

# Minutes of The Cabinet

**Wednesday 20 October 2021 at 3.30pm  
in the Council Chamber, Sandwell Council House, Oldbury**

**Present:** Councillor R Singh (Chair)  
Councillors Ahmed, Bostan, Carmichael, Crompton, Hartwell,  
I Padda and Piper.

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

**Officers:** Kim Bromley-Derry (Interim Chief Executive), Nicholas Austin (Interim Director of Borough Economy), Melanie Barnett (Acting Operational Director – Children and Education & Statutory Director of Children's Services), Rashpal Bishop (Director of Adult Social Care), Gillian Douglas (Director of Housing), Tony McGovern (Director of Regeneration and Growth), Lisa McNally (Director of Public Health), Sue Stanhope (Interim Director of Human Resources), Surjit Tour (Director of Law and Governance and Monitoring Officer), Rebecca Maher (Head of Finance), Elaine Newsome (Service Manager – Democracy), Suky Suthi-Nagra (Democratic Services Manager) and James Trickett (ICT Strategic Lead).

## 174/21 **Minute Silence**

Members paid tributes to Sir David Amess, MP for Essex constituency, who was tragically stabbed last week. A minute's silence was held in his memory.



Members were reminded of the vigil in memory of Sir David Amess which would be held outside the Council House at 5.00pm that day.

**175/21 Apologies for Absence**

Apologies for absence were received from Councillors Millard and Simms.

**176/21 Declarations of Interest**

There were no interests declared at the meeting.

**177/21 Minutes**

**Resolved** that the minutes of the meeting held on 29 September 2021 be confirmed as a correct record.

**178/21 Additional Items of Business**

There were no additional items of business to consider.

**179/21 Recommendations of the Scrutiny Review of Special Educational Needs and Disabilities Transport Models**

The Chair of the Children's Services and Education Scrutiny Board presented the recommendations of the Board, following the Scrutiny Review of Special Educational Needs and Disabilities (SEND) Transport Models.

The Chair of Children's Services and Education Scrutiny Board advised that the Board was aware that all recommendations could not be implemented immediately but hoped to see a gradual improvement in the service with the new provider on board.



In response, the Deputy Leader and Cabinet Member for Finance and Resources confirmed, on behalf of the Cabinet Member for Children and Education, that all the recommendations of the review would be fully considered by Cabinet.

### **Reason for Decision**

The recommendations had been identified by the Children's Services and Education Scrutiny Board in order to address the findings of a scrutiny working group into Special Educational Needs and Disabilities (SEND) Transport Models. These recommendations covered matters for Cabinet to consider in relation to the commissioning of SEND Transport at the end of the current extended contract period, matters relating to the longer-term delivery of SEND Transport and other, more general, recommendations on the topic.

### **Alternative Options Considered**

In accordance with the Localism Act 2011, Cabinet was requested to respond to the recommendations of the Children's Services and Education Scrutiny Board within two months, setting out any approved recommendations and how they would be implemented.

Cabinet could decide not to consider the recommendations of the Children's Services and Education Scrutiny Board arising from the Scrutiny Review of Special Educational Needs and Disabilities Transport, however, any potential service improvements would then not be realised.

**Agreed** that the response to the findings of the Children's Services and Education Scrutiny Board be submitted to the Scrutiny Board within two months' time.

180/21

### **Childcare Sufficiency Report 2021/2022**

Consideration was given to the eight recommendations arising from the Sandwell Childcare Sufficiency Report 2021-2022, which detailed how the Council was meeting its duty, as set out in the Children and Families Act 2014, to secure sufficient childcare as follows:-



1. to continue to support childcare providers to deliver high quality, sustainable provision;
2. to improve the quality of the providers which were judged by Ofsted as Requires Improvement or Inadequate by working intensively with them and those that delivered early education funded places;
3. to undertake a parent survey, increasing social media engagement and strengthened links with Jobcentre Plus to understand local demand for childcare;
4. to continue to monitor take-up of 2, 3 and 4 year-old funding and 30 hours codes. To increase promotion of free entitlement ELT and 30 hours and create a more nuanced, targeted approach to marketing;
5. to undertake parent consultation to understand demand for wraparound childcare and how flexible it needed to be. To monitor wraparound childcare to ensure sufficient places were available for families;
6. to continue to work with childcare providers to ensure business viability and monitor for any red flags where providers were at greater risk of closure. To monitor capacity and childcare places to ensure sufficiency through the borough. To promote childminding as a business opportunity;
7. to increase parental engagement to determine how SEND provision should be delivered post-pandemic. To consult with childcare providers to assess any potential short and medium-term gaps for SEND provision, particularly wraparound childcare;
8. to continue to promote the Family Information Service to parents and professionals. To raise awareness of brokerage and online chat facility and engage with families through social media channels.

