and subject to confirmation of the funding rules applicable, be authorised to submit an application for funding to the West Midlands Combined Authority and in the event funding is successful, the Director of Regeneration and Growth in consultation with the Director of Finance and the Director of Housing be authorised to accept the funding and execute under seal any financial agreement in relation to the West Midlands Combined Authority grant on terms and conditions to be agreed by the Director of Finance;
- (4) that approval be given to authorise the steps necessary for the delivery of the proposed project, including:
 - (a) subject to (2) above, the Director of Regeneration and Growth, in consultation with the Director of Finance and the Director of Housing, be authorised to prepare tendering documentation and subsequently procure, in accordance with any statutory regulations and the Council's Procurement and Financial Regulations and if so chosen as a procurement route any appropriate



requirements of the Homes England Delivery Partner Dynamic Purchasing System (DPS) framework, a contractor/contractors as described in g) below to develop, on behalf of the Council, the proposed housing scheme; to enter into or execute under seal any financial agreement in relation to the Homes England grant on terms and conditions to be agreed by the Director of Finance;

- (b) subject to (a) above, 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 development/partnership agreement, Homes England developer status, licence, undertaking, framework joining agreement, any consents or applications required for Planning or Highways appertaining to the delivery of the scheme and any other agreements with the procured contractor(s) and with the Homes England, as may be deemed necessary to facilitate development of the site with a housing scheme as described in below on terms and conditions to be agreed by the Director of Regeneration and Growth;
- (c) subject to a) and b) above and following practical completion of each property the Director of Housing be authorised to manage and let the properties built in accordance with the Council's housing allocation policy.
- (d) that the following action points identified within the financial appraisal of the funding application by Strategic Finance, be implemented to reduce the risk to the Council:
- That Cabinet consider the alternatives and be satisfied that the proposal to construct the new build homes will meet the Council's objectives in the most appropriate manner;



- That a process be developed to prioritise the development of sites against pre-determined criteria and alternative options for achieving the Council’s housing objectives within each locality;
- That prior to submission of the external funding bid, review the planned use of Right to Buy receipts to ensure that HCA funding for the project would offer the most financially advantageous source of funding;
- That the Risk Register be reviewed to ensure all risks relating to grant funding and the use of Right to Buy receipts are identified and adequately mitigated;
- That approval be sought from the Secretary of State to reclassify the site for housing development;
- That the site be appropriated, where necessary, from the Council’s General Fund to the Housing Revenue Account.

28/22

Award of Contracts for Horticultural Products and Tools

Approval was sought to award contracts for the provision of Horticultural Products and Tools in lots to the highest scoring tender organisations, at a total cost of £475,000 for the period from April 2022 to March 2026.

Reason for Decision

Sandwell MBC was responsible for maintaining a broad range of green spaces and communal areas across the Borough, including Parks and Sandwell Valley, Cemeteries/Crematoria, Housing Estates, Industrial Estates, Corporate and Highways Land, etc.

Maintenance of these areas necessitated the use of products, materials, tools and equipment – some of which are of a specialist nature. A specification for a range of ‘Horticultural Products and Tools’ had been developed, generated from the needs identified by a number of council service areas. Suppliers were then asked to identify and tender for one or more of the available ‘lots’.



Alternative Options Considered

Do nothing. The current contracts for Horticultural Products and Tools had lapsed, therefore, in order to meet the Procurement Rules, the Council would need to go out for quotation/tender for individual items as and when they were required. This would result in numerous mini-procurement exercises being carried out, which would be inefficient, likely to lead to breaches of the procurement procedures and unlikely to be financially beneficial to the Council.

Agreed:-

- (1) that the Director of Borough Economy be authorised to award contracts for the provision of Horticultural Products and Tools to the following organisations, at a cost of £475,000 from the period April 2022 to March 2026:

Lot No.	Description	Organisation
Lot 1	Aggregates & Turf	Green-Tech
Lot 2	Feeds, Seeds and Chemicals	Pitchmark
Lot 3a	Herbicides	Nomix
Lot 3b	Herbicides - Premixed	Nomix
Lot 4	Spraying Equipment	Tudor Environmental
Lot 5	Tools & Equipment	Corroy

- (2) that in connection with (1) above, the Director – Law and Governance and Monitoring Officer be authorised to enter into appropriate contracts with these organisations.

