

Minutes of The Cabinet

**Wednesday 3 November 2021 at 3.30pm
in the Council Chamber, Sandwell Council House, Oldbury**

Present: Councillor Crompton (Chair);
Councillors Ahmed, Bostan, Carmichael, Millard,
I Padda, Piper and Simms.

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

Officers: Kim Bromley-Derry (Interim Chief Executive), Nick 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), Simone Hines (Director of Finance) 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), Katharine Willmette (Interim Strategic Director Children and Education), Elaine Newsome (Service Manager – Democracy) and Suky Suthi-Nagra (Democratic Services Manager).

188/21 Apologies for Absence

Apologies for absence were received from Councillors R Singh, E M Giles and Hartwell.

189/21 Declarations of Interest

There were no interests declared at the meeting.

190/21 **Minutes**

Resolved that the minutes of the meeting held on 20 October 2021 be confirmed as a correct record.

191/21 **Additional Items of Business**

There were no additional items of business to consider.

192/21 **Implementation of a Boroughwide Public Space Protection Order relating to Nitrous Oxide**

Consideration was given to approve the implementation of a Boroughwide Public Space Protection Order for Nitrous Oxide making it an offence for any person, when requested by an authorised officer, not to surrender any nitrous oxide canisters, with effect from 1 December 2021 for a period of 3 years.

Implementation of this Boroughwide Public Spaces Protection Order (PSPO) would give designated officers powers to seize and dispose of any canisters found in a person's possession, in a similar way to the Boroughwide Alcohol PSPO already in place.

It was intended to help combat crime and Anti-Social Behaviour in the Borough and support public health. It would also provide a public statement of intent and provide residents with assurance that SMBC were listening to their concerns and taking appropriate action.

In response to questions raised by the Chair of Economy Skills Transport and Environment Scrutiny Board in relation to what the Council could do to lobby the government against the widespread usage of laughing gas, the Cabinet Member for Community Safety highlighted that the misuse of nitrous oxide cannisters was a national problem. On 3 September 2021, the Home Secretary commissioned the Advisory Council for the Misuse of Drugs (ACMD) to review nitrous oxide harms.

Dependent on the ACMDs findings, this may result in NOS being scheduled under the Misuse of Drugs Regulations 2001, making possession for recreational purposes an offence. Sandwell Council would be part of this review led by Public Health and would respond in writing to the Advisory Council. Sandwell would also continue to work on this regionally through our work with the Police and Crime Commissioner and through the West Midlands Community Safety Partnership.

Reason for Decision

The implementation of a PSPO would increase the range of powers available to tackle this issue which was a considerable concern across the Borough.

As well as providing useful enforcement powers such an order, it also provided additional engagement opportunities to improve behaviour and enable support to be offered where necessary.

This PSPO was supported by Sandwell's Multi Agency Borough Tasking Group including Public Health.

Alternative Options Considered

Sandwell had no other specific controls in place in relation to the inappropriate use of nitrous oxide. It was not an illegal substance. Littering regulations were in place however to enforce littering it needed to be witnessed. There were no other controls in place that provided powers to confiscate the canisters. The council could continue as we were but this would not provide an opportunity to target this issue. There was clearly a strength of feeling from the public consultation and partners to indicate significant support to strengthen what we currently had in place and the issue was clearly a public concern. This option provided opportunities for engagement and education.

Agreed :-

- (1) that approval be given to the implementation of a Boroughwide Public Space Protection Order for Nitrous Oxide making it an offence for any person, when requested by an authorised officer,

not to surrender any nitrous oxide canisters, with effect from 1 December 2021 for a period of 3 years as attached at Appendix 1;

- (2) that in connection with Resolution (1) above and in accordance with the regulations published by the Secretary of State, the Director of Borough Economy be authorised to publish the proposed order via the council website.

193/21

Sandwell Residential Education Centres: Charges for the period 1 August 2022-31 July 2023

Approval was sought to authorise the Director of Children and Education to implement term-time charges for Sandwell Residential Education Centres for the period 1 August 2022 - 31 July 2023.

The proposed charges would make the centres accessible to as many Sandwell children and school groups as possible, whilst generating sufficient income to provide a high-quality service at zero revenue cost to the Council.

In response to questions raised by the Chair of Children Services and Education, the Cabinet Member for Children and Education stated that in a typical year, there were more than 90 Sandwell schools that used the Centres. 102 Sandwell schools had used the service in the last 3 years. This did not include programmes such as Sandwell Young Carers, The Albion Foundation, and Sandwell Virtual School (LACE) in the figures.

Furthermore, 204 different non-Sandwell schools had visited in the last 3 years. Each September, Sandwell schools were given the first opportunity to reserve their preferred dates in the centres for the following school year before opening out to non-Sandwell schools.

