

Minutes of Cabinet

**Wednesday 13 September 2023 at 3.30pm
in the Council Chamber, Sandwell Council House, Oldbury**

Present: Councillor Carmichael (Chair);
Councillors Piper (Vice- Chair), Hackett, Hartwell, Hughes,
Khatun, Padda and Rollins.

In attendance: Councillors E Giles, Lewis, Randhawa and Taylor.

Also present: Surjit Tour (Director of Law and Governance and Monitoring Officer), Michael Jarrett (Director of Children's Services), Tony McGovern (Director of Regeneration and Growth), Brendan Arnold (Interim Section 151 Officer), Elaine Newsome (Service Manager – Democracy), Harpreet Sandhu (HR Resourcing Partner), Nicki Gobran (Interim Senior HR Business Partner), Matthew More (Communications and Corporate Affairs Manager), Suky Suthi-Nagra (Democratic & Member Services Manager) and John Swann (Democratic Services Officer).

92/23 **Apologies for Absence**

Apologies for absence were received from Councillors Millard, Fenton and Moore.

93/23 **Declarations of Interest**

Councillor Hackett declared an interest in relation to Minute No. 96/23 (Levelling Up Partnership), in that he was a Trustee and Board Member of the Friar Park Millennium Centre.

94/23 **Minutes**

Resolved that the minutes of the meetings held on 21 June and 12 July 2023 be approved as a correct record.

95/23 **Additional Items of Business**

There were no additional items of business to be considered as a matter of urgency.

The Leader reported that consideration of the West Bromwich Indoor Market Funding Package item had been deferred to a future meeting and the Recommendations from the Budget and Corporate Scrutiny Management Board in response to Sickness Absence Outturn 2022/23 item had been withdrawn.

96/23 **Levelling Up Partnership**

Approval was sought to enable Wednesbury Town (Wednesbury North, Wednesbury South and Friar Park) to be given the geographical focus for the Sandwell Levelling Up Partnership and to commence the delivery of Levelling Up Partnership Interventions.

The Leader also sought to recommend to Council to grant an exception from Section 5.1 of the Council's Financial Regulations in relation to Levelling Up Partnership Proposals.

The Cabinet Member for Regeneration and WMCA endorsed the Levelling Up Partnership and outlined that the scheme had presented an opportunity to boost connectivity in the locality and further regeneration proposals.

In response to a question from the Chair of the Economy, Skills, Transport and Environment Scrutiny Board, the Leader confirmed that the positions on the Wednesbury Levelling Up Partnership Board were voluntary in nature, including the position of the Independent Chair. This was also the case for the Towns Fund Local Boards.

Reason for Decision

Sandwell was one of 20 places to have been invited to form a Levelling Up Partnership (LUP) which presented the Council with an opportunity to access a funding offer of £20m capital funding.

This would enable 630 new homes (157 affordable), land acquisition for future housing delivery and improvements to 4 green spaces.

Alternative Options Considered

Alternative geographical areas could have been put forward for the focus of Sandwell's LUP. The selection of Wednesbury Town was the result of joint exploration between Department for Levelling Up, Housing and Communities (DLUHC) and Cabinet Members, which took into account the indicators used to select Levelling Up Partnership areas, areas that could require cross government support to successfully deliver positive outcomes, major opportunities for capital spend to deliver against the levelling up missions, LUP funding criteria and local insight through the initial deep dive activity conducted by DLUHC Civil Servants. The geographical focus area of Wednesbury was acceptable to DLUHC and therefore presented the best chance of Sandwell to secure the LUP investment to deliver the shortlisted projects and achieve the outcomes for the LUP.

Alternative interventions were put forward to DLUHC for consideration as part of the initial deep dive activity. These included proposals for an increase of SEND provision in Sandwell, exploration of alternative measures to divert nuisance bike activity and additional regeneration proposals that have viability barriers to proceeding. These schemes were discounted by DLUHC as part of the initial deep dive activity. The selected shortlist of projects presented the best chance of Sandwell securing the LUP investment.

Alternative governance arrangements could have been put in place for the Levelling Up Partnership. The proposed arrangements reflected learning from the Towns Fund Programme governance arrangements and proposed an adoption of a similar model of governance.