In response to questions raised by the Chair of the Children's Services and Education Scrutiny Board in relation to equality of childcare provision across Sandwell's six towns, effects of lockdown on children who accessed childcare, and concerns regarding the low take-up of provision by two-year-olds, the Cabinet Member for Finance and Resources, in the absence of Cabinet Member for Children and Education, confirmed that:-



- even though quality of provision was comparatively even across six towns, ease of access to childcare places was not. This was due to an uneven number of providers across each town. Factors such as lack of suitable buildings and lack of demand in some parts of the borough contributed to this, as well as parental preferences on whether their child would attend a nursery near their workplace or near home. This created a fluctuating demand that was difficult to plan for;
- it was confirmed that there was no unmet demand for childcare places in the borough this year. Working with childcare brokers, the Council had been able to support all parents to find a suitable placement for their child which would suggest there were no inequalities in access to childcare at present;
- during the pandemic the number of two-year-old children taking up their funded 15 hours had decreased. At the lowest period, in summer term 2020, the take up was 53% of the target children. In contrast, other local authorities were reporting take up figures of between 17-24%;
- a large-scale campaign was conducted to increase the take up of places, including using social media, billboards and bus advertising. This had contributed to summer term 2021 take up to increase to 63%. The Early Years team had also been working in partnership with Inclusion Support Early Years, Health Visitors and Children's Centres to ensure that parents knew their child was eligible for a place and that they could take up the offer now. The Council was in the process of validating the autumn term data but the early indications were that the numbers had increased again this term;
- there was a general awareness of the effect of lockdown on young children. These effects were the result of a decrease in take up of places in this non-statutory phase of education, long breaks in provision due to lockdown and isolation, and a loss of parental confidence in sending their young children to nursery;



- evidence suggested that lockdown had a bigger impact on disadvantaged children rather than parents who were working from home who still took up childcare when they were able. The effects could mainly be seen in young children's development in the key prime areas of the Early Years Foundation Stage such as Communication and Language, Physical Skills, and Personal, Social and Emotional Development.

### **Reason for Decision**

In accordance with the Children and Families Act 2014 local authorities were required to report annually to members on how they were meeting their duty to secure sufficient childcare, and to make this report available and accessible to parents.

### **Alternative Options Considered**

The Childcare Sufficiency Report assessed the supply of childcare places against the demand and identified any gaps in provision. Findings were developed into recommendations. This was a required process in accordance with the Children and Families Act 2014 and there were no alternative options.

### **Agreed:-**

- (1) that the eight recommendations of the Sandwell Childcare Sufficiency report 2021-2022, as submitted, be endorsed;
- (2) that, subject to (1) above, the Director - Children and Education be authorised to develop and implement the Childcare Strategic Action Plan for 2021-2022, to be monitored based on the eight recommendations of the Childcare Sufficiency Report, to meet the Council's obligations under the Childcare Act, 2006;
- (3) that it be noted that the Childcare Strategic Action Plan would be monitored by the Early Years Strategic Group and progress would be reported termly to the meetings of the Director - Children and Education Extended Divisional Management Team.





## **Storage Area Network (SAN) refresh, associated professional services and ongoing support and maintenance - 2022 to 2027**

Approval was sought to award the contract and accept a tender for supplying a Storage Area Network (SAN), including professional services for implementation and migration from the current platform plus annual maintenance and support, for the period 1 April 2022 to 31 March 2027.

The contract was to be awarded following a compliant further competition and evaluation process under the NHS Shared Business Services, Digital Workplace Solutions Framework agreement.

The new contract would provide an accredited channel reseller to transition the current SAN and replace with new products and services.

The value of the new contract for the 5-year period was estimated to be around £900,000 based on market engagement.

### **Reasons for Decision**

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

The current SAN was being provided by the manufacturer - NetApp – and some of the support offered had now reached the end of supported life. The last refresh was in 2014. The current support contract was also due to expire on 31 March 2022 and the Council would then have to continue with a new, best endeavours contract, due to the potential reduction in the availability of spare parts.

### **Alternative Options Considered**

The alternative of a do-nothing approach was not feasible, as it would result in no software updates being available and potentially a lack of availability of spare parts, e.g. new discs or system boards in the event of failure. This would present both major cyber security and operational risks for the Council if data could not be accessed or was totally lost.



A cloud data storage approach was feasible but not within the timescale for needing to refresh the current on-premise SAN. The Council would continue a gradual migration to cloud services where this was the smart approach to take, e.g. value for money, functionality, etc. However, it was not easy to lift and shift data from on premise to a cloud service and sufficient time was necessary to ensure the data is cleansed and structured ready for migration.

As the COVID pandemic still presented a significant challenge for the Council, it would not be wise to radically change the way our workforce accessed its data and the strategic approach to buy a new SAN was a sound one both commercially and operationally. By the end of the 5-year SAN contract it was envisaged that the Council would have orientated towards a more cloud than on premise approach meaning we would then be able to reduce the need for a SAN of the size we need to purchase now.