It was also confirmed that all Sandwell children had a reduced fee:

- 20% reduction for children at Sandwell academy schools.
- 30% reduction for children at maintained schools. This equated to a subsidy of £74 to £111 per pupil per week.
- Looked After Children from Sandwell visiting during term time come free of charge.
- Where possible a further reduction for larger groups that are able to visit was applied. This comes, in part, by passing on an operational cost saving when a greater number of children visit.

Currently, no Home Educated pupils used the centres. However, two initiatives were upcoming to support this. Sandwell would look to work with established groups for this and would look at ways of engaging Home Educated children. The need for additional pastoral staffing would need to be considered if children visit overnight without an established relationship with group leaders in place.

Reason for Decision

The intention was to have centres occupied for as much of the school year as possible, increasing attendance and positive outcomes for Sandwell children, and generating income year-round.

The proposed charges were an increase of 2.4% on 2021-22 charges, in line with the consumer price index as of July 2021, rounded to the nearest pound.

An above-inflation increase of £10 during two months in high season at the Frank Chapman Centre was proposed, to meet additional costs when demand was high.

The centres were open to Sandwell maintained schools, Sandwell academy schools, and non-Sandwell schools and groups. The business plan aimed to retain Sandwell children participation of 15 000 term-time bed nights, or 4 750 residential pupil visits, per year. The proportion of non-Sandwell schools using the centres had risen in recent years, bringing in more income; but there was capacity to accommodate more Sandwell schools and children.

Sandwell Looked After Children would continue to be able to attend the centres free of charge with their schools during term-time.

The proposed new charges would be effective from 1 August 2022.

Alternative Options Considered

Increasing charges above inflation risked less uptake of places, reduced overall income, and poorer social value. Keeping charges at 2021-22 levels risks a shortfall in income and difficulties in balancing the budget when expenditure would rise with inflation.

Agreed that the Director Children and Education be authorised to implement term-time charges for Sandwell Residential Education Centres for the period 1 August 2022 - 31 July 2023 as shown in Appendix 2 attached.

194/21 **Procurement of Best Interest Assessor Services**

Approval was sought to procure Best Interest Assessor services via the call-off agreement the Council had in place with Hays Specialist Recruitment Limited, since January 2018, under the provisions of the Birmingham City Council Managed Service Contract for the Provision of Temporary Agency Workers.

In response to questions raised by the Chair of Safer Neighbourhoods and Active Communities Scrutiny Board, the Deputy Leader and Cabinet Member for Finance and Resources understood the concerns expressed on the current overspend on external resource and reported that this option was currently being reviewed as part of new legislation coming in.

Furthermore, Sandwell had a contract with Hays, which was part of Birmingham City Council Framework, for sourcing all agency workers. Whilst it was aimed to align external assessors recruited directly with the agency to the framework, HR resourcing management team would look into the possibility of recruiting providers from within Sandwell.

Reasons for Decision

The proposal would allow for the Sandwell Deprivation of Liberty Safeguards service to be compliant with the procurement rules and to align the recruitment of Best Interest Assessors with the Hays Framework.

The Sandwell DoLS (Deprivation of Liberty Safeguards) service had outsourced its Best Interest Assessors directly with the recruitment agency and this fell outside the formal procurement arrangements.

There was a need to ensure the procurement of Best Interest Assessors meet Procurement Regulations, facilitate market testing and fair competition for this service.

The Council had statutory responsibilities under the provision of the Mental Capacity Act (2005) to complete formal Deprivation of Liberty Safeguarding (DoLS) best interest assessments when a person who lacked the mental capacity to consent to their care or treatment was being deprived of their liberty in a care home or hospital to keep them safe from harm.

In order to meet those responsibilities, the Council needed to appoint Best Interest Assessors on an as and when required basis.

Alternative Options Considered

The alternative was for the Council to consider its internal staff to support the Best Interest Assessment work. This option was challenging and not feasible due to the specialist training and qualification required that was currently suspended by many Universities due to efforts in preparation for the new legislation, Liberty Protection Safeguards.

The other alternative was for the Council to continue procuring the Best Interest Assessors directly with the recruitment agency. However, this option was currently presenting its challenges as assessors were being sourced outside of the Birmingham City Council framework.

Procurement of these services as a single contracting authority had proved difficult because of the strong demand on resources and the level of specialism required. The Council had been procuring services on an ad hoc basis. The proposed call off arrangement with Hays Specialist Recruitment Limited would give greater certainty of availability of resources and a more robust contractual basis for the services.

Agreed:-

- (1) that approval be given to procure Best Interest Assessor services via the call-off agreement the Council has in place with Hays Specialist Recruitment Limited, since January 2018, under the provisions of the Birmingham City Council Managed Service Contract for the Provision of Temporary Agency Workers;
- (2) that the Director Law and Governance and Monitoring Officer be authorised to enter into appropriate contracts with Hays Specialist Recruitment Limited as a call off contract under the provisions of the Birmingham City Council Managed Service Contract for the Provision of Temporary Agency Workers.