Resolved:-

- (1) that approval be given to the geographical focus for Sandwell LUP as Wednesbury Town (Wednesbury North, Wednesbury South and Friar Park);

- (2) that the Director of Regeneration and Growth and S151 Officer in consultation with the Leader be authorised to review and formally accept the Levelling Up Partnership offer/ grant conditions from Department for Levelling Up, Housing and Communities;
- (3) that approval be given to commence delivery of Levelling Up Partnership interventions, subject to S151 Officer authorisation and acceptance of grant conditions from Department for Levelling Up, Housing and Communities as set out in Resolution (2) above;
- (4) that approval be given for the Council to act as the Accountable Body for the Levelling Up Partnership Programme, adopt programme governance arrangements and establish a Wednesbury Levelling Up Partnership Board and associated Terms of Reference;
- (5) that the Director Law and Governance in consultation with the Director of Regeneration and Growth and the Leader be authorised to make any changes to the Wednesbury Levelling up Partnership Board Terms of Reference to respond to any Government guidance or requirements;
- (6) that the Director of Regeneration and Growth, in consultation with the Leader, be authorised to invite expressions of interest and conduct any necessary selection processes to make appointments to the Wednesbury Levelling Up Partnership Board;
- (7) that subject to acceptance of grant conditions as set out in Resolution (2) above, in relation to Levelling Up Partnership interventions, that the following capital expenditure be approved and added to the Capital Programme for 2023/24 and 2024/25:

- a. in relation to Friar Park Urban Village project, that capital expenditure of up to £11.5m be authorised to bring forward the Friar Park Urban Village Scheme, as per the recently approved Masterplan for this site and that officers are authorised to renegotiate the current Joint Venture Agreement (JVA) with West Midlands Combined Authority to reflect the nature of this significant investment and to deal with related commercial matters that impact on the JVA now that the Council is the primary funder using LUP resources;
- b. in relation to Wednesbury Town Centre Improvement project, that capital expenditure of up to £4.45m be approved for site improvement, acquisition and public realm improvement works;
- c. in relation to the Wednesbury Community Safety project that capital expenditure of up to £0.4m be approved for CCTV scheme improvements, mobile cameras for flytipping and installation of low level bike inhibitors as deterrents to ASB and crime;
- d. in relation to the Greenspaces project that capital expenditure of up to £1.65m be approved for improvements to green spaces in Wednesbury;
- e. in relation to the Friar Park Millennium Centre extension, approval is requested for an appropriate scheme to be designed; planning consent to be obtained; procurement of a construction partner to deliver the scheme; capital expenditure of up to £2m be authorised for the scheme to be delivered; and all relevant agreements and actions be taken to ensure this project is delivered that enhances the community offer (this approval updates the previous Cabinet approval for this scheme of 15/03/2023);

- (8) that subject to acceptance of grant conditions as set out in Resolution (2) above, approval be given to expend up to £100,000 revenue in relation to the Wednesbury Community Safety Project and up to £250,000 revenue in relation to Wednesbury Masterplanning and Levelling Up Partnership Programme Management and that the appropriate budget virements are actioned, funded from Levelling Up Grant;
- (9) that the Director of Regeneration and Growth, in consultation with the Cabinet Member for Regeneration and WMCA, be authorised to approve public consultation in relation to Wednesbury Masterplanning for the purposes of Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations (2012);
- (10) that the Director of Regeneration and Growth, in consultation with the S151 Officer and Cabinet Member for Regeneration and WMCA, be authorised to approve:
- a. a decrease/ increase of grant funds to be drawn down by individual projects of up to £250,000 within the overall Levelling Up Partnership capital allocation;
 - b. any decrease to mandatory indicators of outputs and outcomes of the Levelling Up Partnership projects;
 - c. slippage of outcomes and/ or grant claim profile up to £1m requiring re-profiling across future financial years with no overall material change to project outcomes;
- (11) that the Director Regeneration and Growth, in consultation with Director of Law and Governance, be authorised to undertake all necessary steps/actions, to acquire relevant sites in Wednesbury and Friar Park in line with the Council's land and property portfolio;

- (12) that the Director of Regeneration and Growth, the Director of Borough Economy and the Director of Law and Governance in agreement with the Section 151 Officer, be authorised to enter into any necessary legal agreements, submit any necessary planning applications/agreements, undertake all necessary procurement processes (including entering into contracts for the provision of goods and services and any direct contract awards), and undertake/exercise all other necessary action/powers necessary to deliver the Levelling Up Partnership interventions;
- (13) that subject to acceptance of grant conditions as set out in Resolution (2) above, the capital allocation to the Council from the Levelling Up Partnership be managed within the Council's overall capital programme to allow carry forward of other funding sources into 2024/25 for delivery of the Levelling Up Partnership Interventions;
- (14) that approval be given to add the Wednesbury Town Centre Improvement project to Regeneration Project Pipeline;
- (15) that a further report be submitted to the Cabinet on the performance of the Levelling Up Partnership Programme after 6 months;
- (16) that Council be recommended to grant an exception from Section 5.1 of the Council's Financial Regulations in relation to the Levelling UP Partnership Proposals.

(Councillor Hackett left the Chamber during the consideration of this item and did not take part in the discussion).

97/23

West Midlands Combined Authority Devolution Deal

Approval was sought to the West Midlands Combined Authority (WMCA) Devolution Deal following the West Midlands Combined Authority having been identified as an area for a significant devolution of powers and resources within the Government's Levelling Up White Paper in August 2022.

