

# Minutes of Cabinet

**Wednesday, 16 November 2022 at 3.30 pm  
at Council Chamber - Sandwell Council House, Oldbury**

- Present:** Councillor Carmichael (Chair)  
Councillors Ahmed, Hackett, Hartwell, Hughes, Millard,  
Padda, Piper and Rollins
- In attendance:** Councillors Anandou, Fenton, E M Giles, Kalari, Kaur,  
Moore, Singh and Taylor.
- Also present:** Kim Bromley-Derry (Managing Director Commissioner),  
Simone Hines (Director of Finance), Surjit Tour (Director of  
Law and Governance and Monitoring Officer), Tony  
McGovern (Director of Regeneration and Growth), Elaine  
Newsome (Service Manager – Democracy), Gillian Douglas  
(Director of Housing), Anthony Lloyd (Democratic Services  
Officer) and Suky Suthi-Nagra (Democratic Services  
Manager).

## **189/22 Apologies for Absence**

Apologies for absence were received by Councillors Shackleton  
and Simms.



**190/22**

## **Declarations of Interest**

There were no declarations of interest made.

**191/22**

## **Minutes**

**Resolved** that the minutes of the meeting held on 28 September 2022 be approved as a correct record.

**192/22**

## **Additional Items of Business**

There were no additional items of business to consider.

**193/22**

## **Brandhall - Response to 'Call-in' in respect of 'Brandhall - Options'**

Approval was sought to determine Cabinet's decision regarding Brandhall in respect of the recommendations received from the Budget and Corporate Scrutiny Management Board on 8 August 2022. It was highlighted that the report addressed several of the concerns raised by the Budget and Corporate Scrutiny Management Board and that sufficient evidence was available as to why the Capemore site was discounted.

On behalf of the Chair of the Budget and Corporate Scrutiny Management Board, the Vice-Chair of the Economy, Skills, Transport and Environment Scrutiny Board stated that point 3 of Scrutiny's recommendations, in relation to how views of the residents were weighted, was not fully addressed in the report. The Cabinet Member was asked to review this further.

The Cabinet Member for Regeneration and Growth explained that there was no requirement in legislation nor an adopted process for Cabinet to demonstrate how the views of residents were weighted. The views of residents was an important factor in the decision making process and any concerns raised were taken into account. This was balanced against other factors such as housing needs and the need to provide new educational facilities, alongside the benefits of a properly accessible and maintained public park. As a result, the decision to move with an option containing few homes and a larger park than originally planned was decided.

In considering the recommendations of the Scrutiny Board, it was moved seconded and agreed that the views of the Board be noted and that the Cabinet decision taken on 20 July 2022 be implemented.

### **Reason for Decision**

In accordance with the Council's Scrutiny Procedure Rules, the Budget and Corporate Management Scrutiny Board at their meeting on 8 August 2022, referenced the decision in relation to the Brandhall - Options back to Cabinet for reconsideration. Cabinet were required to consider amending the original decision or not, before adopting a final decision.

### **Alternative Options Considered**

In accordance with Scrutiny Procedure Rules, Cabinet must consider whether to amend its original decision before confirming a final decision.

**Agreed** that in considering the recommendations from the Budget and Corporate Scrutiny Management Board on 8 August 2022, Cabinet take no further action and implement the Cabinet decision as determined on 20 July 2022 (see Minute No. 147/22).

**194/22**

### **Draft General Fund Budget 2023/24 and Medium-Term Financial Strategy**

Approval of the Draft General Fund Budget 2023/24 and Medium Term Financial Strategy was sought.

The Budget setting process had been impacted by the current economic and political climate. A more detailed position in relation to the actual funding of the Council would be known in December 2022.

The initial budget deficit for 2023/24 set out in the previous Medium-Term Financial Strategy was estimated to be in the region of £14m, but a number of spend pressures had emerged as part of the budget process, largely due to demand and inflationary pressures, that exceeded the assumptions initially made in the previous forecasts. Service spend pressures and growth items total £17.7m. A risk had been identified in the deliverability of some of the savings.

In response to questions regarding the possibility of further cuts to local government, the Deputy Leader and Cabinet Member for Finance and Resources stated that the report presented to Cabinet was a draft report and would likely undergo changes prior to the final budget report in February 2023. An upcoming Autumn Statement would provide further information on the potential changes to local authority funding. The final funding for Sandwell would not be known until the settlement was received in December. Budget assumptions were in line with neighbours and further amendments would be made as information became available.

### **Reasons for recommendations**

The Local Government Finance Act 1972 required the Council to set a balanced, risk assessed budget each year and approve a Council Tax precept by 11 March.

### **Alternative options considered**

Cabinet could request that alternative savings options be proposed and agreed, although there was limited time to do this and still be able to carry out the appropriate consultation on alternative savings.

### **Agreed:-**

- (1) that the draft budget position for 2023/24 be considered and the savings required to ensure a balanced budget can be achieved;
- (2) that the savings identified in Appendix B be approved in principle for consultation and an Equality Impact Assessment where required;
- (3) that a further report be submitted to Cabinet in February 2023 setting out the results of the consultation referred to in Resolution (1) above for Cabinet to consider prior to final budget proposals being approved;
- (4) that the draft budget and savings options be referred to the Budget and Corporate Scrutiny Management Board for consideration on 29 November;

- (5) that the Medium-Term Financial Strategy, as set out at Appendix D be approved.

**195/22**

**Extension of contract for a non-executive director of Sandwell Children's Trust Board**

Approval was sought to agree the extension of contract for a non-executive director of Sandwell Children's Trust Board.

The Vice-Chair of the Economy, Skills, Transport and Environment Scrutiny Board questioned why it had become necessary to retain the current non-executive as opposed to advertising the position.

The Cabinet Member for Children and Education explained that the Sandwell Children's Trust Board had three Independent Non-Executive Directors (NED) positions which were initially appointed, for 3, 4 & 5 years respectively, in the first year of the Trust (as per the Articles of Association). They were appointed in this manner to avoid the NED positions terms of office coming to an end at the same time.

As the first two Independent NED positions had been renewed during the pandemic, and in the interests of treating everyone the same to avoid any legal challenge, it was proposed to also extend the term for the third Independent NED.

The non-executive director had extensive experience in children's social care practice and had been a qualified social worker for over 40 years. They were also the Strategic Director of People in Wolverhampton when the Ofsted rating improved from "requires improvement" to "Good".

### **Reason for Decision**

The board wishes to secure the continuity of the current non-executive director. The Council has written to the Secretary of State requesting consent to extend this appointment for a period of up to two years from 1 November 2022. The Department for Education officials had confirmed by email that the Parliamentary Under Secretary of State for Children and Families has approved the recommendation.

### **Alternative Options Considered**

The alternative option would be for Sandwell Children's Trust to begin a recruitment process for a new non-executive director. This would take some time to complete and following which any new NED would need some time to familiarise themselves with the Trust's operations, it could impact up on the improvement journey.

#### **Agreed:-**

- (1) that the completed sequence of events that are contractually required to extend the contract of a non-executive director of Sandwell Children's Trust Board be considered;
- (2) that the response from the Secretary of State for Education be considered;
- (3) that approval be given to the extension of contract of Linda Sanders as a non-executive director of Sandwell Children's Trust for the period of up to two years from 1 November 2022.

**196/22**

### **UK Shared Prosperity Fund**

Approval was sought to accept Sandwell's allocation of UKSPF funding, as a result of the Investment Plan submission to the Department of Levelling Up Housing and Communities and to enter into the necessary grant funding agreements.

UKSPF was a central pillar of the UK Government's Levelling Up agenda. Its primary goal was to build pride in place and increase life chances across the UK, with three key investment priorities:

- Community & Place

- Supporting Local Business
- People & Skills (including adult numeracy programme, Multiply).

The West Midlands Combined Authority (WMCA) was the lead authority and accountable body for UKSPF across the region, with responsibility for developing its investment plan, and for administering the funding. The WMCA had committed to lead a strategic and joined-up approach, working with local authorities to identify local and regional investment priorities that support 'Levelling Up' ambitions.

It was stated that the £88m in funding was comparable to previous EU funding

The investment plan was based on the WMCA retaining 50% of the funding allocation to assist the local business development. This would be in partnership with local authorities in the region. The remaining 50% will be allocated to Local Authorities directly.

The Chair of the Safer Neighbourhoods and Active Communities, questioned how many jobs would be created by the Sandwell Valley Education and Community Engagement Outreach Programme. Clarification was also sought on where the job opportunities would be located and what the average salary would be.

In response, the Cabinet Member for Regeneration and Growth highlighted that officers were currently working to establish external partnerships with education providers, with the objective of ensuring pathways from training to employment in grounds maintenance, green spaces jobs, and arboriculture and countryside maintenance. Priorities would be to target these opportunities for training and pathways to employment in Sandwell, including Sandwell Council. The number of job creations over the three year scheme could not be confirmed; this was currently being scoped with partners. The scheme would create 4 additional roles over the next three years, and at least five additional apprentices (including two that were targeted at care experienced young people) as part of the three year project. This number does not include the pathways to employment that would be created following the full implementation of the scheme.

Further questions were asked regarding how much funding the European Support Fund provided to Sandwell's voluntary organisations to deliver employment Support Provisions. It was



confirmed that voluntary and community support (VCS) organisations in Sandwell received approximately £750,000 of funding per year from the European Social Fund (ESF). In 2022/23, the Council had profiled expenditure of £50,000 as the majority of ESF provision was continuing until March 2023. In 2023/24 there was £300,000 profiled expenditure to the Voluntary sector for community engagement activities. The VCS split for 2024/5 had not yet been determined but it was anticipated that there would be an increase in the allocation to VCS organisations from 2024/25 to deliver employment support based on the pre-determined expenditure profiles being weighted to the final year of delivery.