195/21 **Highway Winter Service Operational Plan 2021/22**

Approval was sought for the Highway Winter Service Operational Plan for 2021/21.

Road users and the wider community placed a high value on keeping traffic moving safely in snow and freezing winter weather. Failure to do so could result in adverse economic and social impacts, public dissatisfaction and significant reputational damage.

The Council had a statutory duty 'to ensure, so far as reasonably practicable, that safe passage along a highway was not endangered by snow or ice'. The duty was not absolute, but decisions must be taken on reasonable grounds with due care and regard to relevant considerations set out in best practice guidance.

To meet this duty, winter service operations were carried out to prevent ice forming (precautionary salting), melt ice already formed (post salting) and remove snow accumulations by using ground rock salt which is stored at Taylors Lane Depot in Oldbury.

In response to questions raised by the Chair of Economy Skills Transport and Environment Scrutiny Board, the Cabinet Member for Environment stated that the vast majority of our Winter Service Operational Plan weather and road temperature monitoring, duty rotas, managing grit stocks and the precautionary gritting of carriageways was undertaken by the in-house Highways team to an established program. Serco were responsible for gritting priority footways such as high streets and town centres.

The client team had discussed winter maintenance operations with Serco and Serco had provided assurances that they could provide the service as part of an overall established programme of gritting work that had worked well for several years. The service the client team had provided, particularly during bad spells of weather, had been generally well received by the public.

Last winter, Serco had supported maintenance of vaccination and testing stations. This would remain a priority for this coming winter. If a heavy and prolonged hoar frost or snow was forecast the Winter Maintenance Duty Officer would liaise directly with the Serco call out team to initiate the necessary gritting activity and in the event of prolonged snow was forecast senior members of Highways, the Service Manager responsible for the Serco contract and senior members of the Serco Team meet to ensure an adequate response

Sandwell's Grounds Maintenance personnel staff also played a vital part on the precautionary gritting rota and were available to support other parts of Winter Maintenance Plan if it proved necessary to do so.

Reasons for Decision

Given high service costs it was not 'reasonably practicable' to provide the service on all parts of the network nor ensure running surfaces are always kept free of ice or snow. Sandwell therefore apply a risk-based approach that reflected advice and recommendations contained in the relevant Codes of Practice.

Alternative Options

There was no recommended affordable alternative to mitigate the safety risks addressed by the Winter Service Operational Plan 2021/22.

Agreed that approval be given to the Highway Winter Service Operational Plan 2021/22 as now submitted.

196/21

Award a Contract for Superimposed Road Markings, Specialist Surfacing and Studs

Approval was sought to authorise the Interim Director of Borough Economy to award a contract for the provision of Road Markings, Specialist Surfacing and Studs; for general maintenance of new and existing road markings around the Borough following a compliant competitive tender process in collaboration with Dudley MBC and Wolverhampton City Council.

Road users and the wider community placed a high value on keeping traffic moving safely around the Borough. Ensuring road markings were visible and understandable was vital for road safety. They communicated important information to road users, help them safely navigate the road network and highlight upcoming hazards. Failure to adequately maintain road markings could result in accidents, avoidable congestion, consequent adverse economic and social impacts, public dissatisfaction and significant reputational damage.

As the Local Highway Authority; the Council had a statutory duty to ensure the road was maintained in a safe and useable manner.

To meet this duty, routine maintenance of road markings was undertaken across the Borough. This incorporated both general road markings and those road markings which communicated restrictions such as double yellow lines and red routes.

The road marking contract was also used for the installation of advisory spaces for disabled badge holders. The framework tender was a collaboration with Dudley Metropolitan Borough Council and Wolverhampton City Council in order that Sandwell could benefit from economies of scale and reduced tendering costs.

Reason for Decision

Cabinet approval was sought to approve the award of a framework tender in collaboration with Dudley Metropolitan Borough Council and Wolverhampton City Council for a period of up to 4 years for Superimposed Road Markings, Specialist Surfacing and Studs.

The current contract for the supply of Superimposed Road Markings Specialist Surfacing and Studs was due to expire on 31st January 2022.

The tendering exercise would aim to ensure seamless operations remained in place and to enable a smooth and efficient switch to the new contract.

The exercise would be carried out by Sandwell MBC acting as lead authority, in collaboration with Dudley MBC and Wolverhampton City Council who would utilise the contract to support their own road marking operations.

It was anticipated that the combined value of the framework agreement over a 4-year period would be between £1,000,000 and £1,500,000, of which Sandwell's proportion was estimated to be approximately half based on historic usage.