The benefits that could occur as a result of the West Midlands Devolution Deal had been assessed and included greater certainty over retaining business rates locally, further investment for the Wednesbury to Brierly Hill Metro extension and an opportunity to transition to low carbon/electric vehicle buses in Sandwell via the Bus Services Operators Grant.

It was proposed that Sandwell Council would work proactively with the West Midlands Combined Authority and regional stakeholders to maximise the benefits of the WMCA Devolution Deal.

Reason for Decision

The West Midlands Devolution Deal had provided additional funding to the West Midlands region and granted additional powers to local decision- making bodies. This had included additional funding for the West Midlands Metro extension, higher levels of investment in affordable housing and had provided greater certainty over retaining business rates growth locally.

Alternative Options Considered

Sandwell Metropolitan Borough Council could have decided not to support the final Devolution Deal at WMCA Board on 13 October 2023. However, this alternative option was recommended as the Council would not have been able to benefit from significant financial commitments from Government as set out in the Deal and this could have reduced confidence that Government Ministers and officials have in the West Midlands and key local and regional partners. There were no specific reasons why Sandwell Metropolitan Borough Council should have considered this alternative option.

Resolved:-

- (1) that approval be given to the West Midlands Deeper Devolution Deal as set out in [Appendix 1a](#) and [Appendix 1b](#), [Appendix 2](#), [Appendix 3](#), which includes the in-principle award of the Bus Operator's Grant as a Mayoral function;
- (2) that the Leader of the Council be authorised to vote in favour of the Deeper Devolution Deal when it is considered at the West Midlands Combined Authority Board;
- (3) that any views of Cabinet on the draft Governance Review and Scheme for the devolution of Bus Services

Operator Grant (BSOG) are submitted to WMCA by Wednesday 27 September 2023;

- (4) that the Director of Regeneration and Growth, the Director of Finance and the Monitoring Officer be authorised to engage on the detailed implementation of the agreed elements of the Deeper Devolution Deal;
- (5) that further reports be submitted to Cabinet (and Council if appropriate) on specific issues relating to the detail of the Deeper Devolution Deal such as opt-outs and approval of the making of the Statutory Instruments following the receipt of a draft order for BSOG;
- (6) that the Director of Regeneration and Growth, in consultation with the Leader of the Council, the Monitoring Officer and the Director of Finance, undertakes such actions and exercises all necessary powers required to give effect to the Deeper Devolution Deal where it is considered expedient and necessary to do so;
- (7) that details of the financial benefits and risks associated with the West Midlands Deeper Devolution Deal be received.

98/23

Quarter 1 Budget Monitoring 2023/ 24

Approval was sought to the Treasury Outturn for 2022/ 23 and Quarter 1 position for 2023/ 24. Due to inflationary pressures and an estimated increase in the pay award, the projected outturn for the General Fund was an overspend of £2.188m.

The Cabinet Member for Finance and Resources advised that Appendices 1- 3 had been amended subsequent to publication and were available via the Council's website.

The reports were due to be referred to the Budget and Corporate Scrutiny Management Board for consideration and comment.

Reasons for recommendations

Section 151 of the 1972 Local Government Act required the Chief Financial Officer to have ensured the proper administration of the council's financial affairs. Budgetary control, which included the

regular monitoring and reporting of budgets, was an essential element in discharging this statutory responsibility. The recommended treatment of the year end variances supported the financial sustainability of the council.

Alternative options considered

There were limited alternatives to the recommendations. Cabinet could have decided not to allow the proposed use of reserves by directorates, but this would have increased the projected overspend and resulted in a further reduction in the council's general fund balance.

Resolved:-

- (1) that Cabinet note the financial monitoring position as of 30 June 2023 (Quarter 1) and refer the report to the Budget and Corporate Scrutiny Management Board for consideration and comment;
- (2) that approval be given to the Treasury Outturn for 2022/23 and Quarter 1 position for 2023/24, as set out in [Appendix 6](#) and [Appendix 7](#);
- (3) that approval be given to the following virements above £1m in line with the revised delegated limits for Cabinet Members and Directors:

Virements above £1m for approval by Cabinet		£'000	£'000
Borough Economy Contingency	Correction to budget savings applied	1,000	
	Correction to budget savings applied		1,000
Social Care Grant - Income	External Placements – correction to Social Care Grant income budget	2,478	
Social Care Grant - Exp	External Placements – correction to corresponding expenditure budget relating to Social Care Grant		2,478
Creation of COMF budgets Inc	External Placements – increase in income budget for Contain Outbreak Management Fund income		3,397
Creation of COMF budgets Exp	External Placements – corresponding increase in expenditure budget for Contain Outbreak Management Fund spend	3,397	

TOTAL	6,875	6,875
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99/23

Additional Licensing and Article 4 – Options Appraisal

Approval was sought to commence consultation on proposals to expand an additional licensing scheme within Sandwell. It was proposed that the consultation would include details of the evidence base which supported the proposal, the proposed fee structure and the proposed license conditions.