The Chair of the Safer Neighbourhoods and Active Communities, in reference to the appendix, asked which pipeline projects were associated with the £1.6m allocated to improvements to town centre and high streets. Clarity was also sought in relation to which pipeline projects were associated with the £1m for community and neighbourhood infrastructure projects

The Cabinet Member for Regeneration and Growth responded that the appendix included the standard example on pages 2 to 6. It was the standard example that shows £1.6m allocated to improvements to Town Centres and High Street and £1m for Community and Neighbourhood Infrastructure Projects. The Sandwell specific allocations started on page 7 of the appendices and showed Sandwell allocations in line paragraph 4.18 of the report. The Cabinet Member highlighted how this could have created some confusion and confirmed there was no spend profiled within the Town Centres and High Street or Community and Neighbourhood Infrastructure Projects interventions under Sandwell's UKSPF proposals.

### **Reasons for Decision**

The funding period for UKSPF commenced financial year 22/23 and concludes financial year 24/25. Upon confirmation that the WMCA UKSPF Investment Plan has been approved, Local Authorities will need to mobilise quickly to achieve the UKSPF spend profile for 22/23.

### **Alternative Options Considered**

There were no alternative options to consider.

**Agreed:-**



- (1) that the Directors of Regeneration & Growth; Borough Economy; and Children & Education, in consultation with the Section 151 Officer and the Cabinet Members for Finance & Resources, Children & Education and Regeneration and Growth, be authorised to accept Sandwell's allocation of UKSPF funding, as a result of the Investment Plan submission to the Department of Levelling Up Housing & Communities (DLUHC) and enter into the necessary grant funding agreements;
- (2) that the Directors of Regeneration & Growth; Borough Economy; and Children & Education in consultation with the Section 151 Officer and Cabinet Members, be authorised to carry out commissioning of UKSPF funding, including any procurement activity as required;
- (3) that the Directors of Regeneration & Growth; Borough Economy; and Children & Education in consultation with the Section 151 Officer and Cabinet Members for Finance & Resources, Children & Education and Regeneration and Growth, be authorised to implement the final arrangements for the 4% administration allocation.

**197/22**

### **Contract for Supply, Installation and Maintenance of Traffic Signals and Associated Equipment**

Approval was sought to authorise the Director of Borough Economy to award a contract for the provision of the supply, installation and maintenance of Traffic Signals and associated equipment for the period 1 January 2023 to 31 December 2026.

As the Local Highway Authority, Sandwell Metropolitan Borough Council (SMBC) had a statutory duty to ensure the Highway Network is maintained in a safe and useable manner. As the Local Traffic Authority SMBC also had a statutory duty to ensure as far as reasonably practicable, with regard to policy objectives and obligations, the expeditious movement of traffic on the Authority's road network. To meet this duty, SMBC required a suitably qualified and experienced contractor to supply, install & maintain traffic signals and associated systems and equipment across the Borough of Sandwell.

Clarification was sought by the Chair of the Budget and Corporate Scrutiny Management Board in relation to an extension to the contract when there was no basis to do so. Questions were asked on why this report had not been brought to Cabinet sooner.

The Cabinet Member for Environment responded that Director approval had been granted to extend the existing contract for 2 months from 1 November 2022 until 31 December 2022 to ensure continuity of service. Cabinet approval was being sought to authorise the award of a new contract for the period 1 January 2023 to December 2026 at a value of £2m following the conclusion of the compliant tender process.

It was also confirmed that the delay with the procurement process was partly due to resource constraints but also due to the cancellation of the Cabinet meeting in October. A workforce plan had been approved and was being implemented with the objective that resource issues would diminish.

### **Reasons for decision**

The Council has a requirement to appoint a suitably qualified and experienced Contractor for the Supply, Installation & Maintenance of Traffic Signals and Associated Systems and Equipment within the Borough of Sandwell. The current extended contract expired on 31 October 2022.

### **Alternative options considered**

There are no recommended affordable alternatives to obtain material to maintain our Highway Network.

### **Agreed:-**

- (1) that approval be given to authorise the Director of Borough Economy to award a contract for the provision of the Supply, Installation and Maintenance of Traffic Signals and Associated Equipment for the period 1 January 2023 to 31 December 2026 at an anticipated value of £2,000,000 following the conclusion of the compliant tender process;
- (2) that in connection with Resolution (1) above, the Director, Law and Governance and Monitoring Officer be authorised to enter into appropriate contracts.

## Schools' Model Pay Policies 2022/23

Approval was sought for the September 2022 Pay Award be agreed and applied to local authority Community Schools. Approval was also sought for the Unattached Teachers' Pay Policy 2022/23 and the Model Schools' Pay Policy 2022/23 to be implemented by the Council with effect from 1 September 2022.

### Reasons for Decision

The Department for Education issues the School Teachers' Pay and Conditions Document (the Document) to local authorities on an annual basis. It places a statutory duty on organisations employing teachers to have a pay policy in place by 1 September each year which sets out the basis on which the employer will determine teachers' pay, the date by which it will determine the teacher's annual pay review and to establish procedures for addressing teachers' grievances in relation to their pay.

### Alternative Options Considered

There are no alternative courses of action available that would otherwise satisfy these requirements.

#### Agreed:-

- (1) that the September 2022 Pay Award be agreed as set out below and is applied to local authority Community Schools:
  - A five per cent increase on all pay ranges and allowances and advisory points, with higher increases for early career teachers as part of the process to move starting pay to £30,000 by 2023. The highest increase is 8.9 per cent on the bottom point of the Main Pay Range in England (equating to a starting salary of £28,000).
  - All pay uplifts will be back dated to 1 September 2022.
- (2) that the Unattached Teachers' Pay Policy 2022/23, as at Appendix 1, as now submitted, be approved and implemented by the Council with effect from 1 September 2022;

- (3) that the Model Schools' Pay Policy 2022/23, as at Appendix 2, as now submitted, be approved and recommended to the Governing Bodies of Schools in Sandwell for adoption and implementation with effect from 1 September 2022.

**199/22**

### **Adult Social Care Contributions Policy - outcomes of consultation**

Approval was sought to amend the Sandwell Contributions Policy with effect from 1 January 2023.

The Vice-Chair of the Economy, Skills, Transport and Environment Scrutiny Board asked for clarification on why the consultation responses were low and if any further steps could be taken going forward to improve this.

In response, the Deputy Leader and Cabinet Member for Finance and Resources clarified that financial contributions were a fairly complex area to explain and get people interested in. A wide range of media was used to try and communicate the message including the use of partner and voluntary organisations.

A further question was received from the Chair of the Health and Adult Social Care Scrutiny Board. Details were requested on whether the Welfare Rights team had been working with users to maximise their benefits.

It was confirmed that during the financial assessment, the contributions staff checked benefit information with the client. Where it was felt that additional benefit entitlement exists, with the client's agreement, they refer the client to Welfare Rights so that support could be given.

## **Reasons for recommendations**

The Director of Adult Social Care and the Director of Finance were authorised by Cabinet on 18 May 2022 to implement a range of changes in policy and practice, and to enter consultation with users of services on further key policy changes and three proposed contribution models. The key policy changes and three models aim to generate additional income which will assist the Council to ensure that it can continue to provide services to the most vulnerable within cash limited resources. The policy changes also reflect recent case law and Local Government Ombudsman findings to be fairer and comply with equalities expectations.

## **Alternative options considered**

The Council must have a Contributions Policy as it has discretion over aspects of both Residential and Non-Residential Contributions.

### **Agreed:-**

- (1) that approval be given to amend the Sandwell Contributions Policy as shown in Appendix C, as now submitted, with effect from 1 January 2023 to reflect the following changes which are recommended by the Director of Adult Social Care and the Director of Finance after public consultation (as detailed in Appendix A):
  - the Joint financial assessment of couples: end the practice of offering a joint assessment of couples, as the Care Act no longer permits this, by reassessing all existing cases for January 2023 and applying transitional protection to minimise the impact as appropriate;
  - Short-term (respite) care charges: move to basing contributions to the cost of respite care on a financially assessed contribution based on residential regulations with effect from 1st January 2023, in order to mitigate the impact of this change for people with disabilities where respite costs can be very high, the contribution will be based on the actual cost of care up to a maximum of the Council's guideline rate for nursing care for older people (currently £687.36 per week);

- the New contributions model and adopt Model 2 as the method for calculating non-residential contributions, (as detailed in Appendix A), which reduces the existing “Sandwell Allowance” which people are allowed to retain from 53% of their disposable income to 20%, and increases council income by an estimated £830,000 compared with what current income is expected to be, and by an estimated £1,609,000 compared with the expected income budget for 2023/24 which, based on current income trends, is set at a more prudent level. There are, however, some risks associated with these figures, as detailed in section 6 below and it is not recommended that the full potential income figure is incorporated into financial plans, at least initially;
- the Disability Related Expenditure (DRE): amending the method of allowing people’s DRE costs to allow the full sum of any such costs against income, up to the total of their disability benefits (currently we only make allowance for DRE costs that exceed the 53% Sandwell Allowance). In addition, to introduce a lump sum banded DRE allowance to be offset against assessed income for any non-residential client who receives a standard or higher rate of DWP disability benefit (although if they have higher expenses, they can still claim for those). The allowance for higher rate of DWP disability benefit has been increased to £10 (it was £9 in the consultation) to reflect the increases in costs people are already facing;
- Transitional protection: introducing a process that will limit changes in a person’s contributions solely attributable to changes in policy (such as those outlined in this paper) to a maximum sum of £30 a week for a period of up to three years, if that person faces a significantly adverse impact. The calculation will take account of inflationary changes to people’s income and allowances, but not other changes.



## **Council new build homes on land at Stanhope Road, Smethwick**

Approval was sought for the necessary steps for the delivery of the proposed Council new build homes on land at Stanhope Road, Smethwick project. The new homes would provide high quality housing stock to replace Council Housing lost to the right to buy scheme.

### **Reasons for recommendations**

On 26 June 2019, the Cabinet report “Funding for remediation works at King Street and Mounts Road, Wednesbury, and Stanhope Road, Smethwick” approved the submission of a funding bid to the LEP and the development of approximately 7317.0 m<sup>2</sup> of land at Stanhope Road, Smethwick with new Council housing for affordable rent (minute number 69/19 refers). This scheme now has planning permission and it is proposed to develop this site with 33 homes, as part of the new strategic approach to provide more and better housing in the borough.

### **Alternative options considered**

#### **Option A – Dispose of the Site on the Open Market**

The site would be suitable for private sector residential development. As the development would be in excess of 15 units, then it would be subject to planning policy HOU3 where consideration must be given to the provision of up to 25% affordable housing on site.