**Agreed:-**

- (1) that the Director of Business Strategy and Change, along with the Director of Finance and Section 151 Officer, in consultation with the Cabinet Member for Finance and Resources, be authorised to award a contract for providing a Storage Area Network (SAN) refresh, for the period 1 April 2022 to 31 March 2027, via a compliant further competition process under the NHS Shared Business Services, Digital Workplace Solutions Framework Agreement SBS/19/WAB/9411;
- (2) that the Director of Law and Governance and Monitoring Officer be authorised to execute any documentation necessary to enable (1) above;
- (3) that any necessary exemptions be made to the Council's Procurement and Contract Procedure Rules to enable the course of action referred to in (1) above.





## Composite Door Programme

Approval was sought to award the contract to undertake the Composite Door Programme to various properties within the North of the housing stock owned by the Council to Sycamore Windows Limited for a contract period of two years, from November 2021 to October 2023, to a value of £10 million (£5 million per annum).

The delivery of this programme would include both planned programmes of door replacement as well as reactive maintenance where existing doors fail or are not fit for purpose.

In response to questions raised by the Chair of the Economy, Skills, Transport and Environment Scrutiny Board, the Cabinet Member for Housing confirmed that Councillors would be provided with the timetable for the door replacement programme in the next few weeks. For Council homes that were part of existing planned programme of works, replacement of doors was included. For homes not covered by planned programmes, doors were to be replaced according to a prioritised schedule that was separate to the planned programme.

### Reasons for Decision

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

Since Cabinet awarded these works within the North of the Borough at its Cabinet meeting of 17 March 2021, both the appointed contractor Lovell Partnerships Limited and the third-place contractor had formally withdrawn their bids owing to not being able to hold their bids at their prices as tendered, leaving the fourth placed contractor as being the most economically advantageous tender submitted for the North.

The second placed contractor had already been awarded the contract to undertake composite door replacements within the South of the Borough and therefore could not be considered, as Contractors were afforded the opportunity of applying for one or both contract areas but would only be awarded one contract.



The award of the works contract to the fourth placed bidder, Sycamore Window Limited, was deemed to provide value for money and was still within the original budget allocation for these works.

### **Alternative Options**

An option existed to re-procure the works within the North of the Borough. It was felt, however, that owing to the current uncertainty around material prices within the industry, the tender of Sycamore Windows Limited provided the best value option and outweighed the cost of re-tendering and the risk of receiving higher bids. If the Council was to re-procure, alternative doors might have to be evaluated and there would be the possibility of costs being higher now due to the unstable market.

It was not possible to award the works within the North of the Borough to Nationwide Windows Limited, who were the Contractor appointed to deliver these works in the South of the Borough as Contractors were afforded the opportunity of applying for one or both contract areas but could only be awarded one contract.

Another option was to continue to undertake the replacement of Composite Doors within the North via the Contractor currently delivering an External Refurbishment programme within the same area. This was not a viable option owing to the cost of the doors via this route being 50% higher.

The last option was to not invest in our Council Housing Stock which in turn might lead to dissatisfaction from existing and potential new tenants as well as disrepair and additional burden on the Housing Revenue Account.

### **Agreed:-**

- (1) that approval be given to award a contract to undertake the Composite Door Programme to various properties within the North of the housing stock owned by Sandwell Council to Sycamore Windows Limited for a contract period of two years, from November 2021 to October 2023 to a value of £5 million per annum;



- (2) that the Director of Law and Governance and Monitoring Officer be authorised to enter into appropriate contract with Sycamore Windows Limited.

183/21

### **Contract for the Supply of Mains Gas - Appointment of Contractor**

Approval was sought to utilise Eastern Shires Purchasing Organisation (ESPO) Framework to appoint Total Energies Gas and Power Ltd to supply Mains Gas to Council sites for the period 1 April 2023 to 31 March 2027.

ESPO was a Central Purchasing Body (CPB), defined in the Public-Sector Contract Regulations as a contracting authority that:

- acquired goods and services intended for one or more contracting authorities;
- awarded public contracts intended for one or more contracting authorities;
- concluded framework agreements for goods, services or works intended for one or more contracting authorities.

The most recognisable CPBs were known as the Pro5. The Pro5 was a group of regional local government CPBs that provided procurement services to the wider public sector and along with the Crown Commercial Service offered accredited Public Contracts Regulations 2015 compliant energy frameworks. The Pro5 members were:

- Central Buying Consortium (CBC Laser)
- Eastern Shires Purchasing Organisation (ESPO)
- North Eastern Purchasing Organisation (NEPO)
- Consortium Education (formerly West Mercia Supplies)
- Yorkshire Purchasing Organisation (YPO).

It was proposed that participation in ESPO Framework 192\_23 would be for the period 1 April 2023 to 31 March 2027 and based on current levels of consumption and price, the expenditure during the four-year period would have a value of £4,064 000.