Alternative Options

There were no recommended affordable alternatives to maintain existing road markings, specialist surfacing and Studs.

Agreed:-

- (1) that the Interim Director of Borough Economy be authorised to award a contract for the provision of Road Markings, Specialist Surfacing and Studs; for general maintenance of new and existing road markings around the Borough following a compliant competitive tender process in collaboration with Dudley MBC and Wolverhampton City Council;
- (2) that the Director of Law and Governance – Monitoring Officer be authorised to execute any documentation necessary to enable Resolution (1) above;
- (3) that any necessary exemptions be made to the Procurement and Contract Procedure Rules to enable the course of action referred to in Resolution (1) above to proceed;

- (4) that approval be given to Sandwell MBC entering into a collaboration agreement with Dudley and Wolverhampton for the provision of Road Markings, Specialist Surfacing and Studs; for general maintenance of new and existing road markings around the Borough.

197/21 **Approving Amendments to the Black Country Executive Joint Committee Collaboration Agreement**

Approval was sought to make amendments to the Black Country Executive Joint Committee Collaboration Agreement covering the Joint Committee Advisory Board removal.

Reasons for Decision

The Collaboration Agreement set out the role of the Black Country Executive Joint Committee (BCJC) and how the Black Country Councils and the Black Country Consortium would work together. The Collaboration Agreement included an acceptance of delegated authority from each of the Councils Cabinets for the BCJC to act as the decision making body for identified programmes.

At its meeting on 5 November 2020, ABCA Chief Executives considered proposals for streamlining the BCJC governance arrangements and processes, and the option of removing Joint Committee Advisory Board approval stage and increasing the number of BCJC meetings was endorsed. It was followed by ABCA Leaders (9 December 2020) and Joint Committee Advisory Board (1 February 2021).

The removal of the Joint Committee Advisory Board resulted in the Heads of Regeneration Working Group holding the responsibility for consultation on all reports requiring recommendation to BCJC, including with the Cabinet Portfolio Holders. To ensure continuous visibility and Transparency, Heads of Regeneration now briefed their respective Regeneration Cabinet Portfolio Holder on all of the reports, from across the Black Country, which required Heads of Regeneration Working Group endorsement.

The increase of BCJC meeting frequency ensured that key time-bound projects could receive approvals as required, reducing any delays. However, if there were no items on the BCJC forward plan meetings would be cancelled.

The revised process was still compliant with requirements set out within the National and Local Assurance Frameworks following individual project assessments and spend recommendations by the Black Country Local Enterprise Partnership.

BCJC approved and adopted the current governance arrangements at its meeting on 17 February 2021. The BCJC Constitution and Protocols, and the BCLEP Local Assurance Framework had been updated to reflect these changes and were approved by the BCJC at its Annual General Meeting on 23 June 2021.

Alternative Options

Failure to approve the proposed amendment to the Collaboration Agreement may impact on the operation of the BCJC which had successfully administered a number of complex government programmes including Growth Deal over the past five years. It was unlikely that Sandwell MBC would be able to access this funding without being part of the Collaboration agreement.

Agreed:-

- (1) that approval be given to amendments to the Black Country Executive Joint Committee Collaboration Agreement covering the Joint Committee Advisory Board removal, as now submitted;
- (2) that the Director of Regeneration and Growth and the Director of Finance be authorised to draft and enter into the appropriate Black Country Executive Joint Committee Collaboration Agreement Deed of Variation;

- (3) that the Chief Executive, in consultation with the Leader of the Council, be authorised to take part in any negotiations and to make any minor amendments in connection with above, prior to its sealing as a Deed.

198/21

Revised Corporate Health & Safety Policy

Approval was sought to the revised corporate Health and Safety Policy. The Council was legally required to have a Health and Safety (H&S) policy that was formally reviewed at regular intervals.

Reasons for Decision

The policy was formally reviewed every three years. Consultation had already taken place amongst the Leadership team and Trade Union safety representative colleagues.

There had been a few minor but no substantial changes to the policy during this formal review. The minor amendments included;

- Names of Chief Executive and Council Leader amended to reflect current incumbents,
- Removing reference to “EMT” and replacing with “Leadership”,
- Incorporating “Infection Control” and “SMART/Home Working” as standalone arrangements,
- Updating and merging of arrangements for “Occupational Road Risk” and “Vehicle movements on site” into one “Driver & Vehicle Safety” arrangement.

Alternative Options

There were no alternative options as it was a legal requirement for employers to have a recorded H&S Policy.

Agreed that approval be given to the revised corporate Health & Safety Policy as now submitted.

Household Support Fund

Approval was sought to use the Household Support Fund to provide financial support to those Sandwell residents who were most in need this winter and to provide support to families who received free school meals with food vouchers during the school holidays in October, December 2021, February and April 2022 at a cost of £1.67 million, providing additional support for around 18,700 households.

