

Minutes of Cabinet

**Wednesday 15 March 2023 at 3.30pm
at Council Chamber, Sandwell Council House**

Present: Councillor Carmichael (Chair);
Councillors Ahmed, Hackett, Hartwell, Millard, Padda, Piper
and Rollins.

In attendance: Councillors Taylor, EM Giles and J Giles.

Also present: Shokat Lal (Chief Executive), Surjit Tour (Director of Law and Governance and Monitoring Officer), Gillian Douglas (Director of Housing), Michael Jarrett (Director of Children's Services), Tony McGovern (Director of Regeneration and Growth), Simone Hines (Director of Finance), Elaine Newsome (Service Manager – Democracy), Matthew Huggins (Assistant Director: Green Spaces, Green Services, Events), Matt More (Communications & Corporate Affairs Manager), Victoria Lee (Head of Human Resources), Anthony Lloyd (Democratic Services Officer) and Suky Suthi-Nagra (Democratic Services Manager).

31/23 **Apologies for Absence**

Apologies were received from Councillors Fenton and Moore.

32/23 **Declarations of Interest**

Councillor Hackett declared a pecuniary interest in relation to Minute No 35/23 (Friar Park Urban Village Masterplan) on the basis that he was a board member of the Millennium Centre located in Friar Park.

33/23 **Minutes**

The minutes of the meeting held on 15 February 2023 were approved as a correct record.

34/23 **Additional Items of Business**

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

35/23 **Friar Park Urban Village Masterplan**

Approval was sought to the Friar Park Urban Village masterplan, as amended, and to authorise the Cabinet Member for Regeneration and Growth and the Director of Regeneration and Growth to progress the procurement strategy as proposed in partnership with the West Midlands Combined Authority (WMCA).

The Vice Chair of the Economy, Skills, Transport and Environment Scrutiny Board asked several questions on behalf of the Chair of the Budget and Corporate Scrutiny Management Board. Clarification was sought regarding possible contingency plans for the potential soaring costs that may be incurred over the course of the project.

In response, the Cabinet Member for Regeneration and Growth reported that the WMCA had secured funding which was intended to be used towards the remediation of the site, although the exact details relating to how this funding was utilised was still to be determined. In addition, further specific details relating to both authority's expectations of the scheme (such as Building Regulations 2025+), were yet to be determined. Early consideration of the impacts of specification requirements would be undertaken as discussions progress, allowing for consideration of the need for any additional grant funding and/or any implications for the Council's land receipt. The resultant scheme specification would form the basis of bids to be submitted by developers, and the contractual outputs required to be delivered.

Once a developer was appointed to progress the scheme, the responsibility for the management of costs and funding required to undertake it would fall to the developer.

Part of the rationale for utilisation of the Homes England Framework, which was recommended, was that the financial capability of a developer to undertake a scheme of this nature was tested prior to selection for the Framework. This would ensure that the selected developer had the appropriate knowledge, experience and financial capability to deliver the scheme as required.

In response to questions around the poor number of respondents to consultation and plans to place Council properties in the site, it was confirmed that a wide range of consultation had taken place including targeted letter drops and a press release. Response forms were also available both physically and digitally. Further engagement was planned as the scheme progressed and it was expected that once a developer had been appointed, community consultation on the proposed scheme would be carried out as part of any subsequent planning application. Regarding Council Housing on the site, the scheme would require a 25% requirement for affordable homes which could be provided in many forms. No decision had yet been made as to whether such provision on the site would be undertaken directly. The use of a local lettings policy for this site would also be explored.

Reason for Decision

Sandwell significantly underperformed against the annual housing delivery target of 1467 new dwellings set out in the Strategic Housing Land Availability Assessment (SHLAA). The 630 units on the Friar Park site would make a significant contribution to those targets although delivery would be over a number of years. A minimum of 25% of the new homes would be affordable in accordance with planning policy.

Alternative Options Considered

Not progressing with the masterplan would not give the surety and design framework to have brought the site forward in partnership with the West Midlands Combined Authority.

Option 1: Do nothing - this option would signify a continuation of the status quo and fail to deliver against Sandwell's housing delivery targets. The site would continue to be underutilised, remain highly contaminated and would not deliver any wider regenerative benefit to Friar Park.