In response to a question from the Chair of the Safer Neighbourhoods and Active Communities Scrutiny Board on whether the Council benefited from participation in ESPO energy framework, and why ESPO chose Total Energies Gas & Power Ltd to supply Mains Gas to Council sites, the Cabinet Member for Finance and Resources responded that participation in ESPO offered financial advantages in terms of flexible purchasing whereby energy was purchased from winning bidder in advance, when commodity prices were at their lowest. Flexible purchasing also limited exposure to rising costs by securing energy requirements in advance at multiple opportunities rather than at a single decision point. The provider was chosen following the evaluation of returned tenders, with the bid submitted by Total Energies Gas & Power Ltd being the most competitive.

### **Reason for Decision**

The Pan-Government Energy Project was launched back in 2007 to improve the standard of energy procurement across the public sector. The key recommendation was that all public-sector organisations adopted one of the aggregated, flexible and risk managed energy procurement frameworks that were put in place by the recognised Central Purchasing Bodies (CPB) that had been evaluated by the Government's Project Strategy Team against best practice criteria.

In 2011, the energy frameworks provided by these CPBs were reviewed by the Council's Corporate Procurement Service and approval was provided to participate in the agreements offered by ESPO. Since this time, the Council had participated in the ESPO energy frameworks and had a representative on their stakeholder governance panel that established and reviewed the effectiveness of price risk strategy and purchasing performance.

The Council currently had 234 gas supply points that were included in the current ESPO energy framework arrangement that commenced in April 2019 and was due to expire on 31 March 2023.

ESPO had recently undertaken a Public Contracts Regulations 2015 compliant tendering exercise for gas on behalf of over 100 Local Authorities, Schools, Housing Associations and Charities with a combined total of 26000 supply points. Following the



evaluation of returned tenders, the bid submitted by Total Energies Gas & Power Ltd was the most competitive and was duly recommended for acceptance by the stakeholder governance panel for the period 1 April 2023 to 31 March 2027.

### **Alternative Options**

An option was to undertake tendering exercises on behalf of the Council in isolation of the Pro5 providers which would be against the best practice guidance published from the Pan-Government Energy Project. Alternatively, to seek to transfer to another Pro5 Framework provider but this would result in the loss of representation on stakeholder governance panels.

### **Agreed:-**

- (1) that approval be given to utilise Eastern Shires Purchasing Organisation (ESPO) Framework 192\_23 to appoint Total Energies Gas and Power Ltd to supply Mains Gas to Council sites for the period 1 April 2023 to 31 March 2027;
- (2) that, in relation to (1) above, the Director of Law and Governance and Monitoring Officer be authorised to enter into appropriate contract with Total Energies Gas and Power Ltd.

184/21

### **Extension of Domiciliary Care Framework Agreements**

Approval was sought for the extension to the existing Community Care (Domiciliary Care) Framework Agreements for the period 1 March 2022 to 31 August 2022.

### **Reasons for Decision**

It remained the intention of the Council to secure a new model of delivering Domiciliary Care by 1 March 2022 and a procurement was underway to achieve that objective. However, approval for an extension to existing arrangements, as a contingency measure, was now sought should the new model not be delivered for service commencement by 1 March 2022.





## Alternative Options

An options appraisal had been completed by Commissioners to consider alternative options should the new model of domiciliary care not be delivered for service commencement on 1 March 2022 and option 3 in the options appraisal table was the preferred solution.

### Agreed:-

- (1) that an exemption to the Council's Procurement and Contract Procedure Rules be approved to allow an extension to the existing Community Care (Domiciliary Care) Framework Agreements for the period 1 March 2022 to 31 August 2022 to allow for a contract extension to be effected given no further extension provisions exist within the existing contract terms;
- (2) that, subject to (1) above, the Director of Adult Social Care be authorised to extend the existing Community Care (Domiciliary Care) Framework Agreements from 1 March 2022 to 31 August 2022 if the new model of purchasing domiciliary care was not deliverable by 1 March 2022;
- (3) that the Director of Law and Governance and Monitoring Officer, or their designated representative, be authorised to execute any documents necessary within a reasonable time to give effect to the proposal in (1) above, should the enactment of the recommendation be necessitated.



## **Proposal to Declare the Whole of Sandwell as a Smoke Control Area (Revoking and replacing the existing 51 SCAs)**

Consideration was given for Cabinet to endorse and recommend to the Council the proposal for Sandwell Council to announce their Intention to Declare the whole Borough of Sandwell as a Smoke Control Area (SCA) under the Clean Air Act 1993.

The Chair of the Economy, Skills, Transport and Environment Scrutiny Board queried how the smoke control order would be enforced and whether this would be financed through existing budgets. In response, the Cabinet Member for Adults, Social Care and Health confirmed that enforcement would be carried out using existing budgets and would be enforced in the same way other local authorities enforced their smoke control areas, by following the graduated route set down in the Regulators' Code, from informal advice right through to prosecution in some circumstances. Members would be provided with a full briefing later in the week.

### **Reasons for Decision**

Sandwell Council had a duty to assess air quality and where necessary take appropriate action to protect the health of those living and working in the Borough.

There had been concerns about poor air quality in Sandwell. In 2020 Sandwell Council undertook a public consultation on Climate Change and Air Quality. Of the 654 responses, 70% strongly agreed that improving air quality should be a key priority for Sandwell MBC.