However, if this option is pursued it could result in the disposal of the land for market sale units only. Owing to very difficult ground conditions (the levels and the ground remediation) costs are relatively high and with current market conditions and inflationary costs the site is unlikely to provide commercial developers with the profit margins they require. Planning policy HOU3 where consideration must be given to the provision of up to 25% affordable housing on site is very likely to be challenged on viability grounds but it is likely that developers will overlook this site in favour of more viable options.

This option would also offer nil contribution to the Council’s new build programme.

#### **Option B – Work in partnership with a Registered Provider**

Partner with the assistance of Homes England to build new affordable homes for rent.



Indications are that Homes England funding may be available through various Homes England Shared Ownership and Affordable Homes Programmes which could provide grant funding for a Registered Provider Partner to deliver affordable rented homes. This would give the Council nomination rights to the new properties but would not increase the Council owned housing stock or replace properties lost through RTB and would result in the disposal of a council owned asset (land) that could be used for this purpose. As with option A above the high build costs and viability issues may render this site less attractive to Registered Providers.

**Option C – Leave the site undeveloped.**

An option to consider would be not to build out the site and to leave it as it is. There are ongoing maintenance costs to the Council around litter

picking and grounds maintenance. These are difficult to quantify as they are carried out as part of larger services, although we anticipate costs would be significantly reduced if the site were developed for housing. This would also result in an under-utilised Council asset.

This option would offer nil contribution to the Council's new build programme.

**Agreed:-**

- (1) that the Director of Finance be authorised to allocate adequate resources from the Council's Housing Revenue Account to deliver the scheme as previously approved at (2) below, subject to being satisfied that the proposal provides value for money and enable the agreed Homes England delivery programme to be met utilising grant funding offered under the extended Homes England Strategic Partnership 1 Programme 2016 to 2021 and the Black Country Local Enterprise Partnership (LEP) Land Property Investment Fund (LPIF) Sandwell Housing Gap Project.
- (2) that approval be given to authorise the necessary steps for the delivery of the proposed project, including:
  - a) that subject to receiving the necessary Strategic Investment Unit appraisal approval mark of 65 or above for the site at Stanhope Road, the Director of Regeneration and Growth in consultation with the Director of Finance and the Director of Housing be

authorised to accept the Financial closure offer for the construction of Council new build properties, in accordance with any statutory regulations and the Council's the Director – Law and Governance be authorised to enter into or execute under seal any documentation in relation to award of the contract for the development of the site at Stanhope Road and/or development/partnership agreement, any consents or applications required for Planning or Highways appertaining to the delivery of the schemes and any other agreements with the procured contractor(s), as may be deemed necessary to facilitate development of the site with housing a scheme on terms and conditions to be agreed and implemented by the Director of Regeneration and Growth;

- b) to enter into or execute under seal any financial agreement in relation to the Homes England grant and the Black Country Local Enterprise Partnership (LEP) Land Property Investment Fund (LPIF) Sandwell Housing Gap Project on terms and conditions to be agreed by the Director of Finance;
- c) the Director of Regeneration and Growth in consultation with the Director of Housing and the Director of Finance be authorised to accept a fixed cost price from Speller Metcalf at RIBA stage 4 of up to 10% above the approved estimated costs as a contingency to mitigate uncertain market conditions and inflationary cost uplifts.
- d) to appropriate approximately 7317.0 m<sup>2</sup> of land at Stanhope Road Smethwick from the General Fund to the Housing Revenue Account for housing purposes and the Director of Finance be authorised to adjust the accounts accordingly.
- e) Subject to the practical completion of each property, the Director of Housing be authorised to manage and let the properties built in accordance with the Council's housing allocation policy.

## **Highway Infrastructure Funding to mitigate the decline in Highway Infrastructure Condition**

Approval was sought to increase the Capital Programme for Borough Economy to fully fund the programme of work needed to stabilise the condition of highway infrastructure and mitigate the effects of the next severe winter whilst also taking into account inflation.

The Vice-Chair of the Economy, Skills, Transport and Environment Scrutiny Board sought clarification from the Cabinet Member of Environment for the reasons for the increase in construction prices.

It was noted that Economic commentators report that inflation was influenced by international trends in energy prices, oil prices, fuel prices, supply chain problems and a strong labour market. These were a consequence of post pandemic supply and demand imbalances made significantly worse by the war in Ukraine.

### **Reasons for recommendations**

Capital requirement of £3,146,520 in 2022/23 is required to fully fund the programme of work needed to stabilise the condition of highway infrastructure and mitigate the effects of the next severe winter taking into account inflation in 2022/23.

### **Alternative options considered**

Provide no Council Capital to close the funding gap from 2022/23. An alternative would be to limit the repair of high-risk infrastructure to a value that matches the £4.741m CRSTS maintenance block grant. There would consequently be no Council capital provision available to fund the gap in the cost of replacement of high-risk life expired highway infrastructure. The programme of urgent work for 2022/23 would not be completed and a similar urgent programme for 2023/24 would only 40% completed. This is not recommended because the red risk backlog is escalating.

### **Agreed:-**

- (1) that the Capital Programme for Borough Economy is increased by £3,146,520 for 2022/23 to fully fund the programme of work needed to stabilise the condition of highway infrastructure and mitigate the effects of the next severe winter taking into account inflation in 2022/23;
- (2) that a surplus of £1,000,000 of capital funding currently allocated to Friar Park from the Regeneration and Growth Capital Project Support Reserve be transferred to Borough Economy to offset the capital requirement as set out in Resolution (1) above;
- (3) that the residual capital requirement for 2022/23, after the use of Friar Park Capital, of £2,146,520 is funded from Corporate Main Programme resources with any prudential borrowing finance charges addressed within the Medium Term Financial Plan;
- (4) that the Capital Programme for Borough Economy is increased by £5,435,880 for 2023/24 to stabilise the red risk condition of highway infrastructure, taking into account inflation and to mitigate the effects of the next severe winter in accordance with the Highway Infrastructure Asset Management Policy, Strategy and Plan;
- (5) that the capital requirement for 2023/24 of £5,435,880 is funded from Corporate Main Programme resources with any prudential borrowing finance charges addressed within the Medium Term Financial Plan;
- (6) that a further report to update Cabinet is submitted in September 2023 after the Highway Infrastructure condition is reviewed in summer 2023 to identify future budget requirements from 2024/25 onwards for the risk assessed replacement of red risk Highway Infrastructure when the inflation outlook has stabilised and when the effects of the 2022/23 winter have been determined.

**Sandwell Residential Education Centres: Charges for the period 1 August 2023-31 July 2024**

Approval was sought to authorise the Director of Children and Education to implement term-time changes for Sandwell Residential Education Centres for the period 1 August 2023 to 31 July 2024.

The proposed charges were an increase of 7% to 2022-23 charges on all of Sandwell's residential centres. This was below the consumer price index as of June 2022, rounded to the nearest pound. Despite cuts to funding from central government, Sandwell's centres remained open.

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.

The proposed charges indicated the "commercial" charge to non-Sandwell schools. Sandwell maintained schools received a 30% discount, and Sandwell academy schools a 20% discount. These discounts for Sandwell children are financed by the residential education service's other income streams, including weekend, school holiday, and day visit educational courses and commercial events

**Reasons for Decision**

The recommendations would enable the centres to continue to generate sufficient income to operate an efficient high-quality service, with heavily subsidised places for Sandwell children, in support of Vision 2030; and continue to make access to the centres more affordable at certain times of the year in anticipation of rising inflation.

**Alternative Options Considered**

Increasing charges above inflation risks less uptake of places, reduced overall income, and poorer social value. Keeping charges at 2022-23 levels risks a shortfall in income and difficulties in balancing the budget when expenditure has risen considerably with inflation.

**Agreed** that the Director of Children and Education be authorised to implement term-time charges for Sandwell Residential Education Centres for the period 1 August 2023 to 31 July 2024 as shown in Appendix A, as now submitted.

**203/22**

### **Former Car Park, Lower High Street, Cradley Heath**

Approval was sort to authorise the Director – Law and Governance and Monitoring Officer to dispose of the freehold interest of land situated on the south side of Lower High Street, Cradley Heath.

The land at Lower High Street, Cradley Heath, formerly in use as a public car park, would be transferred to Sandwell College, for the sum of £1, in order to facilitate the development of a Satellite Education Hub, financed through a £9m grant from the Government's Towns Fund. The cost to remedy the site was identified as being in excess of the land value and therefore, disposal for £1 was advised.

#### **Reasons for recommendations**

To enable the freehold transfer of council-owned land at Lower High Street, Cradley Heath, formerly in use as a public car park, to Sandwell College, for the sum of £1 (one pound), in order to facilitate the development of a Satellite Education Hub, financed through a £9m grant from the Government's Towns Fund. The cost to remedy the site for the proposed scheme is in excess of the agreed land use value and therefore to bring forward the development, the recommendation is to dispose of the site for £1.

#### **Alternative options considered**

The first option the Council could consider is the disposal of the freehold of the land on the open market to generate a capital receipt. However, this option would miss an opportunity to unlock an important regeneration opportunity to deliver a much-needed education, training and skills facility in Cradley Heath and so contribute to meeting the aims of the Council's Corporate Plan. Planning policy guidance directs the development of educational facilities such as this one into town centre locations. No site that meets the criteria around size, location, Council ownership and immediate availability free from occupation, lease or other legal encumbrance is available in Cradley Heath town centre. This second option is therefore closed. Sandwell College specifically require a site that is within easy reach of Cradley Heath train station, to offer accessibility to potential users across the south-



west of the borough who are not currently within easy reach either of Sandwell College campuses in West Bromwich town centre or of other FE providers in Dudley or Halesowen.

As a third option, an exercise was undertaken early in 2021, when a former bank premises in Old Hill town centre became available. At the time, the building was privately-owned and the process of acquisition had not begun. It had not been surveyed but was considered incapable of conversion to meet current requirements for educational use, while neither the building nor the site it occupies were of sufficient size to meet the College's needs; finally, its position in Old Hill town centre was considered too remote from rail connections to be of value to potential users.