Approval was also sought to provide a sum of £123,000 to food banks to purchase food and other essential items and to include the setting up of 3 new food pantries.

Consideration was given to the criteria for Household Support Fund payment award and approval was sought for the Household Support Fund Policy 2021-22.

In response to questions raised by the Chair of Children Services and Education, the Deputy Leader and Cabinet Member for Finance and Resources stated that West Bromwich and Oldbury would be the towns to have the 3 new food pantries. Discussions were being held with a number of partners to identify potential venues and capacity. West Bromwich and Oldbury had been selected as there were already pantries in Rowley Regis, Smethwick, Tipton and Wednesbury with each town in Sandwell having at least one.

Reasons for Decision

The Government had made available £500m to councils to support those most in need this winter during the final stages of economic recovery. This had been made available to councils earlier in October. Sandwell had been allocated funding of £3,471,442, for the period 6th October 2021 to 31st March 2022.

At least 50% of the total funding must be spent on families with children, and for Sandwell this was £1.7m.

Funding would be provided to support families who received free school meals with food vouchers during the school holidays in October, December 2021, February and April 2022. This would cost £1.67m and would provide additional support for around 18,700 households.

The Household Support Fund would be administered by Revenues and Benefits. We know from our Council Tax Reduction records that there are around 21,000 households which receive financial help towards their Council Tax as they were on low incomes. These households would be written to in order to invite them to make an application.

Alternative Options

The Government guidance stated that the Household Support Fund may be awarded to households not currently in receipt of DWP welfare benefits.

This approach could be considered in future application windows after the initial window from the 5 November to the 3 December 2021

Agreed:-

- (1) that approval be given to use the Household Support Fund to provide financial support to those Sandwell residents who are most in need this winter;
- (2) that approval be given to use the Household Support Fund to provide support to families who receive free school meals with food vouchers during the school holidays in October, December 2021, February and April 2022 at a cost of £1.67 million, providing additional support for around 18,700 households.
- (3) that approval be given to use the Household Support Fund to provide £123,000 to food banks to purchase food and other essential items and to include the setting up of 3 new food pantries in accordance with the following criteria:

an individual who is:

- working age
- liable for Council Tax and or Rent in Sandwell
- receiving Universal Credit, Working Tax Credit, income-based Employment & Support Allowance, income-based Jobseeker's Allowance, Income Support, Housing Benefit, Council Tax reduction
- suffering financial hardship
- not have savings over £3k

(4) that the Household Support Fund Policy 2021-22 as now submitted be approved.

200/21 **Action Taken on a Matter of Urgency – Provision of Free School Meals – October 2021 half term holiday**

Details of the urgent action taken by the Leader of the Council were given, in relation to giving approval to authorising the Acting Operational Director of Children and Education to allocate £90,000 of the Extended Local Support Grant and £180,000 from the Emergency Covid Funding to provide food vouchers to families with children who are eligible for a free school meal for the October 2021 school half term period, be received.

The matter was urgent and could not be delayed until the next Cabinet meeting as otherwise the opportunity to fund meal vouchers for the October half term week would have been missed.

Reasons for Decision

It was proposed to continue to support vulnerable families in receipt of Free School Meals with food vouchers for the upcoming school half term holiday.

The proposal was possible with the recent announcement by the Government that a new grant allocation, the Household Support Grant, in the sum of £3,471,442, would shortly be allocated to the Local Authority, 50% of which should be made available to support households with children.

As the total value of the vouchers was estimated to be in the region of £267,000, executive approval was required to allocate grant funding and approve spend above £250,000.

An urgent decision was requested to avoid losing the opportunity to fund meal vouchers for the October half term week.

For children on a school roll, Schools would receive a payment from the Council to purchase vouchers directly from Wonde, continuing with their existing procurement arrangements.

For children not on a school roll, vouchers would be purchased and issued to parents / carers using Black Hawk, a specialist company previously engaged by the Authority.

An urgent decision by the Leader of the Council was requested to proceed with allocation of the grant funding identified to purchase meal vouchers for children, either in receipt of Free School Meals, or not on a school roll but who would be eligible to receive Free School Meals.

Alternative Options

Do nothing was not a realistic option as to date the council's food voucher scheme has supported some of our most vulnerable families.

Use of alternative voucher suppliers:

Children on roll: schools had the option to use Wonde, who they had primarily used for previous schemes, or to approach alternative voucher providers.

Children not on roll: research undertaken prior to extending the original Black Hawk contract to issue food vouchers found that either, not all major food retailers based in local communities were available through the voucher supplier, or that for those that were listed, limited food options were available to families.

Increased vouchers value: The current value was in line with the Free School Meal daily price per meal.