Out of 72 local authorities found to have dangerous background concentrations of fine particulate matter (PM2.5) in 2019, Sandwell and Leicester were the only two local authorities that had these exceedances outside of London and the South East of England.



PM2.5 concentrations and other toxic emissions were closely associated with domestic burning. PM2.5 had a significant impact on human health. It could cause coughs, dizziness, inflamed airways and shortness of breath. It increased the risk of pneumonia, COPD and lung cancer as well as heart disease and stroke, leading to early death. It could also impact pregnancy and the development of children's lungs.

The use of open fires and solid-fuel burning stoves had risen in popularity over recent years and concerns continued about the current and future impact on urban air quality.

At present many properties in the Borough could still legally burn unauthorised fuels (i.e. wood and coal) in non-exempted appliances. The proposed new single Smoke Control Area would address this inequality.

### **Alternative Options**

To continue with Sandwell's 51 Smoke Control Orders would mean that differing legal requirements would remain for exempted properties compared to other parts of the borough. This would be inequitable and result in mixed messages and potential greater levels of non-compliance by those in existing smoke control areas who consider themselves unfairly penalised.

Air pollution was already impacting negatively on our economy and health - the do nothing option would result in higher costs to the health and lower the quality of life for those who lived and worked in Sandwell.

#### **Agreed to recommend to Council that:**

- (1) Sandwell MBC announce their Intention to Declare the whole Borough of Sandwell as a Smoke Control Area (SCA) under the Clean Air Act 1993. The new SCA to replace the existing 51 SCAs and to ensure that all properties in the Borough be subject to the same legal requirements in relation to smoke control;



- (2) a six-week period of public consultation be undertaken on the Intention to Declare a Borough-wide Smoke Control Area;
- (3) the Director of Public Health be authorised to revoke the existing 51 Smoke Control Orders and to create a single Borough-wide Smoke Control Order when an Executive Decision had been made by Cabinet after Cabinet are satisfied that there had been adequate public consultation and suitable and sufficient consideration of any objections as required under the Clean Air Act 1993.

186/21

## **Tenant Home Contents Insurance**

Approval was sought to authorise the Director of Housing to award a contract for the renewal of the tenant's home contents insurance scheme through the current agreement with the Northern Housing Consortium (NHC) for the period 1 April 2022 to 31 March 2025.

Approval was also sought to authorise the Director of Housing to extend the renewal of the tenant's home contents insurance scheme through the current agreement with the Northern Housing Consortium (NHC) from 1 April 2025 to 31 March 2026.

### **Reasons for Decision**

Sandwell Council had utilised Marsh as a broker to source a low cost, non-discriminatory scheme for tenants for the past 16 years. This was designed to provide insurance options for financially excluded tenants who might otherwise be excluded for reasons such as high excess, high premiums, or living in a high-risk postcode area. Home contents insurance promotes resilience and independence for our tenants/policy holders.

The unique selling point of the scheme was there was no excess for policy holders and all tenants could join for the same rate, regardless of the postcode. The cover was from £4,000 to £40,000 and was on a new for old basis.



The value of the contract was dependent on the take up of the scheme by our tenants. Based on the 12 months from August 2020 to July 2021, premiums collected were £262,809. As the value was in excess of £250,000 threshold, this was deemed a key decision, which required the decision to be made by Cabinet.

### **Alternative Options**

The Council could decide to no longer offer Tenant Home Contents Insurance, however, this was not recommended as it would financially exclude council tenants from an affordable home contents insurance scheme.

Alternatively, the Council could cease use of the Northern Housing Consortium (NHC) contract and procure their own insurer independently. However, this option was not recommended as the NHC had members across the country that had joined to take advantage of a wide range of frameworks it could access through the consortium procurement. Moving away from this would eliminate any economies of scale benefits.

### **Agreed:-**

- (1) that the Director of Housing be authorised to award a contract for the renewal of the tenant's home contents insurance scheme through the current agreement with the Northern Housing Consortium (NHC) for the period 1 April 2022 to 31 March 2025;
- (2) that, in connection with (1) above, the Director of Housing be authorised to extend the renewal of the tenant's home contents insurance scheme through the current agreement with the Northern Housing Consortium (NHC) from 1 April 2025 to 31 March 2026;
- (3) that the Director of Housing in consultation with the Cabinet Member for Housing be authorised to seek contract terms via the NHC for tenants contents insurance and make the necessary arrangements to put this into place;





- (4) that the Director of Law and Governance and Monitoring Officer be authorised to execute any documentation necessary to enable the above;
- (5) that any necessary exemptions be made to the Council's Procurement and Contract Procedure Rules to enable the course of action referred to in (1) to (3) above into effect.

187/21

## **Implementation of a Public Space Protection Orders for West Bromwich Town Centre**

Approval was sought for a proposal to implement a Public Space Protection Orders (PSPO) for West Bromwich Town Centre.