The fourth and final option considered was the option of doing nothing. This alternative would fail to meet any of the objectives set out in this report. It would fail to deliver the Satellite Education Hub, fail to bring a much-needed £9m investment into the borough and fail to secure a much-needed uplift in education, training and skills amongst the people of Rowley Regis.

**Agreed:-**

- (1) that approval be given to authorise the Director – Law and Governance and Monitoring Officer to dispose of the freehold interest in approximately 0.2 hectares (0.5 acres) of land situated on the south side of Lower High Street, Cradley Heath, shown for identification purposes edged black on Plan No SAM/30500/003 attached, to Sandwell College, for the purpose of constructing a Satellite Education, Training and Skills Hub, for the sum of £1 (one pound), on terms and conditions to be agreed by the Director - Regeneration and Growth;
- (2) that the Director – Law and Governance and Monitoring Officer be authorised to enter into or execute under seal, if necessary any other related documentation in connection with the disposal of the site on terms and conditions to be agreed by the Director - Regeneration and Growth.



## **Regeneration Project Pipeline Bi-Annual Performance Report April 2022 - October 2022**

Approval was sought to make a number of amendments to the project pipeline and for the updated pipeline to be published on the council website.

The pipeline was a five-year investment pipeline within the period 2022 to 2027. It set out the infrastructure priorities for Sandwell Council and therefore was also used to establish where resources would be focused. The pipeline report would be monitored by Cabinet every 6 months.

The Chair of the Budget and Corporate Scrutiny Management Board requested that consideration be given to present a RAG rating against each project as part of future updates.

The Cabinet Member for Regeneration and growth stated that there was a total of 66 projects on the pipeline. RAG ratings could be provided on projects that were being led by the Council. RAG reports on non-council led projects, where possible, could also be provided.

### **Reasons for recommendations**

On the 23 March 2022, Cabinet approved the Regeneration Strategy, Regeneration Project Pipeline and the Inclusive Recovery Action Plan for Business. When taken together set out the corporate regeneration priorities for the period 2022 to 2027. The pipeline is a live document, monitored via a report submitted to Cabinet every 6 months. The report highlights progress on each project with a focus on those projects being led by the Council.

### **Alternative options considered**

This was a bi-annual report on performance as requested by Cabinet on the 23 March 2022. In accordance with the Cabinet decision, Cabinet are to approve amendments or additions to projects on the pipeline.

### **Agreed:-**

- (1) that the progress made on projects within the Regeneration Project Pipeline Performance Report be considered;
- (2) that the amendments to the Regeneration Project Pipeline as set out below be approved:-
  - (a) Levelling Up Fund Projects across Tipton, Smethwick, West Bromwich, and Rowley Regis be added to the pipeline, should they be approved by DLUHC.
  - (b) George Betts Academy be added to the pipeline at Concept Stage.
  - (c) Should the Sandwell Investment Zone be accepted, sites which are not already captured on the Regeneration Project Pipeline, be included.
  - (d) The Midland Metropolitan University Hospital (MMUH)
- (3) that the update with regard to the Inclusive Recovery Plan for Business be considered;
- (4) that the Director of Regeneration & Growth be authorised to implement the Cabinet approved amendments to the Regeneration Project Pipeline and for this to be published on the council website.

**205/22**

### **Equality, Diversity and Inclusion Policy 2022 - Update**

Approval of the Equality, Diversity and Inclusion Policy 2022 was sought. Approval was also sought in order to utilise the Local Government Association Equality Framework to develop the Council's Equality, Diversity and Inclusion Strategy.

#### **Reasons for recommendations**

The council must comply with its legal duties and obligations arising under the Equality Act 2010. Obligations require the council to set out its objectives in discharging its public sector equality duties. Adopting the Equality, Diversity and Inclusion Policy 2022

makes clear the council's commitment to promote equality and challenge discrimination and intolerances in all its forms.

### **Alternative options considered**

There are no alternative options. The council is obliged to have a policy in line with section 149 of the Equality Act. The council is not legally obliged to adopt the LGA Equality Framework, however it is considered best practice to do so as identified during the benchmarking process. For the council to deliver its EDI ambitions, it would need to implement something similar.

### **Agreed:-**

- (1) that the Equality, Diversity and Inclusion Policy 2022, as set out in Appendix 1, as now submitted, be approved;
- (2) that the Local Government Association Equality Framework, as set out in Appendix 2, as now submitted, be utilised to develop the council's Equality, Diversity and Inclusion strategy.

**206/22**

### **The Local Plan in Sandwell: Update, next steps, and amendment to the Local Development Scheme (LDS)**

Approval was sought for the preparation of a single-tier Local Plan covering the whole of Sandwell.

The Local Plan is a legally required, key document that guides the Council's Planning decision making progress. Having a Local Plan was a requirement for each Local Authority. Due to the halting of the Black Country Plan, it highlighted that there was an urgent need for Sandwell to prepare its own local plan to ensure the legal obligations are followed.

In response to a question by the Chair of the Budget and Corporate Scrutiny Management Board, the Cabinet Member for Regeneration and Growth highlighted that as no binding agreement exists in relation to the Black Country Plan, the basis for any claim for financial losses was unclear

A further question was asked on whether the creation of the Local Plan would be based on more up-to-date and accurate information.

The Cabinet Member for Regeneration and Growth confirmed that the two principal areas of forecast need that informs the preparation of the Local Plan was employment land and housing. The economic modelling was updated shortly before the decision to half the Black Country Plan and would therefore still be used for the Sandwell Local Plan.

In regard to housing need, it was explained that this was derived using the Government's standard method for forecasting growth in the number of households. Sandwell, along with every other Local Planning Authority (LPA) in England, was required to use this method by the Dept. of Levelling Up, Housing & Communities (DLUHC). Using the standard method, it was almost three times higher than the available land supply. Whilst, the Government had indicated that there would be changes to the standard method as part of a future review of the Planning System, it was unlikely that these changes would alter the forecast need in Sandwell to a degree that would lead to Sandwell having no, or very little, 'un-met' need. To do so would require the forecast to drop by around 66%.

The most recent statements from ministers had indicated that LPAs should continue to prepare Local Plans under the current regulations and in the case of housing need, continue to use the current standard method for forecasting growth in the number of households. Therefore unless Government advises otherwise, the new Local Plan would need to be prepared on that basis.

The Cabinet Member for Regeneration and Growth moved an amendment to recommendation at 1.3 as follows:

To authorise the fixed term appointment of a Sandwell Plan Programme Manager and to appoint to the post outside of standard HR procedures given the urgent need to recruit. Cabinet is further recommended to authorise the creation of a Senior Planning Officer post as set out in the resources section of this report.

The recommendations, as amended, were approved.

## **Reasons for recommendations**

At the meeting of the Association of Black Country Authorities on 19 October, the decision was taken to formally halt the Black Country Plan (the BCP) and for the four authorities to proceed with the preparation of individual Local Plans as soon as is practical. It is a statutory requirement of every Local Planning Authority to have an up-to-date Local Plan. Government has previously expressed a desire to see full Local Plan coverage across the England by December 2023 or as soon as is practical after that date.

## **Alternative options considered**

The preparation of a Local Plan and the regular updating of the Local Development Scheme are statutory requirements under planning legislation. Options relating to the form and content of the Local Plan are set out in the body of the report.

### **Agreed:-**

- (1) that the recent developments in relation to the Black Country Plan and the background to them be considered;
- (2) that the preparation of a single-tier Local Plan covering the whole of Sandwell which will on adoption replace the following be approved;
  - Black Country Core Strategy (2011)
  - Sandwell Site Allocations & Delivery Development Plan Document (2012)
  - Smethwick Area Action Plan (2008)
  - Tipton Area Action Plan (2008)
  - West Bromwich Area Action Plan (2012)
- (3) that approval be given to an update of the Sandwell Local Development Scheme and updated timeline set out in Appendices A & B as now submitted;
- (4) that the fixed term appointment of a Sandwell Plan Programme Manager be approved and the Director – Regeneration & Growth be authorised to appoint to the post outside of standard HR procedures given the urgent need to recruit;
- (5) that approval be given to the creation of a Senior Planning Officer post.

**Highway Surface Treatment Contract (SMBC 22131)**

Approval was sought for Sandwell MBC to work in collaboration with Dudley MBC, with Dudley MBC acting as the lead authority for the provision of highway surface treatments contract. Specialist contractors would be used to maintain the highway network in safe and usable condition.

The Vice-Chair of the Economy, Skills, Transport and Environment Scrutiny Board questioned what contingency plans were in place for an over-spend in the price prediction.

The Cabinet Member for Environment responded that the contract includes provision for annual indexation to allow price changes in line with Building Cost Information Service (BCIS) data. Expenditure would be managed within the £10m total contract value over the full four-year period by adjusting annual programmes of work to ensure that they would remain affordable with a backstop of retendering prior the expiry of the full four years if this would deliver better value for money.

The Chair of the Neighbourhoods and Active Communities Scrutiny Board sought clarification on why the procurement had commenced after the contract had already ended. It was highlighted that commencement of procurement had been timed to ensure availability of contractor resource for the start of the preventive treatment programmes in January.

**Reasons for recommendations**

Road users and the wider community place a high value on keeping all road users moving safely around Sandwell on well-maintained roads and footpaths. Failure to do so can result in adverse economic and social impacts, public dissatisfaction and significant reputational damage. The Council has a statutory duty under section 41 of the Highways Act 1980 to maintain highways that are maintainable at the public expense.

**Alternative options considered**

There are no recommended affordable alternatives to enable effective and efficient highway surfacing and associated works.

**Agreed:-**

- (1) that approval be given to Sandwell MBC working in collaboration with Dudley MBC, with Dudley MBC acting as the lead Authority for the provision of highway surface treatments contract;
- (2) that the Director of Borough Economy be authorised to award contracts for the provision of highway surface treatments in support of Sandwell's annual planned highway maintenance programme, following a compliant competitive tender process in collaboration with Dudley, Wolverhampton and Walsall Councils, with Dudley MBC acting as the lead authority;
- (3) that the Director of Law and Governance – Monitoring Officer be authorised to execute any documentation necessary to enable the above;
- (4) that any necessary exemptions be made to the Procurement and Contract Procedure Rules to enable the course of action referred to in Resolution (2) above to proceed.