Option 2: Do not proceed with the masterplan and instead, the Council could look to dispose of the site to a developer without a level of surety. Alternatively, the Council could have chosen to sell their site in isolation. However, this would fail to deliver a comprehensive regeneration proposal.

Resolved:--

- (1) that the results of the public consultation undertaken on the Friar Park Redevelopment Project during November to December 2022 as set out in the Consultation Report be received;
- (2) that in connection with Resolution (1) above, approval be given to the Friar Park Urban Village masterplan as amended;
- (3) that approval be given to the proposed procurement strategy for developer selection, including the use of the Homes England Framework, and that the Cabinet Member for Regeneration and Growth and the Director of Regeneration and Growth be authorised to progress the procurement strategy as proposed in partnership with the West Midlands Combined Authority;
- (4) that approval be given to the use of the Masterplan in assessing developer bids as part of the agreed procurement process;
- (5) that in light of community concerns arising from the consultation exercise, the Director of Regeneration and Growth be authorised to develop a potential scheme which accommodates the extension of the Millennium Centre, and that the outcome of that work, including the detailed proposals and funding strategy scheme implementation are reported to Cabinet at a future date;
- (6) that the comments made by the Economy, Skills, Transport and Environment Scrutiny Board at their meeting held on 28 February be received;

- (7) that, the Director of Regeneration and Growth be authorised to ensure that:
- (a) the use of a Local Lettings Policy on the site be explored;
 - (b) regular air quality monitoring is undertaken as the development progresses and once it is complete;
 - (c) different options to utilise appropriate vegetation to help address air pollution is considered for the site.

(Councillor Hackett left the meeting during consideration of this matter)

36/23 **Award of Unified Communications Telephony Contract**

Approval was sought to authorise the Director of Regeneration and Growth and the Director of Finance – Section 151 Officer, to award a contract for corporate unified communications – replacement contact centre telephony, via the Crown commercial Services Network Services 2 (RM3808) framework for a 5-year period (3+2), following a successful competitive exercise.

In response to a question by the Vice Chair of the Economy, Skills, Transport and Environment Scrutiny Board, the Cabinet Member for Finance and Resources clarified that approval was being sought to award a contract following a procurement exercised.

A further question was asked on behalf of the Chair of the Budget and Corporate Scrutiny Management Board. Although supportive of the report, questions were asked on why considerations of merging all three Council contact centres had not been included, which had been discussed as part of the Customer Journey Scrutiny Review. The Cabinet Member for Finance and Resources stated that the procurement of a new system would take a considerable amount of time to implement following award of contract. The current system was outdated and was causing a number of issues and that is why the Council were trying to move quickly. Any decision to merge/not merge contact centres would not be impacted by this procurement.

Reasons for recommendations

The Council telephony system Avaya CS1000 and Avaya CS 1000 (AACC6) which were in use within the Council's Contact Centres had been in place since 2007. This system was out of date and unsupported as a result.

A large proportion of the Council's customer contact was still via telephony (2020-2021 - 617.7k calls received, 2021-2022 - 641.0k calls received and 2022 - March 2023 - 511k calls were received), despite continued digital solutions being offered and therefore, the Council required a system that was fit for purpose, responsive and future proof.

Alternative options considered

An options appraisal was completed as part of the Business Case for this project and the option presented was found to be the most appropriate.

Resolved:-

- (1) that the Director of Regeneration & Growth and the Director of Finance – Section 151 Officer, in consultation with Cabinet Member for Finance and Resources, be authorised to award a contract for Corporate Unified Communications – replacement Contact Centre telephony, via the Crown Commercial Services Network Services 2 (RM3808) framework for a 5-year period (3 + 2), following a successful further competitive exercise;
- (2) that the Director of Law and Governance – Monitoring Officer be authorised to execute any documentation necessary to enable the action referred to in Resolution (1) above to proceed;
- (3) that in relation to Resolution (2) above, approval be given to fund the costs in 2023/24 from a combination of HRA resources and the Customer Journey Priority Service Investment budget, and future costs be considered as part of the 2024/25 budget setting process strategy as proposed in partnership with the West Midlands Combined Authority.