The Cabinet Member for Community Safety presented the report and underlined that the main aim of this measure was to enable Council officers and partners to better engage with people who were vagrant or suffering from addiction. The measure should be managed appropriately and not become a means of criminalising people who were already poor and in crisis.

It was underlined that 84% of respondents to public consultation were in favour of renewing the order and a significant number of respondents expressed concerns about going to West Bromwich town centre. It was highlighted that responses from public consultation underlined the need for PSPO to be in place alongside measures such as engagement. It was deemed vital that agencies work together and with people affected to intervene in a manner proportionate to the scale of each case.

The Cabinet Member for Community Safety asked officers to investigate the effectiveness of PSPO given that for the last 18 months no penalty notices were given mainly due to people not visiting shops during COVID pandemic, and that only 66 penalty notices were handed during the first 3 years of operation of the PSPO (1 August 2018 to 31 July 2021).



Officers were asked to investigate how to raise awareness of wardens and public with regards to the prohibition on parking on footpaths as in the first 3 years of PSPO operation in West Bromwich town centre no fine was issued for this offence.

Officers were also asked to investigate the possibility of extending the PSPO in respect of parking on footpaths to the rest of the borough.

In response to concerns raised by the Chair of the Economy, Skills, Transport and Environment Scrutiny Board that anti-social behaviour remained a serious issue in the borough, the Cabinet Member for Community Safety responded it was the intention of the Council to liaise with police and other agencies to find ways of being more effective and proactive in enforcing the PSPO. It was also deemed important to allocate a councillor to sit on the Board of West Bromwich Business Improvement District (BID).

### **Reasons for Decision**

In August 2018, following significant consultation and public support, SMBC introduced the West Bromwich Town Centre Public Space Protection Order (PSPO). PSPOs last for up to 3 years and then need to be reviewed. This PSPO expired on the 1 August 2021, however, public consultation and a review of the first 3 years had shown there was ongoing support for continuing with a new PSPO as part of a suite of measures to tackle anti-social behaviour within the town centre.

Since its introduction, 66 Fixed Penalty Notices (FPNs) had been issued. However, as well as providing useful enforcement powers, this PSPO had provided additional engagement opportunities to improve behaviour and enable support to be offered where necessary. This PSPO was to operate in tandem with the Boroughwide Alcohol PSPO which was renewed in March 2021. The powers of both complemented each other, particularly in relation to homelessness, street drinking and causing harassment, alarm and distress, all of which remain issues in Sandwell.

The implementation of a new PSPO would ensure that we continue to have a wide range of powers available as part of a toolkit of measures to tackle these areas of ongoing concern in West Bromwich Town Centre.



The PSPO was supported by Sandwell's Multi Agency Borough Tasking Group, particularly as part of this toolkit.

A public consultation on the proposed PSPO was undertaken between 10 May and 16 July 2021 and showed that in areas proposed to be covered by the PSPO residents and businesses remained concerned, with 87% supporting the continuation of the PSPO.

### **Alternative Options**

An alternative option would be to not renew the implementation of the PSPO in West Bromwich Town Centre and rely on other controls. Sandwell had a number of controls in place in relation to these issues for many years, but despite these, local businesses and residents had continued to support the implementation of this PSPO to provide additional controls as part of a wider toolkit of measures.

Both enforcement and engagement figures would indicate that PSPO was used and was still needed to deal with complex cases and to provide reassurance to residents. The PSPO was also supported by partners to ensure direct action was taken using the most suitable tools and powers as required in each case. Not renewing PSPO powers and dealing with any issues individually would require additional resources and would not enable the engagement opportunities that could be utilised as part of PSPO. This was not recommended.

### **Agreed:-**

- (1) that the implementation of the proposed Public Spaces Protection Order (PSPO) for West Bromwich, which prohibits the following behaviour, be approved:
  - (a) Acting or inciting others to act in a manner that causes, or is likely to cause, harassment alarm or distress to any person;
  - (b) Threatening any person with violence and /or being verbally abusive towards any person;



- (c) Begging or asking members of the public for money or loitering for the purpose of begging or asking members of the public for money;
  - (d) Causing a motor vehicle or trailer to stand on a road and /or footpath so as to cause any unnecessary obstruction of the road and /or footpath;
- (2) that the proposed order be published in accordance with the regulations published by the Secretary of State and that the proposed order be made accessible and available via the council website;
  - (3) that the Public Spaces Protection Order for West Bromwich be effective for a period of 3 years, covering the area as shown in Appendix 3.

Meeting ended at 4.16pm.