29/22

High Needs Block Funding Allocation

Approval was sought to distribute High Needs Block (HNB) grant funding allocated by central government to meet the needs of children and young people with additional needs, including special educational needs for the period 1 April 2022 to 31 March 2023.



Reason for Decision

Every year the Council agreed with the Schools' Forum the local formulae through which the money would then be distributed to schools and early years settings. The Council was also responsible for distributing the high needs funding to meet the needs of children and young people with additional needs, including special educational needs. This was also done in consultation with the Schools' Forum.

Alternative Options Considered

A range of alternative proposals was considered during the stakeholder engagement and consultation process, before the final proposals were submitted to the Schools' Forum for approval on 8 November and 3 December 2021.

Agreed that the Director of Children and Education be authorised to distribute High Needs Block (HNB) grant funding allocated by central government to meet the needs of children and young people with additional needs, including special educational needs for the period 1 April 2022 to 21 March 2023.

30/22

Action Taken on a Matter of Urgency - Uplift of Hourly Rate - Domiciliary Care Costing Model

Cabinet noted details of the urgent action taken by the Leader of the Council, in relation to giving approval to an addition to the costing model used to calculate the domiciliary care hourly rate to include the increase to National Insurance Contributions from April 2022 and to uplift the hourly rate of the updated costing model for existing domiciliary care framework contracts and for the new domiciliary care agreements that are to be procured for service delivery from 1 September 2022.

The matter was urgent and could not be delayed until the next Cabinet meeting as procurement timescales were prohibitive to enable a report to Cabinet and legislative change requiring an increase to National Insurance Contributions was required from 6 April 2022.



The rate paid would be calculated using an agreed methodology, including the increase to National Insurance contributions for employers and an uplift in the hourly rate would be made to £16 an hour, from £15.16, from 1 April 2022.

Reason for Decision

The Council had a statutory duty under the Care Act 2014 to carry out an assessment of anyone who appears to require care and support. Local Authorities had the duty, under section 5 of the Care Act 2014, to shape and maintain an efficient and effective market of services for meeting care and support needs in the local area is firmly placed with them.

Alternative Options Considered

There was an option to do nothing and leave the model as it is, however it is likely that if it is not agreed, there is a risk to the ability of the Council to discharge its statutory obligations.

Agreed the details of the urgent action taken by the Leader of the Council, in relation to giving approval to an addition to the costing model used to calculate the domiciliary care hourly rate to include the increase to National Insurance Contributions from April 2022 and to uplift the hourly rate of the updated costing model for existing domiciliary care framework contracts and for the new domiciliary care agreements that are to be procured for service delivery from 1 September 2022 be noted.

31/22

Exclusion of the Public and Press

Resolved that the public and press be excluded from the rest of the meeting to avoid the possible disclosure of exempt information under paragraph 3 of 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.



32/22 **Nomination of Chair**

Resolved that Councillor Hartwell chair the remainder of the meeting.

33/22 **Sandwell Leisure Trust Business Plan 2021-24**

Consideration was given to the business plan presented by Sandwell Leisure Trust (SLT) for 2021-2024.

Reason for Decision

Under the terms of the Management and Funding Agreement (MFA), the 'contract', there was a requirement for a three-year Business Plan to be in place and agreed with Sandwell Leisure Trust.

Negotiations relating to the business plan had been ongoing since August 2020. In early December 2021 a revised deadline for the resolution of all outstanding matters relating to the Business Plan 2021-2024 was agreed with Sandwell Leisure Trust. All matters were to be resolved by 24 January 2022.

Resolving matters related to the Sandwell Leisure Trust Business Plan 2021-2024 would ensure the sustainable delivery of leisure services in Sandwell, providing local people with local opportunities to be active, contributing to health and well-being.