Haden Hill Leisure Centre – Levelling Up Fund Programme

Approval was sought to authorise the Director of Finance to provide the minimum 10% match funding contribution to the Haden Hill Leisure Centre Levelling Up Fund (LUF) Programme from the identified LUF contribution for the project of £2million, including via prudential borrowing if necessary.

The Vice Chair of the Economy, Skills, Transport and Environment Scrutiny Board requested information on what was planned for the old equipment that was used.

The Cabinet Member for Leisure and Tourism confirmed that as part of the decommissioning of the facilities at Langley and Smethwick, the building inventories would be assessed and decisions would be made regarding the future of all the equipment, furniture and fittings. Where possible, equipment in good condition would be relocated to other centres. End-of-life equipment would be recycled or disposed of in the most efficient manner possible.

Reasons for Decision

Cabinet previously agreed partnership funding contribution of up to £8,000,000 for four Sandwell Levelling Up Fund submissions. On the basis that only one bid was successful, the match funding required was £2m for the Haden Hill project. Partnership funding was required to deliver the Haden Hill Leisure Centre programme as project costs exceeded £20,000,000 awarded by the Department for Levelling Up, Housing and Communities (DLUHC).

Alternative Options Considered

The original project scope be reduced to address the current funding gap if further partnership funding cannot be secured.

Resolved:-

- (1) that the Director of Finance be authorised to provide the minimum 10% match funding contribution to the Haden Hill Leisure Centre Levelling Up Fund programme from the identified LUF contribution for this project of £2,000,000, including via prudential borrowing if necessary;

- (2) that the Director of Finance be authorised to identify and provide an initial £300,000 capital budget in advance of receipt of grant monies and draw down of any partnership funding to enable necessary key project developments to be undertaken in the interim;
- (3) that in connection with Resolution (2) above, the Director of Regeneration and Growth be authorised to procure and appoint architects via an industry framework utilising identified capital budget prior to receipt of grant;
- (4) that in connection with Resolution (2) above, the Director of Borough Economy be authorised to take all the necessary steps to appoint the project team utilising identified capital budget prior to receipt of grant;
- (5) that the Head of Human Resources be authorised to provide exemptions for recruitment processes as necessary to ensure avoidance of project delays;
- (6) that the Director of Borough Economy be authorised to finalise and enter into a Memorandum of Understanding with the Department for Levelling Up, Housing and Communities;
- (7) that the Director of Borough Economy be authorised to agree to the terms of the Levelling Up Funds Local Authority Assurance Framework provided by the Department for Levelling Up, Housing and Communities;
- (8) that the Director of Borough Economy be authorised to formally accept the grant awarded (£20,000,000) by Department for Levelling Up, Housing and Communities and all associated grant terms.

38/23

The Future Use of Langley Swimming Centre

Approval was sought to authorise the allocation of the site at Vicarage Road, Oldbury for the development of new affordable rent council housing, subject to planning permission being obtained.

The Cabinet Member for Regeneration and Growth moved the following amendments to the recommendation:

That the Director Regeneration and Growth in consultation with the Director of Housing and Director of Finance be authorised to amend funding sources available from the balance of 1-4-1 replacement receipts or Homes England to ensure the most appropriate use of funding for the scheme to ensure expenditure of Homes England funding within the contracted timescales and ensure the use of the time limited receipts generated from the sale of properties within the specified time periods.

The Vice Chair of the Economy, Skills, Transport and Environment Scrutiny Board, on behalf of the Chair of the Budget and Corporate Scrutiny Management Board, sought clarification on what consultation had taken place with ward members from the affected wards.

The Cabinet Member for Regeneration and Growth highlighted that at a meeting of Cabinet on 31 January 2018, a decision was taken to close Langley Swimming Centre once leisure provision was transferred to the Sandwell Aquatic Centre. Therefore, local ward members were aware that this site would become vacant and requiring a review to its future use. The proposal to look at a scheme for council housing for this site, and the proposals for the Smethwick Swimming Centre which would also become vacant, were outlined to Langley and Abbey Ward Members at the end of February 2023 by the Director for Regeneration and Growth. At that time, members were asked to raise any concerns or issues they may have although no major concerns were received for this site.