Development of a Council Voucher Scheme: the requirement was time limited, requiring extensive negotiations with major food retailers based in our communities. The cost benefit analysis of continuing with recent providers, namely Wonde and Black Hawk with a tailor-made package far outweighs the work and cost required to negotiate a small package for the expected procurement value, and short contract period.

Received the details of the urgent action taken by the Leader of the Council, in relation to giving approval to Acting Operational Director of Children and Education to allocate £90,000 of the Extended Local Support Grant and £180,000 from the Emergency Covid Funding to provide food vouchers to families with children who are eligible for a free school meal for the October 2021 school half term period, be received.

Meeting ended at 4.04pm.

Contact: democratic_services@sandwell.gov.uk

Appendix 1



Nitrous Oxide Public Space Protection Order Consultation

INTRODUCTION

- Nitrous oxide is a public health risk and the rise in the recreational use of this in Sandwell is thought to be correlated to some of the anti-social behaviour which has occurred across the borough.
- Residents of Sandwell in addition to local businesses, voluntary groups and interested parties were invited to have their say on Sandwell Council's proposal to introduce a Public Spaces Protection Order (PSPO) to combat the consumption of this as a recreational drug in public spaces.
- Under this PSPO, it would be an offence for people not to surrender nitrous oxide canisters when requested to by an authorised officer.

METHODOLOGY

- An online consultation was made available for feedback on the Sandwell Council website.
- Participants could remain anonymous if they wished to do so.
- The consultation was promoted across Sandwell Council's communication channels including social media and via posters and flyers which were shared with public venues in the borough.
- The consultation was left open for feedback from 10th May 2021 to 16th July 2021.

FINDINGS

About Consultation Participants

- 178 individuals participated in the consultations.
- The majority of individuals stated that they were residents (94%) when asked about this with a small number of businesses also taking part (3%) [Figure 1].
- 84% of feedback came from people local to Sandwell [Figure 2].
- Oldbury was the town in Sandwell which was best represented in the consultation with 25% of those who took part being from here jointly followed by Smethwick (19%) and West Bromwich (19%) [Figure 2].

Anti-Social Behaviour Linked to Nitrous Oxide

- When quizzed on personal experiences of anti-social behaviour associated with the recreational use of Nitrous Oxide, 57% of individuals revealed that they had come across or been the victim of this [Figure 3].
- 88% of feedback showed that this anti-social behaviour was occurring on a regular basis [Figure 4].



- Feedback showed that this anti-social behaviour was occurring in a number of different ways across the six Sandwell towns and which was generally believed to be a result of or associated with the recreational use of Nitrous Oxide [Figure 5].
- The most common types of anti-social behaviour reported per Sandwell town have been compiled below along with some of the feedback provided by local people:

Oldbury

- 1) Just over 1 in 4 people (26%) from Oldbury expressed their unhappiness with anti-social behaviour in the form of littering of the Nitrous Oxide canisters.

Comments:

- *'At the back of my property cars park up and always leave these canisters all over the floor.'* (B69 1SR)
- *'Littering Causeway green road curbs are littered with them! 'Walking on discarded cannisters.'* (B69 1SR)
- *'Young adults got "high" on the nitro oxide and dumped the cannisters on private property'* (B69 3LB)

- 2) 21% of comments touched on the consumption of drugs taking place in public spaces in Oldbury with residents especially sharing their concerns about this taking place near their homes.

Comments:

- *'Younger adults sitting outside our homes smoking'* (B68 9TH)
- *'We have a lot of cars that drive and sit at the back of our house, they do drugs have music on in the cars'* (B69 1SR)
- *'Cars parked in front of my house people travelling form far just inhale gas or smoke drugs police has been called nothing gets done'* (B69 1UX)

- 3) 17% of feedback centred on the noise nuisance which would occur once users of the Nitrous Oxide had got 'high'.

Comments:

- *'Youths making noise whilst using the canisters'* (B68 8AQ)
- *'Youths hanging around screeching cars around the quiet residential street.'* (B69 1UU)
- *'On a nightly basis, cars park in our street after midnight playing music'* (B69 1UU)

Rowley Regis

- 1) 27% of feedback from local people in Rowley Regis referred to the littering resulting from the use of Nitrous Oxide.



Comments:

- *'Silver canisters thrown on to my garden'* (B65 8HB)
- *'Witnessed a lot of cannisters littered on the floor.'* (B65 0HA)
- *'I have noticed the number of these cannisters increasing in the area of my local park on York Rd'* (B65 0EW)

2) 20% of anti-social behaviour resulting from people inhaling Nitrous Oxide in Rowley Regis was reported to be in the form of vandalism.

Comments:

- *'Kids smashing up bus stops, smashing bottles in the street.'* (B65 8EH)
- *'My car constantly damaged either tyres slashed or paint work scratched.'*(B65 8HB)
- *'General loud behaviour and vandalism'* (B65 9DX)

3) Noise nuisance was also made mention of in 20% of the feedback provided by locals in the town.