**208/22**

### **West Midlands Enhanced Partnership Scheme Variation**

Approval was sought of Variation 002 of the Enhanced Partnership Scheme in conjunction with Transport for West Midlands, West Midlands Combined Authority and the other six local authorities in the West Midlands metropolitan area.

#### **Reasons for recommendations**

Variation 002 widens the geographical scope of the existing EP Scheme to cover the entire West Midlands metropolitan area, i.e. the cities of Birmingham, Coventry and Wolverhampton and the boroughs of Dudley, Sandwell, Solihull and Walsall. This will enable it to cover all future bus improvements schemes through subsequent variations as required.



### **Alternative options considered**

Cabinet could choose to reject the proposed variation. However, failure to approve the EP Scheme variation would jeopardise future investment in the bus network, as the West Midlands Bus Service Improvement Plan (and associated funding) is predicated on there being an EP Plan and Scheme in place between TfWM, operators and local authorities.

#### **Agreed:-**

- (1) that approval be given to Variation 002 of the Enhanced Partnership Scheme in conjunction with Transport for West Midlands, West Midlands Combined Authority and the other six local authorities in the West Midlands metropolitan area, subject to compliance with the relevant statutory objection and consultation processes for varying the Enhanced Partnership Scheme contained at Appendix A, as now submitted;
- (2) that the Director Regeneration & Growth in consultation with the Cabinet Member for Regeneration & Growth, and to the Director Borough Economy in consultation with the Cabinet Member for Environment, be authorised to approve any subsequent variation to the West Midlands Enhanced Partnership Scheme.

**209/22**

### **Review of Garden Waste Collection**

Approval was sought to authorise the Director of Borough Economy to instruct Serco to establish a subscribed chargeable garden waste collection scheme, targeting implementation for the 2023 season.

The Cabinet Member for Environment highlighted that the proposals set out changes to the Council's green waste collection which would, in turn, make it more affordable, fair and sustainable for the years to come. Charging for green waste collection would save Sandwell in excess of £2m a year. Many of other local authorities charged for garden waste and therefore, the proposals would bring the Council in line with a tried and tested way of delivering the service whilst also recovering the cost from the residents who use it. Many of the Garden waste bins in Sandwell were empty or half full on collection day. As a result, it was deemed that the number of crews required could be reduced to 4

from 8. These 4 additional crews could be then redeployed to waste collection services. The Council would support residents who want to compost at home as well as offer the free service at recycling centres.

The Chair of the Budget and Corporate Scrutiny Management Board raised a number of issues as follows:-

- The estimated income to be generated seemed extremely optimistic. It was asked if a further breakdown could be provided
- An estimate for the potential increase in fly-tipping was requested.
- Clarification was sought on whether the Council would be removing waste bins from properties who did not subscribe in year 1.
- A question was asked if the Council would review the removal the appointment system at Shidas Lane if the decision was approved?
- Was the Council confident that Serco was capable of running a subscription service.

In response, the Cabinet Member for Environment confirmed the following: -

- Many similar schemes in other Local Authorities were currently on-going. An estimate of 35% of households in Sandwell was subscribing to the service was calculated.
- There was always a possibility that changes to waste services could increase fly-tipping. This would be monitored.
- Garden waste bins would not be removed from properties who do not subscribe in year 1
- The appointment system would remain under review.
- Serco already successfully ran subscription services in other authorities and the proposals were in line with effective systems in place elsewhere.

In response to further questions, it was highlighted that a sticker system would be used to prevent Serco from accidentally collecting bins that were not paid for.

### Reasons for recommendations

The introduction of a subscribed garden waste collection service removes any disproportionality associated with a universal free service that a significant number of residents are currently not accessing. Charging for the service would mean garden waste is only collected from households actively subscribing and using the service, reducing the number of unnecessary journeys made by waste collection vehicles. Modelling indicates that – based on the recommended Option 3 – the collection fleet could be reduced from 8 vehicles to 4. This will reduce carbon emissions and save an estimated £800,000 per year.

### Alternative options considered

	Option	Risk and Opportunity
1	<p><u>Continue with current free of charge service</u></p> <p>This is the do-nothing option for which the tonnage collected would be at a similar level to current at circa 12,500 tonnes from 120,000 properties. Costs for providing the service are included in the Waste Services Contract with Serco, which includes collection treatment and processing.</p> <p><b>Not recommended</b></p>	<p>Maintains current tonnages of garden waste and would not impact on recycling performance.</p> <p>Maintains the current inefficiency of large diesel vehicles regularly collecting small amounts of garden waste from households.</p> <p>Disproportionality where residents are subsidising a service they may not need or want.</p> <p>No savings delivered</p>
2	<p><u>Continue with current free of charge service but change collection frequency to 4-weekly</u></p> <p>This involves continuation of a free service with a reduction in collection frequency from fortnightly to 4-weekly (40 weeks – March to November).</p> <p>Costs for providing the service are</p>	<p>Maintains a free of charge collection service.</p> <p>Disproportionality where residents are subsidising a service they may not need or want.</p> <p>Defra consultation suggests minimum fortnightly collection.</p>

	<p>included in the Waste Services Contract with Serco, which includes collection treatment and processing.</p> <p>- <b>Not recommended</b></p>	<p>May introduce undesired behaviour in residents, compressing contents to fit a 4 weekly service.</p> <p>Savings from reduction in fleet / potential to reduce Serco's unitary charge.</p> <p>No income from service</p>
3	<p><u>Introduce a subscribed paid service</u></p> <p>- Charged garden waste service with an annual subscription fee for each subscriber. Suggested fees are £35 per subscription.</p> <p>Subscribers would be issued with a sticker containing a barcode or bin chip. Each subscriber would also have their green garden waste bin lid changed to a brown lid for ease of differentiation from non-paying customers.</p> <p>Additional bins will be provided at the same subscription rate of £35 as an additional subscription.</p> <p>Scheme administration to be with Contractor with joint promotion between Council and Contractor.</p> <p>Proposed months of delivery of service April to December (currently March to end of Nov).</p> <p>Standard bin size 240L with options for smaller bin sizes and biodegradable reusable sacks (180L) to address mobility and</p>	<p>Removes disproportionality providing service only to those who want it and are prepared to pay for it.</p> <p>Gross income generated from subscription fees of circa £1.5m. Residents also do not need to be supplied or purchase a bin.</p> <p>Potential for reduced recycling performance due to opting out of service. May result in increased residual tonnages from garden waste added to residual bin.</p> <p>Opportunity for residents to access future potential reward scheme</p> <p>Likely to increase use of and tonnage collected at Shidas Lane HRC</p> <p>Encourages waste minimization through home composting.</p> <p>Introduces process of retrieving unwanted bins.</p>

	<p>access issues.</p> <p><b>Recommended choice</b></p>	<p>Growth of new customers.</p> <p>Sacks address accessibility issues for crews e.g. steps</p>
4.	<p><u>Place all garden waste properties on monthly frequency and offer premium fortnightly subscribed service.</u></p> <p>- This option involves moving all properties onto a 4-weekly free of charge collection frequency (as option 2) and offering a 2-weekly 'premium' collection service which would include an annual subscription fee for each subscriber (as option 3). Suggested fees are £35 per premium subscription.</p> <p>Subscribers would be issued with a sticker containing a barcode (or bin chip). Each subscriber would also have their green garden waste bin lid changed to a brown lid for ease of differentiation from non-paying customers.</p> <p>Additional bins will be provided to premium service subscribers only and at the same subscription rate of £35.</p> <p>Scheme administration to be through Serco with joint promotion between Council and Contractor.</p> <p>Proposed months of delivery of premium service April to January (currently March to end of Nov) to consider Christmas tree collections. Future option to</p>	<p>Continues free of charge collection service but on 4-weekly collection frequency. Premium service offering fortnightly collection and access to reward scheme.</p> <p>Confusing "mixed" scheme. Research has indicated no other councils operating such a service.</p> <p>Gross income generated from subscription fees will be substantially less. Most residents will likely try to manage with 4-weekly free option.</p> <p>Fleet savings will also be substantially reduced.</p> <p>Container costs reduced by changing bin lid only for paid subscribers. Option to fit chip on bins to track tonnages.</p> <p>Ameliorates potential for reduced recycling performance and garden waste added to residual bin due to all properties receiving a garden waste collection.</p> <p>Eliminates having to collect unwanted garden waste bins re option 3.</p>

<p>introduce for subscribers a choice of bin size in addition to standard 240L containers. To smaller bin (180L) at same subscription fee.</p> <p>A variation would be to include a fee for reusable or biodegradable sacks at a minimum charge.</p> <p><b>Not recommended</b></p>	<p>Encourages waste minimization through home composting.</p> <p>Opportunity to encourage customers to switch to premium service.</p> <p>Likely to attract less negative publicity as garden waste service is provided to all properties.</p> <p>May introduce undesired behaviour in residents compressing contents to fit 4 weekly service</p> <p>Sacks address accessibility issues for crews e.g., steps.</p>
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**Agreed:-**

- (1) that the Director of Borough Economy be authorised to instruct Serco to establish a subscribed chargeable garden waste collection scheme, targeting implementation for the 2023 season.
- (2) that a Contract Variation in accordance with Part 4 Schedule 21 (Change Protocol) be initiated to effect the necessary change and adjustment to the Unitary Charge;

- |   |
|---|
| <p>(3) that the Council be recommended to approve the fee for the collection of Garden Waste of £35 for 2023 (or part);</p> |
|---|

- (4) that the Director of Borough Economy be authorised to make operational arrangements for the implementation of garden waste subscription sales.

## Investment Programme - Street Lighting

Approval was sought to authorise the Director of Borough Economy to award the necessary street lighting contract. Approval was also sought for authorisation to fund the schemes via Prudential Borrowing.