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



### Recommendations of the Scrutiny Review of Special Educational Needs and Disabilities Transport Models

- 1.1 That the administration of Special Educational Needs and Disabilities Transport be reviewed to ensure consistency of approach and that resourcing is adequate in light of increasing demand on the service.
- 1.2 That the Parent Group for Children with Special Educational Needs and Disabilities be communicated and consulted with on any changes to the Special Educational Needs and Disabilities Transport service and, where possible, the views of affected children and young people are also sought.
- 1.3 That Education Health Care Plan assessments are carried out without delay to ensure early identification of recommended provision, including Special Educational Needs and Disabilities Transport requirements.
- 1.4 That child to adult ratios for minibuses be re-evaluated to ensure that they are appropriate and reflect assessed risks and needs on a case by case basis.
- 1.5 That the Independent Travel Training Programme be continued and increased.
- 1.6 That awareness campaigns relating to Personal Budgets and the Independent Travel Training Programme be refreshed to ensure all families are aware of the options available.
- 1.7 That Early Years provision in each town be reviewed, which may help reduce transport costs.
- 1.8 That time lengths of Special Educational Needs and Disabilities Transport journeys be reviewed to ensure that children are not needing to travel for more than 50 minutes in normal circumstances.
- 1.9 That place provision be reviewed and strategically located throughout the borough to minimise journey times for children using Special Educational Needs and Disabilities Transport.





- 1.10 That the following be considered in relation to the contracting of Special Educational Needs and Disabilities Transport for February 2022:-
- (a) providers should ensure drivers and Passenger Assistants are trained, and accredited where appropriate, in First Aid, non-verbal communication, use of safety harnesses and manual handling. In addition there should be Advanced Passenger Assistants who are specifically trained to provide emergency medication on transport, including but not limited to administering pre-loaded EpiPens or pre-loaded buccal midazolam devices;
  - (b) a market position statement be prepared, encouraging competition from a wide range of suppliers;
  - (c) small and medium enterprises should be afforded opportunities to tender for the contracts;
  - (d) that local/mainstream schools should be the first consideration if they can address the needs of pupils, whilst recognising that some parents may prefer alternative places;
  - (e) some harmonisation of provision should be considered to balance effective management of contracts whilst retaining a diversified group of providers;
  - (f) the model for provision should avoid the increased risk associated with awarding contracts to a small number of providers.
- 1.11 That a trial scheme for providing Passenger Assistants in-house, or in partnership with schools, be undertaken as part of the contracting of Special Educational Needs and Disabilities Transport and that a full analysis is carried out on the trial scheme to determine its effectiveness.
- 1.12 That the feasibility of taking Special Educational Needs and Disabilities Transport provision in-house be assessed, this should include risks, costs, benefits, potential timescales and suitable performance indicators, and it should include the following options:
- (a) full Special Educational Needs and Disabilities Transport service in-house;
  - (b) combined provision with existing Adult Social Care Transport;
  - (c) only Passenger Assistants service provided in-house.
- 1.13 That, however the Special Educational Needs and Disabilities Transport service is provided in future, Passenger Assistants:-
- (a) must be trained, and accredited where appropriate, in First Aid, communication with non-verbal children; and



- (b) during their induction and onboarding a clear and strong emphasis should be placed on relationship building between the Passenger Assistant, the family, the school and the transport provider;
- (c) also include Advanced Passenger Assistants who are specifically trained to provide emergency medication on transport, including but not limited to administering pre-loaded EpiPens or pre-loaded buccal midazolam devices;

1.14 That how children with Autism Spectrum Disorders can receive earlier diagnoses be reviewed with partners, to help improve outcomes, including around transport needs, for that group.

1.15 That research relating to Special Educational Needs and Disabilities is considered whenever it is available to identify potential areas of improvement in Sandwell's service provision.



### An options appraisal for delivering domiciliary care

|   | Option   | Risks   | Strengths  |
|---|--|---|--|
| 1 | Allow the framework to lapse and close the approved list and encourage service users to take direct payments | <ul style="list-style-type: none"> <li>• Service users/representatives unhappy with having to commission their own care</li> <li>• Inability for some customers to receive a Direct Payment where they are unable to manage / have no one to take responsibility</li> <li>• Risks from an unregulated market and increased undetected safeguarding</li> <li>• The Council would have difficulty in holding providers to account without a contractual relationship, notwithstanding safeguarding procedures.</li> <li>• Providers becoming unviable with a rate that lags the Council set rate</li> <li>• Capacity to increase Direct Payment numbers within tight timelines</li> <li>• Cost of infrastructure within the sector</li> <li>• Loss of economies of scale within the market</li> </ul> | <ul style="list-style-type: none"> <li>• Increases choice and control</li> <li>• Increases the Council's figures around people taking a direct payment</li> <li>• Reduces pressure on the Adult Social Care Budget as the direct payment rate lags a year behind the framework rate, but this is not without risk</li> </ul> |