The Council acknowledged that a significant proportion of Houses of Multiple Occupancy (HMOs) were poorly managed and were resulting in problems affecting the tenants and members of the public – such as anti- social behaviour and poor housing conditions.

It was proposed that the Council would utilise the register of licensed smaller HMOs to identify their location and areas of concentration to provide evidence relating to Article 4 designation.

The proposals had been considered by the Safer Neighbourhoods and Active Communities Scrutiny Board on 31 August 2023. Whilst the Cabinet Member for Housing and Built Environment was minded to approve the recommendation of the Scrutiny Board in relation to the Council working closely with external bodies, agencies and individuals to identify un-registered Houses in Multiple Occupation and welcomed the approach to support, in relation to the recommendation to the planned consultation endeavouring to obtain at least 1,000 consultees per town, the Cabinet Member requested that this not be approved as it was felt to be unobtainable and an arbitrary figure in terms of securing that number of consultees for each town. The Council would however ensure that all over avenues would be explored.

Reasons for Decision

The Borough had experienced a major increase in private rented accommodation and Houses of Multiple Occupancy (HMOs) in some areas. The Housing Act 2004 required local authorities to mandatory licence HMOs if they accommodated more than five people who formed two or more households.

The Housing Act 2004 also provided local authorities the power to introduce an additional licensing scheme for other, smaller HMOs. Proposals for the introduction of additional licensing would contribute to higher standards of HMO accommodation and would ensure effective management of shared accommodation via more extensive control.

Alternative Options Considered

The Council was not of the opinion that existing measures including HMO Licensing, Civil Penalties, Homeless Prevention, Private Rented Sector Support and Housing Standards Enforcement were sufficiently effective to mitigate issues such as anti- social behaviour and disrepair.

Resolved:-

- (1) that approval be given to the consultation on the expansion of additional licensing across Sandwell;
- (2) that the Director of Housing and the Director for Regeneration and Growth be authorised to carry out research into the distribution of small Houses in Multiple Occupation (HMO) (not currently subject to planning permission) to provide a robust dataset allowing the preparation of a non-immediate Article 4 direction which will be applied to relevant areas within the borough to remove permitted development rights for the change of use of dwelling houses (C3 use) to small houses in multiple occupation (C4 use);
- (3) that the following recommendation of the Safer Neighbourhoods and Active Communities Scrutiny Board be approved:

- a. that the Council works closely with external bodies, agencies and individuals, including West Midlands Police, West Midlands Fire Service, Councillors, Community Support Officers and other community facing organisations to identify un-registered Houses in Multiple Occupation;
- (4) that a further report be submitted to the Safer Neighbourhoods and Active Communities Scrutiny Board, within 2 months' time, on the decision of Cabinet, in relation to (3), above.

100/23

Hamstead Infant School and Hamstead Junior School – Proposed Closure and Expansion

Approval was sought to formally close Hamstead Infant School and to increase the age range of Hamstead Junior School from 8- 11 years to 3- 11 years to accommodate the displaced pupils from Hamstead Infant School.

Cabinet had considered the outcome of Stage 1 statutory consultation upon the proposed changes and acknowledged that the formal amalgamation of the two twinned schools would form a 420 statutory place primary school, with 39 full time equivalent place Nursery.

Reasons for decision

In accordance with the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, and the Department for Education (DfE) published guidance 'Opening and Closing Maintained Schools' and 'Making Significant Changes (Prescribed Alterations) to Maintained Schools' – Statutory Guidance for Proposers and Decision Makers January 2023'; for proposals to amalgamate 2 (or more) existing maintained schools, the Local Authority must act as a decision maker.

Alternative options considered

If the Council had not proceeded with the proposals, inefficiencies in revenue expenditure across both schools would have been projected to continue, with duplication of certain functions and spend, and would not have provided the opportunities to streamline across one school.

The closure of Hamstead Junior School and the expansion of Hamstead Infant School was an option, but this was not feasible in nature due to the number of senior staff posts which were vacant at the Infant School. Hamstead Infant School was therefore unable to support a successful expansion to its age range to operate at the two-form entry primary school model required.

If the Council had closed both schools, the local authority would not have been able to establish a new community maintained school to replace the two existing schools, instead it would have been required to seek a free school sponsor to open a replacement school.