Comments:

- *'Loud motorbikes on public footpaths behind Mission Close and canal tow path'* (B64 6SG)
- *'Large groups in several cars Loud music and dancing when they are off their face'* (B65 8AH)
- *'General loud behaviour and vandalism'* (B65 9DX)

Smethwick

1) Nearly 1 in 2 comments from locals in Smethwick (46%) explained littering as the biggest anti-social behaviour concern associated with the use of Nitrous Oxide.

Comments:

- *'The estate I live on is blighted by discarded canisters'* (B66 1RW)
- *'People using the NO and then throwing the cannisters out of car windows'* (B66 4AR)
- *'Canisters are consistently dumped in the local area. Not just the odd canister but many of them.'* (B67 5HQ)

2) 17% of concerns in Smethwick related to the drug taking which was taking place.

Comments:

- *'Cars parking to inhale NOS and smoke cannabis'* (B67 5EA)
- *'Comes with a lot of antisocial behaviour of youths taking them on Adkins Lane and Lightwoods Hill Galton Road. There is other drug taking at this time as well. It does not feel safe in the area after dark, large numbers of youths, cars stopping full of people etc.'* (B67 5EX)



- *'Mass gatherings in lightwoods park. As a direct result of taking this substance bad behaviour ensued'* (B67 5DS)

3) 11% of comments touched on the experiences of locals in Smethwick being the victim of or coming across abusive behaviour by individuals who had been using Nitrous Oxide.

Comments:

- *'People using the NO being rowdy and aggressive'* (B66 4AR)
- *'Abuse towards local residents.'* (B67 5DS)
- *'I've had to walk back into Bearwood high street with a member of the public who was being threatened by youths taking NOS canisters in the park who was being heckled and intimidated by them'* (B67 5EX)

Tipton

1) 33% of feedback from local people in Tipton highlighted their distress/frustrations at the littering of Nitrous Oxide canisters in their neighbourhoods.

Comments:

- *'My neighbour uses laughing gas every weekend and they always around the street'* (DY4 9HL)
- *'I have attempted to complain twice regarding used canisters littering the street near schools.... not one person from the local neighbourhood team even replied'* (No Address Provided)

2) 17% of responses alluded to the vandalism that had taken place by individuals engaging in the recreational use of Nitrous Oxide.

Comments:

- *'Sometimes teenagers set fire to the trees behind our home.'* (DY4 0HZ)
- *'Last year teenagers were setting off fireworks aiming them into our street. They hit several houses and cars.'* (DY4 0HZ)

3) 17% of concerns revolved around noise nuisance.

- *'Our house backs onto public land. We often hear loud noise, music, etc.'* (DY4 0HZ)

Wednesbury

1) In line with the feedback from the other Sandwell towns, litter was also the biggest reason for unhappiness amongst Individuals from Wednesbury with 33% of feedback making mention of this.

Comments:

- *'Deposits of canisters in various locations'* (WS10 0ED)
- *'I pick up easily 60+ a week'* (WS10 9PE)



2) 17% of feedback from locals in Wednesbury raised concerns with drug taking.

Comments:

- *'I have seen people taking it during the day and this happened when I was walking with my children'* (WS10 9BQ)

3) Noise nuisance was also made mention of in 17% of comments by locals.

Comments:

- *'Gangs in Cars back of Farm Foods in Wednesbury with these canisters. The noise and revving of cars.'* (WS10 7AZ)

West Bromwich

1) 33% of feedback from West Bromwich centred on the littering that was accompanying Nitrous Oxide use.

Comments:

- *'Large numbers of canisters littered on the streets.'* (B70 6BA)
- *'Groups of teenagers in Dartmouth Park using in nitrous oxide incorrectly and littering.'* (B71 3NP)
- *'Street littered with canisters'* (B71 2EH)

2) 23% of feedback showed the unhappiness of local people with the drug taking which was taking place in their neighbourhoods.

Comments:

- *'Drug taking (injecting) in the street (carpark)'* (B70 6NW)
- *'Cars full of people doing 'balloons' shouting'* (B71 2EH)
- *'They often congregate and drink alcohol and take nitrous when hanging about'* (B71 1LH)

3) 10% of comments touched on the drug dealing that was believed to be linked to the recreational use of Nitrous Oxide.

Comments:

- *'Drug users using the estate daily to pick up drugs from their dealers.'* (B71 1LH)
- *'Drug dealing Agressive begging general ASB'* (B70 8ET)

Impact of Anti-Social Behaviour on Local People

- Participants in the consultation were then asked about the effects of the anti-social behaviour which was accompanying Nitrous Oxide consumption on them [Figure 6]. Close to 1 in 4 responses (24%) alluded to people feeling unsafe with 13% of respondents commenting on the distress which they felt due to the anti-social behaviour stemming from the recreational use of Nitrous Oxide. 7% of individuals spoke about how this behaviour would disrupt their sleep.