|   | Option  | Risks   | Strengths   |
|---|---|---|---|
| 2 | Allow the framework to lapse and procure services from the Approved Provider list until such time the new model starts                        | <ul style="list-style-type: none"> <li>• There may be delays in sourcing and therefore potential risk of starting packages later than having a framework, which has more favourable terms</li> <li>• No uniform rate and providers can charge what they like, thus this has a pressure on the Adult Social Care budget</li> <li>• Unable to hold providers to account if they can't provide packages as there is no contractual compulsion for them to do so given they are on approved provider contracts</li> </ul> | <ul style="list-style-type: none"> <li>• Preferable to encouraging people to take a direct payment</li> <li>• Contracts already in place for Approved Providers, and therefore to some extent, there remains a continuity that both providers and Brokers and Care Management Teams are familiar with</li> </ul>  |
| 3 | Extend the current framework – will need an exemption to be approved by Cabinet. Under this option, the Approved List of providers would also | <ul style="list-style-type: none"> <li>• Providers (all or some) may not want to extend contracts, and therefore this is not necessarily guaranteed</li> </ul>  | <ul style="list-style-type: none"> <li>• This would allow a continuity of current arrangements for service users and providers</li> <li>• A uniform set rate that allows more budgetary certainty</li> <li>• More efficient sourcing as there are less providers on the Framework for brokers to contact</li> <li>• Provides business certainty to providers</li> </ul> |

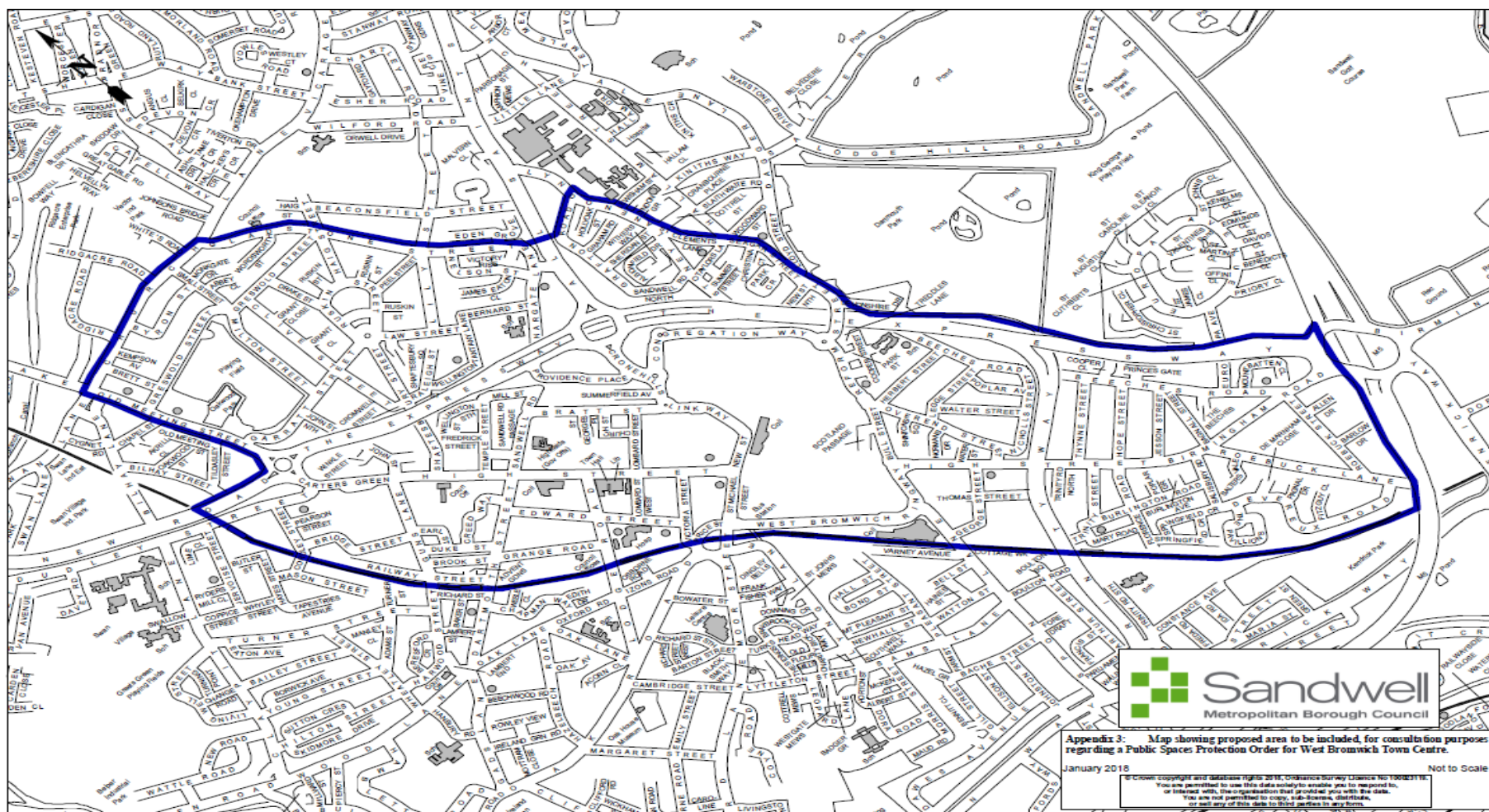


|  | Option  | Risks | Strengths |
|--|---|-------|-----------|
|  | continue to be used as a contingency where framework can't meet the care package needs, |       |           |





# Area Covered by PSPO



ONE COUNCIL  
ONE TEAM