Resolved:-

- (1) that having taken the results of consultation into account, approval be given to the publication of a Statutory Proposal to:
 - a. formally close Hamstead Infant School, Tanhouse Avenue, Great Barr B43 5AS;
 - b. increase the age range of Hamstead Junior School, Hamstead Road, Great Barr B43 5BE from the ages of 8-11 years old to 3-11 years old to accommodate the displaced pupils from Hamstead Infant School;
- (2) that subject to no objections being raised during the statutory representation period for the Statutory Proposal as set out in Resolution (1) above, the Director of Children's Services and Education be authorised to make a final decision on the proposal for the prescribed alterations at Hamstead Infant School, Tanhouse Avenue, Great Barr B43 5AS and Hamstead Junior School, Hamstead Road, Great Barr B43 5BE, in conjunction with the Director – Law and Governance and Monitoring Officer, and in consultation with the Cabinet Member for Children, Young People and Education;
- (3) that in the event that any unresolved objections are raised during the statutory representation period for the Statutory Proposal, a further report is submitted to the Cabinet Member for Children, Young People and Education with full details of representations received to inform a final decision on the proposal.

101/23

Temporary Accommodation – Award Approval

Approval was sought to appoint providers for the provision of Bed and Breakfast and temporary accommodation for homeless households.

The Council had a duty to provide temporary accommodation where there was reason to believe an applicant was homeless, eligible and had priority need. Accommodation would continue to be provided if the household was awarded homeless priority until the duty was discharged; most commonly through an offer of accommodation. This function was provided by the Housing Solutions Service.

An initial tender exercise had commenced on 30 June 2023 and concluded on 2 August 2023 and the compliant tenders were being evaluated via the criteria stipulated within the Council's Temporary Accommodation Procurement and Placement Policy.

Reasons for decision

Sandwell Metropolitan Borough Council had a statutory responsibility to help relieve homelessness which included temporary accommodation provision and the current contract extension for temporary accommodation of this nature was due to expire on 31 October 2023.

Alternative options considered

The Council had a statutory duty to provide temporary accommodation under certain circumstances. As many households had presented in crisis, there was little opportunity to prevent the homeless situation from occurring and therefore was necessary to have access to accommodation at very short notice. In addition, approaches were received out of hours and therefore, there was a requirement to have access to temporary accommodation at all times.

There was a drive to make best use of the Council's own stock and repurpose assets as temporary accommodation, which would reduce the use and cost of B&B accommodation.

Resolved:-

- (1) that approval be given to appoint providers for the provision of Bed and Breakfast and temporary accommodation for homeless households as a result of the tender process;
- (2) that the Director of Housing be authorised to enter into the framework agreement for the provision of Bed and Breakfast and temporary accommodation for homeless households for a two-year period with an option to extend for an additional two-years with an annual gross spend of approximately £750,000 per annum.

102/23

Moat Farm Infant School – Making Significant Changes (Prescribed Alternations) Consultation Outcome for Change of Age Range

Approval was sought to publish the appropriate statutory proposals and make a determination in relation to the proposed prescribed alteration to change the age range of Moat Farm Infant School.

Reasons for decision

Lavender Farm Day Nursery (the nursery), Brookfields Road, Oldbury was a Children's Centre, Nursery Plus site, and was currently run by the school's governing body under its community powers.

The school was due to convert to academy status in the Autumn term 2023 and join Stour Vale Academy Trust (the Trust). The Trust wished to continue running the nursery but did not have the same community powers, therefore the current proposal was to extend the age range of the school to include children that would attend the nursery.

Alternative options considered

The Council could have taken no action and have kept the age range at the existing range of 2-7 years, however, the school would not be able to convert to academy status and maintain the nursery. This option would result in the area losing a much-needed nursery provision with a Good Ofsted rating. Staff employed by the school would have to be made redundant. A new provider would have to be commissioned.

The school could have converted to academy status, but upon conversion, would relinquish the provision that is provided through Lavender Farm Day Nursery. The Authority would have had to seek to secure an alternative provider to retain provision for 0-2 year olds in the area.

Resolved:-

- (1) that in connection with the proposed prescribed alterations to change the age range of Moat Farm Infant School, Brookfields Road, Oldbury, B68 9QR (the school) from 2 – 7 years old to 0 – 7 years old, approval be given to:
 - a. publication of the appropriate Statutory Proposal;
 - b. subject to no objections being raised during the statutory representation period for the Statutory Proposal, Director of Children’s Services and Education be authorised to make a final decision on the proposal for the prescribed alterations at Moat Farm Infant School, in conjunction with the Director – Law and Governance and Monitoring Officer, and in consultation with the Cabinet Member for Children, Young People and Education;
 - c. in the event that any objections are raised during the statutory representation period for the Statutory Proposal, that a report is submitted to the Cabinet Member for Children, Young People and Education with full details of representations received to inform a final decision on the proposal.

103/23

Adoption of Sandwell Borough of Sanctuary Strategy

Approval was sought to the Sandwell Borough of Sanctuary Strategy.