Reasons for decision

Following the Cabinet decision made on 31 January 2018 (Minute No. 18/18 refers) Langley Swimming Centre was due to close in summer 2023 when the leisure provision would be located at the new Sandwell Aquatics Centre, Smethwick. Following the opening of the new Aquatics Centre the Council had the opportunity to develop the site at Vicarage Road, Oldbury with circa 27 homes (subject to planning consent), as part of the new strategic approach to provide more and better housing in the borough.

Alternative options considered

Option 1 – Disposal of the site on the open market

The Council could have disposed of the site on the open market. This would have resulted in the loss of a Council asset that could have been used for the Council build programme. The Council would have had minimal control over the future use of the building. This option increased the risk of ASB should the building become vacant.

Option 2 – Clear the site and disposal on the open market

Clearing the site and disposal of the site on the open market would have reduced ASB issues but as identified in Option 1, would result in the loss of a Council asset that could be used for the Council build programme.

Resolved:-

- (1) that approval be given to allocate the site at Vicarage Road, Oldbury for the development of new affordable rent council housing, subject to planning permission being obtained;
- (2) that approval be given to allocate funding from the Council's Housing Revenue Account to demolish the existing buildings/structures at Vicarage Road, Oldbury as a pre-requisite for site investigation to facilitate compliance with the Homes England funding timescales;
- (3) that in connection with Resolution (1) above, 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 any relevant Homes England Strategic Partnerships, to assist with the delivery of the project;
- (4) that subject to receiving the necessary Strategic Investment Unit appraisal approval mark of 65 or above, the Director of Regeneration and Growth in consultation with the Director of Finance and the Director of Housing be authorised to prepare tendering documentation and subsequently procure, in accordance with any statutory regulations and the Council's Procurement and Financial Regulations a contractor/contractors to develop, on behalf of the Council, the proposed housing scheme; to

enter into or execute under seal any financial agreement in relation to the Homes England grant on terms and conditions to be agreed by the Director of Finance;

- (5) that subject to Resolution (3) and (4) above, the Director – Law and Governance and Monitoring Officer be authorised to enter into or execute under seal any documentation in relation to award of the contract and/or development/partnership agreement, Homes England developer status, licence, undertaking, framework joining agreement, any consents or applications required for Planning or Highways appertaining to the delivery of the scheme and any other agreements with the procured contractor(s) and with the Homes England, as may be deemed necessary to facilitate development of the site with a housing scheme on terms and conditions to be agreed by the Director of Regeneration and Growth;
- (6) that the Director of Regeneration and Growth in consultation with the Director of Finance and subject to confirmation of the funding rules applicable, to submit an application for funding to the West Midlands Combined Authority (WMCA) and any other relevant funding sources and, in the event the funding bid is successful, the Director of Regeneration and Growth in consultation with the Director of Finance and the Director of Housing be authorised to accept the funding and execute under seal any financial agreement in relation to the WMCA and any other relevant funding sources grant on terms and conditions to be agreed by the Director of Finance;
- (7) that following practical completion of each property at the site of Vicarage Road, Oldbury, the Director of Housing be authorised to manage and let the properties built in accordance with the Council’s housing allocation policy;
- (8) that the Director of Finance be authorised to make any necessary adjustment required to appropriate the site at Vicarage Road, Oldbury, for housing purposes;

- (9) that the Director Regeneration and Growth in consultation with the Director of Housing and Director of Finance be authorised to amend funding sources available from the balance of 1-4-1 replacement receipts or Homes England to ensure the most appropriate use of funding for the scheme to ensure expenditure of Homes England funding within the contracted timescales and ensure the use of the time limited receipts generated from the sale of properties within the specified time periods.

39/23

The Future Use of Smethwick Swimming Centre

Approval was sought to advertise the site at Thimblemill Road, Smethwick on the open market to ascertain if there was any commercial or other interest to purchase the site.

Reasons for Decision

Following the Cabinet decision made on 31 January 2018 (see Minute No. 18/18) Smethwick Swimming Centre was due to close in summer 2023 when the leisure provision would be located at the new Sandwell Aquatics Centre, Smethwick. A working group of officers from Planning, including the Conservation Officer, Strategic Assets and Sports Strategy was created to look at options for the future use of the building. The working group assumption was that no other Council service would have use for the building once it closed and the Council could not afford to retain the building. The listed status of the building constrained uses to those that would interfere least with its significance as a designated heritage asset and consequently appropriate uses were limited. Proper maintenance of such buildings was both necessary and potentially costly.