Feedback of Proposed PSPO

- Feedback from 95% of respondents demonstrated support for the proposed PSPO [Figure 7].
- The littering of discarded canisters was most commonly pointed out as the reason for why individuals were in favour of the proposed PSPO (68%). This was followed by the anti-social behaviour that was believed to be linked to the inhalation of Nitrous Oxide (22%) and worries around children coming across discarded canisters (18%) [Figure 8].
- At the end of the consultation, participants were asked about any other comments that they had in relation to the proposal for the PSPO. Common themes were found in the comments and have been detailed below along with some of the feedback itself:

Recommendation of Tighter Measures/Security

- *'CCTV cameras are needed to monitor known hotspots.'*
- *'Curfews should be mandatory and public spaces closed once the curfew begins.'*
- *'Go further ban sales of these in shops.'*
- *'It should be an offence for them to be sold. There are a number of venues on Bearwood high street who sell these canisters'*

Strong Enforcement Needed for PSPO to be Successful

- *'It needs to be enforced. I often see blatant breaches of the order regularly on the streets and estates of West Bromwich. Order will only be as good as the level of enforcement applied.'*
- *'If it is brought into force, let's hope it is enforced'*
- *'Street wardens or others should have the powers. Not just the police.'*
- *'it's all right proposing or making new rules, but have you got the people to police it'*

Support for the Proposed PSPO

- *'I think it's a brilliant idea'*
- *'Think it's about time this matter was tackled and fully support proposal.'*
- *'we support this PSPO and hope they get the people who keep doing it'*
- *'Yes, it would be wonderful if something could be done'*

West Midlands Police and Crime Commissioner

Feedback was also received from the West Midlands Police and Crime Commissioner who welcomed effective action to prevent and tackle the anti-social behaviour linked to the use of Nitrous Oxide. However, a potential limitation of the proposal was identified by the commissioner who commented that it seemed the PSPO could only allow authorised officers to confiscate Nitrous Oxide canisters where these were visibly seen in the possession of a person. As such, this would limit the ability and scope for prevention and enforcement and ultimately the effectiveness of the proposed prohibition.



Appendix 2.

Proposed per pupil 2022-23 term-time residential charges for Sandwell Residential Education Centres, inflationary rise of 2.4% (based on CPI July 2021)

Edgmond Hall, Frank Chapman, Ingestre Hall									Plas Gwynant	
4 nights					2 nights				4 nights	
Standard rate per student, (£)										
Season	2021-22 charge	Proposed 2022-23 charge	2021-22 Large group discount charge	Proposed 2022-23 Large group charge	2021-22 charge	Proposed 2022-23 charge	2021-22 Large group Discount charge	Proposed 2022-23 Large group charge	2021-22 charge (no large group discount)	Proposed 2022-23 charge
low	245	251	225	231	135	138	130	133	300	307
mid	290	297	270	277	155	159	150	154	330	338
high	315	323 (333FC)	290	298 (308FC)	170	174 (184FC)	160	164 (174FC)	370	379
Sandwell academy schools: standard rate -20% discount										
low	196	201	180	185	108	110	104	106	240	246
mid	232	238	216	222	124	127	120	123	264	270
high	252	258 (268FC)	232	238 (248FC)	136	139 (149FC)	128	131 (141FC)	296	303
Sandwell maintained schools: standard rate -30% discount										
low	171	176	158	163	95	97	91	93	210	215
mid	203	208	189	194	108	111	105	108	231	237
high	220	226 (236FC)	203	209 (219FC)	119	122 (132FC)	112	115 (125FC)	259	265

Notes.

1. Large group discounts encourage non-Sandwell schools to bring bigger numbers and more income. Large numbers: 65+ at Ingestre; 45+ at Frank Chapman and Edgmond. Plas Gwynant works close to maximum numbers, so no large number discount applies.
2. A minimum number requirement applies at all centres. Schools can share to meet minimum numbers.
3. Sandwell Looked After Children come free of charge with their schools during term-time.
4. 2-night courses are not normally offered at Plas Gwynant; and at Ingestre only at certain times.
5. Low season: the first 2 weeks of the autumn term; 20 Nov-31 Jan;
Mid-season: the third week of autumn term-20 Nov; Feb, March, April (and to SATs week, Plas).
High season: May, June and July (post SATs at Plas Gwynant).
6. Frank Chapman Centre pods are open Easter to October, with prices to be set at 85% of main centre charges, providing a lower-cost summer option.
7. Frank Chapman high season prices reflect the additional operational costs at that time of the year.