The strategy had been developed between the Council and Sandwell’s local Borough of Sanctuary network. The network was made up of local organisations (particularly the voluntary and community sector and public sector organisations), council officers, residents and councillors who supported individuals and families arriving in the borough.

The development of the strategy was a required step in the application process to become a recognised Council of Sanctuary.

The Cabinet Member for Housing and Built Environment delivered a presentation to Cabinet and outlined the vision for Sandwell that welcomed those fleeing persecution and violence in their own countries and protected the rights of all migrants, asylum seekers and refugees.

The Deputy Leader and Cabinet Member for Finance and Resources and the Chair of the Economy, Skills, Transport and Environment Scrutiny Board endorsed the strategy and highlighted the importance of welcoming and integrating individuals and families who arrived in the Borough.

Reasons for decision

It was important for Sandwell to be a borough of sanctuary that welcomed those fleeing violence and persecution in their own countries and protected the rights of all migrants, asylum seekers and refugees. A 'Borough of Sanctuary' was a borough which provided a welcoming place of safety for people who were asylum seekers, refugees, and migrants.

Alternative options considered

The Council could decide not to be borough of sanctuary.

Resolved that approval be given to the Sandwell Borough of Sanctuary Strategy.

(Councillor E Giles joined the meeting during consideration of this item).

104/23 Schools Capital Programme; Shenstone Lodge School, The Brades Lodge, City Road, Tividale, Oldbury – Proposed Expansion

Approval was sought to allocate funds from the Department of Education's (DfE) High Needs Provision Capital Allocation to the extension works at The Brades Lodge.

Local authorities must ensure there were sufficient school places for all pupils including those with Special Educational Needs and Disabilities (SEND).

There had been a significant rise in demand for specialist places in the Borough with over 3,000 children and young people with SEND requiring additional support through an Education, Health and Care

Plan (EHCP). Furthermore, predictions indicated that if the current population growth rate was sustained, approximately 3,500 children and young people would require an EHCP by 2025.

A feasibility study and outline design had been produced and had identified that the Brades Lodge site could support an increase in capacity. The new accommodation would enable the school to provide between 60 -70 total pupil places dependent of the needs of the children from September 2024. The proposed works were scheduled for completion by August 2024.

Reasons for decision

There was a need to provide additional school places for children/ young people with SEND. The Brades Lodge had been identified as a school where additional capacity for SEMH or ASD places could be provided.

The local authority was now required to proceed to RIBA 4 through to RIBA 7 to appoint a contractor to complete the build of the new teaching block.

Alternative options considered

If places at The Brades Lodge were not increased: Sandwell pupils would continue to attend schools outside of the Borough at an increased cost to the Council.

Adaptation of the existing school had been considered to re-model and extend the existing buildings, however, this was cost prohibitive due to the extent of demolition and reformation that was required to provide a conducive teaching environment.

Shenstone Lodge School was an Academy and the existing site was held by the Manor Hall Academy Trust who held a long leasehold in the land. The council did not have either an alternative site or the capital funding to provide a replacement school. An expansion of the existing school was better value for money.

Resolved:-

- (1) that approval be given to the allocation of £1,264,000 from the Department of Education's (DfE) High Needs Provision Capital Allocation to extension works to The Brades Lodge, Shenstone Lodge School, Lower City Road, Tividale, Oldbury, West Midlands B69 2HA as part of the Schools Capital Programme 2023-26;
- (2) that subject to Resolution (1) above, in accordance with the council's Procurement and Contract Procedure Rules – July 2022, the Director of Children's Services and Education be authorised to award a contract to Seddon Construction Limited to deliver the construction works, following a compliant procurement exercise, in conjunction with the Section 151 Officer, and in consultation with the Cabinet Member for Children, Young People and Education;
- (3) that subject to Resolution (1) and (2) above, the Director of Law and Governance and Monitoring Officer be authorised to enter into any legal agreements on terms agreed by the Director of Children's Services and Education as required, to complete the extension works at the school;
- (4) that, in connection with Resolution (1) and (2) above, the following actions identified within the appraisal report be implemented to avoid exposure to significant risks in achieving objectives:
 - a. that cost estimates are reviewed for reasonableness and to ensure that additional costs could be managed within the allocated funding;
 - b. that the project plan is reviewed to ensure that delivery can be achieved within agreed timescales and will not result in additional costs in providing alternative school accommodation;
 - c. that the corporate risk register is reviewed to ensure that all risks are appropriately identified and assessed, with adequate mitigation;

- d. that the post project evaluation includes specific outcomes, along with benchmarking of final costs to assess value for money.

105/23

Contract for the provision of temporary agency workers to the Council

Approval was sought to access a collaborative framework agreement via Yorkshire Purchasing Organisation Agreement Managing Temporary and Permanent Recruitment to allow the Council to access recruitment solutions to fill vacant roles.