### Reasons for recommendations

As a responsible local Highway Authority, Sandwell MBC provides and maintains more than 30,900 streetlights on the adopted highway. Of the 30,900 Council streetlight assets some 23,020 have been modernised through a previous SOX lantern replacement programme, delivering the associated efficiencies and carbon reduction benefits. Significant reductions in energy consumption, carbon, associated energy costs can be delivered by converting Sandwell's remaining SON lanterns to LED with a central management system (CMS). The reduced energy costs are estimated at £332,619 per year as well as mitigating the exposure to future energy price increases

### Alternative options considered

The alternative option would be to use capital funding provided through the Council's capital programme. This option would fully fund the cyclical replacement of red risk lighting columns from 2024/25 onwards including an allowance to mitigate inflation. However, there are no available capital resources to fund this project. The project is suitable for Prudential Borrowing as it releases savings to fund the borrowing costs as well as ongoing energy savings to reinvest in the service.

### Agreed:-

- (1) that the Capital Programme for Borough Economy is increased by £1,695,425 for 2022/23 to undertake the spend to save to fund Street Lighting Investment Programme and cyclical replacement of streetlighting columns;
- (2) that the Capital Programme for 2023/24 for Borough Economy is increased by £1,695,425 for 2023/24 to undertake the spend to save to fund Street Lighting Investment Programme and cyclical replacement of streetlighting columns;



- (3) that in connection with Resolution (1) and (2) above, the schemes are funded by Prudential Borrowing;
- (4) that the ongoing capital pressure of £275,750 per year from 2024/25 onwards is added to the Council's capital programme;
- (5) that investment of the net budget saving from energy reduction, after prudential borrowing charges is reinvested to partially fund ongoing Highway Maintenance inflation pressures;
- (6) that the Director of Borough Economy is authorised to award the necessary street lighting contract, following a compliant competitive tender process;
- (7) that any necessary exemptions be made to the Procurement and Contract Procedure Rules to enable the course of action referred to in Resolution (6) to proceed;
- (8) that the Director of Law and Governance – Monitoring Officer is authorised to execute any documentation necessary to enable these recommendations;
- (9) that the recommendations are approved, subject to a satisfactory financial appraisal being completed by Strategic Finance.

**211/22**

### **Family Hubs and Start for Life programme Funding**

Approval was sought to accept Family Hubs and Start for life funding from central government for the period 2022-25. Approval was also sought for the Director of Children and Education and the Director of Public Health to be authorised to formulate plans for the expenditure of the Family Hubs and Start for Life programme funding in conjunction with the Director of Finance.

### **Reasons for Recommendations**

Sandwell is one of 75 local authorities that are eligible to receive the Family Hubs and Start for Life funding which has been made available from central government for the three financial years from 2022-25.

### **Alternative Options**

The local authority could decide not to be part of this programme but that would mean turning down a substantial sum of money for the borough. This option has been duly discounted.

#### **Agreed:-**

- (1) that approval be given to accept the Family Hubs and Start for Life funding from central government for the period 2022-25;
- (2) that the Director of Children and Education and the Director of Public Health be authorised to formulate plans for the expenditure of the Family Hubs and Start for Life programme funding working in conjunction with the Director of Finance and in line with the associated Family Hubs and Start for Life programme guide from central government;
- (3) that the necessary virements are approved to enable the 2022/23 allocation of £1,041,000 to be spent in accordance with grant conditions.

**212/22**

### **Sandwell Drug and Alcohol Strategy**

Approval of the Sandwell Drug & Alcohol Strategy and its wider distribution and promotion was sought.

Drug and alcohol misuse was identified as a main concern for the wellbeing of Sandwell's safety and future success. Overall, a reduction in people admitted to hospital due to either drugs or alcohol had occurred however, Alcohol related deaths had increased.

### **Reasons for recommendations**

In December 2021, Government released a new National Drug Strategy 'From Harm to Hope: A ten-year drugs plan to cut crime and save lives'. The Strategy comes with a set of requirements for local areas to help towards achieving the national strategy ambitions. To support delivery of the national Drug Strategy ambitions, the Government requires all local areas to have in place a local drugs strategy delivery plan informed by a local joint needs assessment reviewing local drug data and evidence.

### **Alternative options considered**

The alternative would be for Sandwell Drug & Alcohol Partnership, including work as a member of the new regional Combating Drugs Partnership, to continue without a supporting Strategy. This option would compromise local compliance with, and fulfilment of national OHID requirements (Office for Health Improvement & Disparities).

**Agreed** that approval be given to the Sandwell Drug & Alcohol Strategy and its wider distribution and promotion.

**213/22**

### **Adult Social Care Deferred Payment Agreements Policy**

Approval was sought of the proposed Deferred Payments Agreements Policy for implementation.

An admin fee of £125 would be introduced alongside interest charges as permitted in the care act to ensure that finances are covered. This would take the total charge to £715 including legal costs.

The Vice-Chair of the Economy, Skills, Transport and Environment Scrutiny Board asked how it was fair that some resident had to sell their home to pay for care, whereas someone living in social housing would not have to contribute in the same way.

The Deputy Leader and Cabinet Member for Finance and Resources highlighted that the rules for financial assessment was set out in the Care Act 2014 and the Care and Support (Charging and Assessment of Resources) Regulations 2014. The question raised was a national issue and not something that the Council could address.

The Chair of the Health and Adult Social Care Scrutiny Board questioned whether or not the Council was currently helping users maximise their benefits. It was confirmed that the contributions team worked with Welfare Right to maximise Adult Social Care Client's benefits. Some benefits would not be available to people who already owned a property.

### **Reasons for recommendations**

The Director of Adult Social Care and the Director of Finance have commissioned work to check the compliance of the council's current Deferred Payment Agreements (DPA) practice against the Care Act (2014). Although much of the existing Deferred Payment practice is governed by legislation, there are areas of local discretion and clarification. A policy had been produced which sets out the council's decisions on such areas, as well as taking account of any recent case law and Local Government Ombudsman findings.

### **Alternative options considered**

The Care Act 2014 established a universal deferred payments scheme and therefore the Council is legally required to offer a scheme. The policy underpins that scheme.

#### **Agreed:-**

- (1) that approval be given to the proposed Deferred Payments Agreements Policy, as set out in Appendix A, as now submitted, for implementation;
- (2) that approval be given to charging of interest at the rate specified in government regulation, which from 1 July 2022 is 1.55% with rates reviewed every six months by the government;
- (3) that approval be given to the charging of administration fees based on actual costs on the deferred payments amounts, and authorise the Director of Finance to update the fees each year to reflect the actual cost to the council of providing the service, for the financial year 2022/23, the existing charges are £590 legal costs and valuation fees; from 1 December, and a new administration fee of £125 is proposed which takes the total charge to £715;

- (4) that the Director of Finance be authorised to amend the scheme in line with changes made by statutory provisions (such as, for example, the change in the upper capital threshold limit proposed in the government's Care Cap proposals).

**214/22**

### **Highway Winter Service Operational Plan 2022-23**

Approval of the Highway Winter Service Operational Plan 2022-23 was sought.

#### **Reasons for recommendations**

Road users and the wider community place a high value on keeping traffic moving safely in snow and freezing winter weather. Failure to do so can result in adverse economic and social impacts, public dissatisfaction and significant reputational damage. The Council has a statutory duty 'to ensure, so far as reasonably practicable, that safe passage along a highway is not endangered by snow or ice'. The duty is not absolute, but decisions must be taken on reasonable grounds with due care and regard to relevant considerations set out in best practice guidance.

#### **Alternative options considered**

There is no recommended affordable alternative to mitigate the safety risks addressed by the Winter Service Operational Plan 2022-23.

**Agreed** that the Highway Winter Service Operational Plan 2022-23 be approved.

**215/22**

### **Land at Grove Lane, Smethwick - Compulsory Purchase Order**

Approval was sought to authorise the Director of Law and Governance and Monitoring Officer to make a Compulsory Purchase Order under Section 226 (1) of the Town and Country Planning Act.

The Land at Grove Lane, Smethwick had been identified for regeneration as part of the Smethwick Town Deal project. A total of £4.35m had been allocated to the project from Government funding. The Council had little success in acquiring the land

through purchase agreements and therefore, a compulsory purchase order was the only option left in order to obtain the site for development.

### **Reasons for recommendations**

The site, which is currently derelict former industrial land, lies between Cranford Street and the canal arm adjacent to the new Midland Metropolitan University Hospital. The site of 1.67 ha has been identified for potential residential use since 2008 when it was included in the Smethwick Area Action Plan, now incorporated into the Site Allocations and Delivery DPD. The Smethwick to Birmingham Corridor Framework and Grove Lane Masterplan were prepared during 2021 and concentrated on identifying sites and opportunities for development within the regeneration corridor between Smethwick and Birmingham City Hospital. Following public consultation, both documents, were approved at Cabinet in February 2022. Their approval further emphasised the vision for comprehensive redevelopment in this area for housing purposes.

### **Alternative options considered**

Option 1: Not progress with the CPO and not deliver the Towns Fund project leading to clawback of £4.35m to DLUHC. Reputation of the council at risk.

Option 2: Identify another site that could achieve the Town Fund project and submit another change request. There are no other sites in the area that could be considered at this stage given the timescales for the funding to be spent.