The Cabinet Member for Culture and Tourism confirmed that the proposal would not have an impact on the delivery of the Aquatic Centre and the Commonwealth Games.

The Cabinet Member for Culture and Tourism also undertook to consider recommendations made by the Budget and Corporate Scrutiny Management Board in relation to the creation of a comprehensive wellbeing service due to the close connection between health and leisure.



Alternative Options Considered

- To extend the negotiation period;
- Accepting the Business Plan was not a recommended option.

In the event of termination, future alternative delivery arrangements would be progressed and a full Options Appraisal Report presented to Cabinet.

Agreed:-

- (1) that the business plan presented by Sandwell Leisure Trust (SLT) for 2021-2024 in accordance with the Management and Funding Agreement dated 31st March 2004 (“hereinafter “the Agreement”) be refused;
- (2) that the Director of Borough Economy be given authority to:
 - (a) Formally notify SLT that the Council resolved not to approve SLT’s Business Plan for 2021-2024 (as set out at appendix 1 of the report as now submitted) and does not agree the unitary payments requested by SLT for the years 2022/23 and 2023/24 (as set out at appendix 2 of the report as now submitted).
 - (b) Serve reasonable notice of termination of the Agreement upon SLT due to the Council and SLT being unable to agree a business plan and unitary payment for the years 2021-2024 pursuant to clause 41.18.
 - (c) Bring a further report to Cabinet detailing a full Options Appraisal of future leisure service provision/delivery options.
 - (d) Negotiate and agree with SLT such arrangements as are deemed appropriate and/or necessary, in consultation with the Cabinet Member for Culture and Tourism, to enable



effective leisure service provision during the notice period under paragraph (2)(b) above.

(e) Procure and appoint of an interim leisure provider, in consultation with the Cabinet Member for Culture and Tourism, in the event that SLT disputes the and walks away from the Agreement.

(3) that the Director of Law and Governance and Monitoring Officer and Director of Borough Economy be authorised to negotiate, agree and execute any agreements, notices and/or documents necessary to give effect to paragraph (2) (a) – (e) above.

[Councillor Carmichael left the meeting for duration of this item]

34/22

Sandwell Community Dementia Support Service

Consideration was given to directly award a contract for the community dementia support service to a provider nominated by a group consisting of the delivery partners of the current service for twelve months duration with the flexibility to extend this by three months in the event of unplanned and unforeseeable delays to the procurement process running in parallel to the period of the directly awarded contract.

Reason for Decision

The direct award to a nominated lead provider for a period of twelve months (with the flexibility to extend for a further three months) would enable a comprehensive procurement process to be undertaken whilst ensuring continuity of this service during this period. This would also protect against unplanned delays in the procurement process.



Alternative Options Considered

A number of options were considered by members including seeking to direct award a contract to an existing delivery partner for up to 12 months whilst a formal procurement process was undertaken, to work with the current lead provider for a maximum of up to six months to maintain the service while a tender process was undertaken to secure a new lead provider or to work with the current lead provider for the duration of the contract.

Agreed:-

- (1) that approval be given to authorise the Director for Adult Social Care to directly award a contract for the community dementia support service to a provider nominated by a group consisting of the delivery partners of the current service;
- (2) that in connection with Resolution (1) above, the Director for Adult Social Care be authorised to award the contract for twelve months duration with the flexibility to extend this by three months in the event of unplanned and unforeseeable delays to the procurement process running in parallel to the period of the directly awarded contract;
- (3) that the Director of Adult Social Care be authorised to award the contract to a yet to be determined organisation for a Community Dementia Support Service;
- (4) that the Director - Law and Governance and Monitoring Officer, or their designated representative, be authorised to execute any documents necessary to give effect to (1) – (3) above for the provision of a Community Dementia Support Service;



- (5) that a further report be submitted to Cabinet on approval for another procurement process to be undertaken following the confirmation of funding from the Joint Partnership Board in June 2022.

[Councillor Piper left the meeting for duration of this item]

Meeting ended at 4.16pm.

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