Temporary workers were used for a variety of reasons across the council and were an essential resourcing tool to ensure effective service delivery.

Reasons for decision

The contract which was in place, through Birmingham City Council's Managed Service Framework for the Provision of Temporary Workers, would expire on 30 September 2023. Birmingham City Council had very recently announced new arrangements. As there was no access to renewal under this contract, it was imperative that the council established suitable arrangements from 1 October 2023 to continue to resource ongoing requirements for temporary workers, which were essential to enable the Council to deliver services. It was possible for Sandwell Council to enter a new contract with Hays Specialist Recruitment Ltd under the Yorkshire Purchasing Organisation Framework.

Alternative options considered

The work would be carried out in-house, however, there was a lack of sector expertise to manage the function as a Managed Service Provider (this would have involved managing large number of individual agencies and staff members). Due to the timescales in place, it was too costly for the Council to run an internal managed service provider type service. There was a lack of commercial skills and resources available.

Tender for a Council only contract – This was discussed with Procurement and discounted due to limited time to conduct a full procurement process and availability of the YPO framework which offered a quicker, cheaper and compliant route to market and was predicted to deliver the same outcomes as the current contract with Hays whilst giving the Council time to address the options available for the longer-term procurement of the provision of temporary agency workers.

Use of a collaborative framework agreement – YPO Framework Agreement Managing Temporary Recruitment – ref. 942 (Lot 1 – Temporary Recruitment) for one year with an option to extend for a further year. However, the pricing structure and fee was predicted to increase significantly, for this reason this option was discounted.

Resolved:-

- (1) that the Yorkshire Purchasing Organisation (YPO) Framework Agreement for the Managed Service Framework for the Provision of Temporary Workers delivered by Hays Specialist Recruitment Ltd is called off as a direct award to meet our temporary worker demand for a year with 3 x 12-month extension options (1+1+1+1) at the council's own discretion, pending new longer-term agency procurement partnership arrangements, for the provision of temporary workers;
- (2) that whilst the Yorkshire Purchasing Organisation Framework Agreement and contract is implemented, Sandwell Council continue to operate under existing terms and conditions via Birmingham City Council's framework until such time the new agreement under the Yorkshire Purchasing Organisation Framework Managing Temporary and Permanent Recruitment- ref 942 (Lot 12 Total Talent Management) are agreed;
- (3) that the Assistant Director of HR be authorised to sign any framework call off documents or Access agreements that are required;
- (4) that the Assistant Director of HR submit a further report to Cabinet on options available for the longer-term procurement of the provision of temporary agency workers and permanent recruitment;

- (5) that any necessary exemptions be made to the Contract Procedure Rules to enable the actions set out at Resolution (1) and (2) above to proceed.

106/23

Information Governance – Records Retention

Approval of the Council's Corporate Retention Schedule was sought.

The review of the Corporate Retention Schedule was conducted on an annual basis and had been completed by each Directorate, through their Information Governance Board representatives, and final sign off had been provided by the Council's Information Governance Board (IGB), Senior Information Risk Owner (SIRO) and the Data Protection Officer (DPO).

Reasons for decision

The Council had a legal obligation in relation to the collection, use and retention of information relating to individuals. The purpose of the Corporate Retention Schedule was to help ensure that the Council managed the data that it held appropriately and in accordance with the legislative framework as principally set out in the UK General Data Protection Regulation (UKGDPR) and the Data Protection Act 2018 (DPA 2018).

The Corporate Retention Schedule ensured the Council met the requirements of its Information Governance Framework which required that the Council maintains an up to date retention schedule accessible to employees, elected members and anyone working for and on behalf of SMBC.

Alternative options considered

That the Council relied on the Information Asset Registers to record its retention schedules. However, these were not as robust or detailed as a specific Corporate Retention Schedule which clearly outlined the retention requirements for all the personal data held by the Council in one place. Using Information Asset Registers to manage the Council's retention schedule required the interrogation of several hundred documents for Officers to identify the correct retention periods.

Resolved:-

- (1) that approval be given to the Council's Corporate Retention Schedule as now submitted;
- (2) that the Director Law and Governance and SIRO, in consultation with the Leader, be authorised to undertake requisite steps to ensure the Council complies with the approved Corporate Retention Policy;
- (3) that the Director Law and Governance and SIRO, in consultation with the Leader, be authorised to amend the Corporate Retention Policy to comply with changes in good practice and legislation as and when required.

107/23

Professional Services Partnership 4

Approval was sought for the Council to continue with its membership of the Midland Highways Alliance Professional Services Partnership Framework (PSP 4).

Midlands Highway Alliance Plus (MHA+) was formed from the merger of three regional efficiencies groups, the Midlands Highway Alliance, the Midlands Service Improvement Group and the West Midlands Highway Alliance. The new MHA+ Alliance had a membership of 35 highways authorities from across the Midlands and the wider region.