### **Agreed:-**

- (1) that the Director – Law and Governance and Monitoring Officer be authorised to:
  - (a) make a Compulsory Purchase Order under Section 226 (1) of the Town and Country Planning Act 1990 as amended by Section 99 of the Planning and Compulsory Purchase Act 2004, Acquisition of Land Act 1981, and Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 to be known as The Borough Council of Sandwell (Cranford Street, Smethwick) Compulsory Purchase Order, in respect of approximately 1.67 hectares of land bounded by land to the south of Cranford Street as shown edged red on the

attached Drawing SAM/12980/005 or such lesser land as may be deemed necessary and also including the air space above an area lying to the north and south of the development during the construction as shown on Drawing SAM/12980/005;

- (b) to use the Council's Compulsory Purchase powers to acquire land and property required for the Grove Lane Towns Fund project at Cranford Street, Smethwick;
- (c) to take all necessary action to secure the making, confirmation and implementation of the Compulsory Purchase Order; and, if objections are received to the Compulsory Purchase Order, to make arrangements for public inquiries, including instructing external Counsel and Consultants to assist in the preparing of evidence and the presentation of the Council's case at any public Inquiry;
- (d) in the event of the Compulsory Purchase Order being unopposed, and the Council thereby being granted powers to do so by the Secretary of State for Levelling Up, Housing & Communities, to confirm the above order and serve all necessary notices to implement the Compulsory Purchase Order, including the issuing of sheriff warrants;
- (e) to prepare and seal the necessary documents in connection with the CPO and submit the CPO to the Secretary of State for Levelling Up, Housing & Communities to confirm;
- (f) to enter into any licences, undertakings or other agreements to facilitate the Compulsory Purchase Order, on terms to be agreed by the Director of Regeneration & Growth;
- (g) in the event of the Compulsory Purchase Order being confirmed by the Secretary of State for Levelling Up, Housing & Communities, to serve all necessary notices to implement the powers of compulsory acquisition, including the making of



General Vesting Declarations; notices to treat; notices of entry; and to take all other requisite steps to obtain possession of the properties; and, where possession has not been given, to obtain a Sheriff's Warrant for possession of any lands;

- (h) to acquire the necessary interests in the land and property included in the confirmed Compulsory Purchase Order, on terms to be agreed by the Director of Regeneration & Growth, or as ordered by the Lands Tribunal;
  - (i) to enter into, or execute under seal, any documentation in relation to award of the contract and/or development/partnership agreement, licence, undertaking, framework joining agreement and any other agreements with the procured contractor/s as may be deemed necessary to facilitate development of the site, on terms and conditions to be agreed by the Director of Regeneration and Growth;
  - (j) in the event of the council being successful with the submission to the Levelling Up Fund, or securing other appropriate funding source(s), to prepare a Compulsory Purchase Order for the area around Grove Street, Halberton Street and land north of Cranford Street, as set out on plans SAM/12980/004 & SAM/21160/001 attached to this report, and the Director of Regeneration & Growth present a more detailed report to Cabinet at a later date;
- (2) that the Director of Regeneration & Growth be authorised to make minor amendments to the (Cranford Street, Smethwick) Compulsory Purchase Order and, more particularly, marked "Map referred to in Borough Council of Sandwell (Cranford Street, Smethwick) Compulsory Purchase Order" prior to it being made and submitted for confirmation;
  - (3) that the Service Manager – Strategic Assets & Land be authorised to enter into negotiations and to acquire land and property within the proposed Order lands, on terms to be agreed by the Director of Regeneration &

Growth, in advance of confirmation of the Compulsory Purchase Order by the Secretary of State, and subject to the availability of finances;

(4) that the Director – Finance be authorised:

- (a) to allocate adequate investment from the Smethwick Towns Fund to fund acquisition of site, demolition of buildings and remediation of land, in order to facilitate a clear site for redevelopment, which is approximately 1.67 hectares of land off Cranford Street, and to cover the CPO administration and execution costs.
- (b) (subject to 4(a) above) to grant funding (when secured) from the Town Fund Grove Lane Programme (administered by Sandwell Council), and to allocate adequate resources to fund the first phase of the development.

**216/22**

### **Council new build homes on land at Garratts Lane, Cradley Heath**

Approval was sought to appropriate land at Garratts Lane, Cradley Heath from the General Fund to the Housing Revenue Account for housing purposes with the accounts being adjusted accordingly and to develop the site with new council housing, subject to planning permission.

#### **Reasons for recommendations**

The Council is able to develop this site with circa 20 homes, subject to planning permission, as part of the new strategic approach to provide more and better housing in the borough.

## **Alternative options considered**

### **Option A – Dispose of the Site on the Open Market**

The site would not be suitable for private sector residential development in isolation as the Council's access to the site is not deemed suitable to serve a housing development and would not obtain planning permission.

This option would also offer nil contribution to the Council's new build programme.

### **Option B – Work in partnership with a Registered Provider**

Partner with the assistance of Homes England to build new affordable homes for rent. The site would not be suitable for residential development in isolation as the Council's access to the site is not deemed suitable to serve a housing development and would not obtain planning permission.

This option would also offer nil contribution to the Council's new build programme.

### **Option C – Leave the site undeveloped.**

An option to consider would be not to build out the site and to leave it as it is. There are ongoing maintenance costs to the Council around litter picking and grounds maintenance. These are difficult to quantify as they are carried out as part of larger services, although we anticipate costs would be significantly reduced if the site were developed for housing.

This option would offer nil contribution to the Council's new build programme and result in an under-utilised Council asset.

### **Agreed:-**

- (1) that approval be given to appropriate approximately 4770.3 m<sup>2</sup> (0.48 hectares) of land at Garratts Lane, Cradley Heath from the General Fund to the Housing Revenue Account for housing purposes with the accounts being adjusted accordingly and to develop the site with new council housing for affordable rent, subject to planning permission, as shown for identification purposes only at Appendix 1, as now submitted;

- (2) that approval be given to acquire the access land, as shown for identification purposes only at Appendix 3, as now submitted, from Green Square Accord on terms and conditions to be agreed by the Director of Regeneration and Growth;
- (3) that approval be given to make a direct award to Green Square Accord (or their subsidiary within the group structure) and an exemption be made to the Council's Contract Procedure Rules;
- (4) that the Director of Finance be authorised to allocate adequate resources from the Council's Housing Revenue Account, subject to being satisfied that the proposal provides value for money, to deliver the scheme and to utilise grant funding offered by Homes England, under the extended Homes England Strategic Partnership 1 Programme 2016 to 2021 to assist with the delivery of the project;
- (5) that in connection with Resolution (3) and (4) above, approval be given to authorise the necessary steps for the delivery of the proposed project, including:
  - a) that subject to receiving the necessary Strategic Investment Unit appraisal approval mark of 65 or above for this site, the Director of Regeneration and Growth in consultation with the Director of Finance and the Director of Housing be authorised to accept the Financial closure offer for the construction of Council new build properties, in accordance with any statutory regulations and the Council's the Director – Monitoring Officer be authorised to enter into or execute under seal any documentation in relation to award of the contract for the development of this site and/or development/partnership agreement, any consents or applications required for Planning or Highways appertaining to the delivery of the schemes and any other agreements with the procured contractor(s), as may be deemed necessary to facilitate development of the site with housing a scheme on terms and

- conditions to be agreed and implemented by the Director of Regeneration and Growth;
- b) the Director of Regeneration and Growth in consultation with the Director of Finance and the Director of Housing be authorised to make a direct award to Green Square Accord (or their subsidiary within the group structure) and enter into a Design and Build agreement to develop and deliver a new housing scheme on behalf of the council.
  - c) to enter into or execute under seal any financial agreement in relation to the Homes England grant on terms and conditions to be agreed by the Director of Finance;
  - d) that any necessary exemptions are made to the Council's Procurement and Contract Procedure Rules to enable the course of action referred to b above to proceed;
  - e) Subject to the practical completion of each property, the Director of Housing be authorised to manage and let the properties built in accordance with the Council's housing allocation policy.

**217/22**

## **New Archives Centre**

Approval was sought to identify land to the rear of Smethwick Council House as the preferred site for a new Archives Centre.

### **Reasons for recommendations**

Currently archives storage was at capacity, and the material is housed in three separate sites, which makes managing the collection and providing access difficult. Much of the storage does not meet the required standards (BS 4971) set out by The National Archives (TNA). The archives were stored in the basements of Smethwick library and West Bromwich town hall (neither of which met the standard) and in the relatively new Dudley archives – (which does, but costs the service £13k per annum). The Archives Service had its application for mandatory accreditation by the TNA rejected in July 2018, because storage did not meet minimum standards. The service should have reapplied by 2021 but TNA recognise that the standard cannot be met and agreed to a delay in

applying for accredited status. We cannot however, delay indefinitely.

### **Alternative options considered**

<b>Option</b>	<b>Reason for rejection</b>
Do nothing	Sandwell could lose its place of deposit status and be required to pay another local authority to house its public records
Conversion of existing storage at Smethwick Library	Too small and costly
Rental of additional space at Dudley Archives	Not sustainable – Dudley will want the space back as their archives grow and has revenue implications as well as costs and travel for Sandwell residents with a disconnect from local services
Utilise SMBC owned industrial units	All those available are either too small or not accessible enough
Lease or purchase private sector industrial units	All those available are not accessible enough and not cost effective
Use unoccupied space at Operations and Development centre (Roway Lane)	Too small and not accessible enough
Smethwick Swimming Centre (Thimblemill Baths)	Restrictions due to layout and listed status

### **Agreed:-**

- (1) that approval be given to identify land to the rear of Smethwick Council House as the preferred site for a new Archives Centre;
- (2) that the Director – Borough Economy be authorised to proceed with feasibility, design, specification and the development a funding strategy for a new Archives Centre at the preferred site;
- (3) that the Director of Borough Economy, in consultation with the Section 151 Officer, be authorised to:
  - Prepare any necessary tendering documentation;

- Procure, in accordance with the public procurement rules, the Council's procurement and financial regulations a contractor(s) to carry out further feasibility, draft design and specification and support a funding strategy; to award a contract and to enter into or execute under seal any financial agreement(s) as may be deemed necessary in relation to the project

**218/22**

## **Gas Safety Inspections 2022 - 2025**

Approval was sought to award contracts for the delivery of Gas Safety inspection with West Bromwich, Oldbury and Smethwick to Phoenix Gas Services Limited.

Due to the termination of two separate gas safety inspection contracts, it was highlighted that the Council was left in a vulnerable position of not having adequate resources available to provide its statutory requirement of undertaking annual gas safety inspections to Council properties.

The Vice-Chair of the Economy, Skills, Transport and Environment Scrutiny Board questioned if we could clarify if the awarded contractors had any female workers. The Director of Housing explained that whilst young women had begun to enter the trade, it was still very much a male dominated profession. If any tenant had preference for a female gas inspector, although it would not be guaranteed, it would be considered.

### **Reasons for recommendations**

The Council is obliged by statute to undertake annual gas safety inspections and servicing to its properties as a landlord.

Subsequent to the withdrawal of two incumbent contractors, approval was sought to award the contract for the provision of annual gas safety inspections within West Bromwich, Oldbury and Smethwick.



### **Alternative options considered**

There are no other options available, this contract is required in order for Sandwell MBC to be able to maintain its current housing stock and fulfil its landlord obligations.

#### **Agreed:-**

- (1) that approval be given to award contracts for the delivery of Gas Safety Inspections within West Bromwich, Oldbury and Smethwick to Phoenix Gas Services Limited, for the sum of approximately £1,700,000 and for a period of 2 years and 9 months, from 1 November 2022 to 31 July 2025;
- (2) that the Director – Law and Governance and Monitoring Officer be authorised to enter into appropriate contracts for Gas Safety Inspections with Phoenix Gas Services Limited;
- (3) that approval be given to vary an existing contract currently in place for the delivery of Gas Safety Inspections within Tipton and Wednesbury to also include Rowley Regis to a value of approximately £690,000.

**219/21**

### **Action Taken on Matters of Urgency - New Burdens: Market Sustainability and Cost of Care**

Details of the urgent action taken by the Leader of the Council was noted.

#### **Reasons for recommendations**

Each local authority has been asked to complete a Cost of Care exercise for 65+ residential and nursing homes and for Domiciliary Care (otherwise known as Home Care) for people 18+ by 14 October 2022 to better understand the sustainability of fee rates. In addition, the Government requires Councils to complete a provisional Market Sustainability Plan (MSP) to establish how they will close the gap, if one exists, between current fee rates and the findings of the Cost of Care exercise.

### **Alternative options considered**

The Council does not have to submit the outcome of the provisional Market Sustainability Plan or Cost of Care exercise to the DHSC, however to not do so would mean that it will have to pay back the grant of £1.25 million that it has received, of which £456,315 has already been spent.

**Agreed** that the following details of the urgent action taken by the Leader of the Council be noted:-

- (1) to approve the submission to the Department of Health and Social Care documents relating to the outcome of the Cost of Care exercise for 18+ Domiciliary Care and 65+ Residential and Nursing sectors consisting of:
  - Cost of Care Table,
  - Spend Report,
  - Cost of Care Report and
  - Market Sustainability Plan (provisional and final);
- (2) to authorise the Director of Adult Social Care authority to make necessary changes to the Cost of Care documents before final submission, in consultation with the Cabinet Member for Adult Social Care and Health, given the strict deadlines set by the Government.
- (3) to approve publication on the Council's website of the process undertaken by the Council in relation to the Cost of Care exercise and the resultant Market Sustainability Plan in line with the requirements laid down by the Department of Health and Social Care (DHSC);
- (4) to note the potential impact and pressure on the Council's budget should the Government not make sufficient additional funding available to the Council to meet the financial burdens associated with sustainable rates as a result of the Cost of Care exercise for the 18+ Domiciliary Care and 65+ Residential and Nursing care homes sectors;
- (5) to endorse the position that the Council takes into account the outcome of the Cost of Care exercise and available Government funding together with sound

judgement, evidence and a negotiation process when setting a Fair Cost of Care and assessing market sustainability and the delivery of legislative duties under Section 5 of the Care Act;

- (6) to endorse the position that further progress towards reaching the median cost over three years will not begin until government funding is confirmed and will be phased in line with the additional government funding received;
- (7) to approve the remaining 2022/23 allocation of the Cost of Care Grant be used to further uplift the Domiciliary Care, Extra Care, Promoting Independence and Rapid Response/ Wrap Around services hourly rate from £16.00 per hour to £16.92 per hour in recognition of significant market pressures being faced, and for this to be backdated to 1 September 2022 and to be in place until 31 March 2023;
- (8) that the Director of Adult Social Care be delegated to determine how any surplus Cost of Care grant mentioned in 1.7 is spent in consultation with the Cabinet Member for Adult Social Care and Health;
- (9) note the general inequity in treatment and likely risk of destabilisation within markets deemed out of scope by the Cost of Care exercise;
- (10) to approve the completion of further market analysis for out of scope markets (Supported Living, Complex Residential and Nursing Care and Day Care, and) to mitigate risk noted in (9) above;
- (11) to note the inequity in the hourly rate for Direct Payments falling a year behind the Council's Domiciliary Care rate and to agree to a further paper being brought to Cabinet to address this.

## Exclusion of the Public and Press

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

## Corporate Asset Management Strategy (CAMS)

Approval of the Corporate Asset Management Strategy (CAMS) was sought.

The CAMS document set out the framework in which the Council's Land and Assets would be managed; It was intended to respond to the corporate plan that was underway. Not only did the plan help each of the Council's service areas deliver their plans, but it also responded to financial constraints and needs of the Council.

The key aspects of the plan was highlighted to Cabinet:-

- Disposing of surplus assets
- Further rationalisation of the office portfolio - More efficient use of office space whilst ensuring that services are provided to the public.
- Establishment of community hubs - this strategy will support work undertaken to consider establishing community hub across the borough.
- Sets directions in carbon reduction, information management, undertaking asset valuations and community transformations

The Chair of the Budget and Corporate Scrutiny Management Board sought further clarification on why West Bromwich had been left without a designated Neighbourhood office. A further question was also asked on why no consultation with ward members had taken place regarding the sites listed in the report appendices.

The Cabinet Member for Regeneration and Growth confirmed that the Council's customer strategy was currently under review with a view to formalise what services would be offered at a local level by the start of 2023. The Council had taken the opportunity to exit the Court House in West Bromwich at lease end given the extreme budget pressure faced by the Council. Interim measures were put in place for face to face enquiries to be received at West Bromwich Library.

It was reported that once renovations had been complete, West Bromwich Town Hall would be the designated local hub for West Bromwich. It was suggested that further reports containing the costs of retaining assets would be brought to Cabinet to determine the best individual use for each asset; no disposals would be made before coming back to Cabinet.

### **Reasons for recommendations**

To support the efficient management and use of Council assets.

### **Alternative options considered**

Non-delivery of the CAMS would be contrary to the Council's Improvement Plan. If the CAMS did not contain proposals for rationalisation of the office and community estates then it will become impossible for the Council to maintain its estate safely and efficiently with the available budget.

### **Agreed:-**

- (1) that approval be given to the Corporate Asset Management Strategy (CAMS) attached at Appendix A, as now submitted;
- (2) that the Local Hub indicative locations as set out below, be approved and authorise Directors to undertake due diligence and prepare detailed proposals for the development of community hubs including timescales, digital offer, buildings that will become surplus and other financial implications, and also to prepare a report on the implications for library services and for heritage assets;
  - Carnegie Library Tipton
  - Oldbury Council House / One-stop shop
  - West Bromwich Central Library / Town Hall
  - Wednesbury Town Hall & Art Gallery

- Blackheath Library Rowley Regis
- Town Hall Smethwick

- (3) that all community buildings that become surplus should be offered as opportunities for Community Asset Transfers;
- (4) that it be acknowledged that the assets contained in the Surplus Assets list at Appendix B are surplus to the Council's operational requirements;
- (5) that the procurement of a firm of property consultants (using CCS Framework RM6168) be approved to undertake a review of the Council's surplus property assets with a view to identifying assets for disposal or development;
- (6) that the Director of Regeneration & Growth, in consultation with the Section 151 Officer, and the Monitoring Officer, be authorised to oversee the procurement and to appoint the selected consultant;
- (7) that subject to approval by Cabinet on any disposal of surplus assets, the Director of Regeneration & Growth, in consultation with the Section 151 Officer and the Monitoring Officer, be authorised to oversee the review and to progress the disposal of surplus assets in a manner and on terms recommended by the review;
- (8) that a budget of £100k is allocated from the Invest to Save reserve for this work;
- (9) that it be acknowledged that the need to reduce the Council's office portfolio further, reflecting working patterns post Covid and authorise officers to undertake a detailed options analysis with a target of reducing the operational office portfolio by at least 50%.

Approval was sought, subject to more detailed due diligence, for the procurement of a joint venture development partner is the preferred route to delivery the West Bromwich Town Centre and Grove Lane Masterplans.

### **Reasons for recommendations**

To ensure the effective delivery of the West Bromwich Town Centre Masterplan in a way that enables high design standards and a holistic approach to regeneration to be achieved

### **Alternative options considered**

Adopt the masterplans and rely on the private sector to deliver.

#### **Agreed:-**

- (1) that approval in principle, subject to more detailed due diligence, that the procurement of a joint venture development partner is the preferred route to delivering the West Bromwich Town Centre and Grove Lane Masterplans;
- (2) that the Director of Regeneration and Growth be authorised to procurement a professional team (lawyers and property consultants) to carry out the workstreams set out below:
  - Provide detailed legal advice setting out the advantages, risks and proposed mitigations of the preferred option.
  - Provide advice on setting up a joint venture company
  - Provide a business case including a financial model showing the likely returns. Phasing. Likely gap-funding requirement and options to address this.
  - Provide an analysis showing how the Council might act as bank, lending to JV Co. Set out pros and cons of this.



- Advise on the attractiveness of the opportunity in the market, and how to present the opportunity to maximize interest.
  - Prepare a development partner procurement strategy, including:
    - Advice re the best Framework to use.
    - How the opportunity would be promoted. Advertising, press, social media, launch events.
    - Advice on the form of contract, highlighting key issues.
    - A timetable for procurement.
    - A stakeholder engagement strategy, and a framework for consultation and decision-making.
  - Presentations on the above, as necessary, to Members and / or senior officers.
  - Preparation of a Brief, scoring matrix and other necessary documentation.
  - Collation of documentation as necessary to furnish a data room.
  - Managing all aspects of the developer selection process.
  - Assessment of bids, including:
    - Advice on developer appraisals, cost plans, proposed phasing. Credibility of each bid.
    - Advice on design standards and fit with the masterplan.
- (3) authorises the Director of Regeneration & Growth to oversee the procurement of the professional team, approve the selection and enter into appointment contracts as necessary.
- (4) requests a further report before March 2023 covering the following:

- 4.1 Detailed legal advice setting out the advantages, risks and proposed mitigations of the preferred option.
- 4.2 A business case including a financial model showing the likely returns.
- 4.3 A development partner procurement strategy, including:
  - 4.3.1 A timetable for procurement
  - 4.3.2 A draft developer briefing document for approval
  - 4.3.3 A stakeholder engagement strategy, and a framework for consultation and decision-making.
  - 4.3.4 A request for approval to commence a development partner procurement process.

Meeting ended at 5.55 pm

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