The purpose of the Professional Services Partnership Framework (PSP4) was to ensure members had efficient access to consultancy services and offered good value for money through economies of scale.

The ability to use a 'ready-made' consultancy service framework contributed to Sandwell's Corporate Plan objectives by providing the Council with direct access to specialist expertise, seconded staff when required and web-enabled collaboration tools with the associated governance processes.

Reasons for decision

Membership of the Midland Highway Alliance Plus provided Sandwell Council the opportunity to share best practice, benchmark and improve performance and deliver efficiency savings through working collaboratively together with other members.

Alternative options considered

The alternative proposals set out a cycle of hiring specialists on temporary contracts and then terminating employment on completion of projects and programmes. There was no guarantee of continuity of involvement of the specialist staff working on partly completed projects if the membership of the PSP 4 framework was not continued.

For these reasons, discontinuing with membership of the MHA + PSP framework was not recommended.

Resolved that approval be given for Sandwell Council to continue with membership of the Midland Highways Alliance Professional Services Partnership Framework (PSP 4).

108/23

Improvement Plan Quarterly Performance

Cabinet received the progress update related to the improvement plan up to 3 August 2023.

To ensure that senior officers and members had oversight of delivery against the Improvement Plan, Council had approved that progress would be monitored by Leadership Team monthly and reported to Cabinet quarterly. This was proposed to continue until all actions had been completed, or the changes had been embedded into normal working practices. This report was the fifth update to Cabinet on the progress of the Improvement Plan.

The Improvement Plan Quarterly Performance report was due to be referred to the Budget and Corporate Scrutiny Management Board and the Audit and Risk Assurance Committee for consideration and comment.

Reasons for decision

The report provided a quarterly update on progress against the Improvement Plan which was agreed by Council on 7 June 2022. The Improvement Plan incorporated all recommendations from the original Grant Thornton Value for Money Governance Review, the LGA Corporate Peer Challenge and the CIPFA Financial Management Review, as well as the Statutory Directions from the Secretary of State for Levelling Up, Housing and Communities.

Under the Statutory Directions, the council was required to report progress against the Improvement Plan to the Department of

Levelling Up, Housing and Communities every six months. Reports had been submitted in December 2022 and June 2023, the next report was due in December 2023.

Alternative options considered

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

Alternative methods of monitoring progress could be adopted. The current monitoring method was regularly reviewed to ensure it remained fit for purpose and provided Leadership Team with the oversight they required.

Resolved:-

- (1) that the progress against the Improvement Plan up to 3 August 2023 be received;
- (2) that the Improvement Plan Risk Register be received;
- (3) that changes to the Improvement Plan be received;
- (4) that it be noted that Budget and Corporate Scrutiny Management Board and Audit and Risk Assurance Committee will consider the Improvement Plan Progress report on 14 and 21 September 2023 respectively, and that any recommendations or comments made in relation to the Improvement Plan progress will be reported to a future meeting of the Cabinet.

109/23 **Recommendations of the Budget and Corporate Scrutiny Management Board in response to Sickness Outturn 2022/ 23**

This item had been withdrawn

110/23 **Contract award for the provision of Digital Autopsy services on behalf of the Black Country Coroner**

Approval was sought to award a contract for the provision of Digital Autopsy services on behalf of the Black Country Coroner to Advanced Visualisation Technologies Ltd.

In order for the Coroner to ascertain the cause of sudden or unexplained deaths it was often necessary for post-mortem examinations to be undertaken. By awarding this contract, Sandwell Council as 'the relevant authority' for the coroner's service, would have supported the coroner in the discharge of their judicial responsibilities.

Reasons for decision

In accordance with the purposes of the Coroners and Justice Act 2009, Sandwell acted as "the relevant authority" for coronial services in the Black Country. It was therefore incumbent for Sandwell to provide the necessary resources to enable the Coroner to discharge his or her judicial responsibilities which included the provision of post-mortem type services.

Alternative options considered

The Council in consultation with the coroner and its residents could have reverted to the more traditional approach to post-mortem investigations and no longer provide Digital Autopsy to support the coroner in the discharge of their judicial responsibilities. If this option was selected Council's reputation may be adversely impacted, particularly with community groups whose cultural preference is for a minimally invasive approach.

Resolved:-

- (1) that approval be given to the Director of Law and Governance and Monitoring Officer to award a contract for the provision of Digital Autopsy services on behalf of the Black Country Coroner commencing 1 October 2023 for a 5-year period to Advanced Visualisation Technologies Ltd, 30 Watery Street, Sheffield, England, S3 7ES;
- (2) that the Director of Law and Governance and Monitoring Officer be authorised to execute any documentation necessary to enable the action set out at (1) above to proceed.

Meeting ended at 4.11pm

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