Alternative Options Considered

In order to enforce the legislation and fulfil its statutory duty, the Council required a policy that outlined what fines would be for breaches of the legislation. The Council could have decided to construct its own framework for calculating the amount of a civil penalty however, this risked not being aligned with other authorities which could impact the Council's ability to justify in the event of any appeal against a penalty levied.

As a result of the requirement for all authorities in England to have regard to the policy of the Lead Enforcement Authority, the adoption of this policy would ensure that the approach was consistent with that of other authorities.

The Council had the opportunity to support the People's Orchestra, a community based non-profit organisation to convert the building into a music venue. This change of use would provide a 'community development and training hub' and concert hall, ensuring the building was retained as a community venue. Such a use would be expected to be compatible with the conservation of the building's significance. However, it would likely involve the Council underwriting building related revenue risk in the short to medium term.

Resolved:-

- (1) that approval be given to test the market and advertise the site at Thimblemill Road, Smethwick on the open market to ascertain if there is any commercial or other interest to purchase the site, subject to any planning consents that may be required for change of use;
- (2) that the Director for Regeneration and Growth be authorised to work with a community consortia, The People's Orchestra, in parallel with Resolution (1), to allow the group three months to develop proposals to determine their projects viability and allow them to undertake a business planning exercise to confirm whether they are able to take on the premises under a Community Asset Transfer;
- (3) that in connection with Resolution (2) above, a further report be submitted to the Cabinet in June 2023 which will outline the disposal options identified through market testing and full details of the community-led option.

40/23

Use of Compulsory Purchase Order Powers to enable strategic acquisitions in West Bromwich Town Centre

Approval was sought to authorise the Director of Regeneration and Growth to use Compulsory Purchase Order powers to acquire any land and property interest necessary to enable delivery of zones 1 & 2 identified in the West Bromwich Masterplan.

The Vice Chair of the Economy, Skills, Transport and Environment Scrutiny Board sought clarity on why Compulsory Purchase Order(CPO) powers could not be made on pockets of land that had stood dormant for years. The Cabinet Member for Regeneration and Growth reported that a CPO should only be made where there was a compelling case in the public interest. This was usually to facilitate major regeneration projects in line with the Local Plan. Instead, planning enforcement powers should be used to tackle pockets of untidy land and proactive dialogue with landowners should take place to understand issues around developments.

An additional question was asked on behalf of the Chair of the Budget and Corporate Scrutiny Management Board. Clarification was sought on what the Council was proposing to acquire and any associated risks. The Cabinet Member for Regeneration and Growth confirmed that land and property interests were identified in the report. A more detailed risk register had been prepared as part of the full business case submission which would continuously be updated.

Reasons for recommendations

Use of a Compulsory Purchase Order would assist SMBC in the delivery of the aspirations outlined in the West Bromwich Masterplan, which sought comprehensive regeneration of the town centre.

Alternative options considered

Option 1: Continue to negotiate by agreement only - without proactive use of CPO powers it was likely that the status quo would persist. This would fail to deliver against the Council's regeneration agenda in West Bromwich and would fail to deliver against the Towns Fund outputs resulting in grant funding clawback. Reputation of the Council would be at risk as a result of failing to secure and spend government grant.

Option 2: Identify another site that could achieve the Town Fund project and submit another change request - this area of West Bromwich was specifically being targeted due to acutely high levels of vacancy. A comprehensive options appraisal had been conducted by officers and there were currently no other sites in the area that deliver similar strategic benefits and satisfy the grant funding criteria.

Resolved:-

- (1) that approval be given to authorise the Director of Regeneration and Growth to use Compulsory Purchase Order powers to acquire any land and property interests necessary to enable delivery of zones 1 & 2 identified in the West Bromwich Masterplan;
- (2) that the Director of Law and Governance, in consultation with the Director of Regeneration & Growth, be authorised to take all preparatory actions to enable the making of a Regeneration Compulsory Purchase Order, subject to a further resolution to formally make the Compulsory Purchase Order and confirm the agreed (red-lined) order lands;
- (3) that the Director of Regeneration & Growth be authorised to procure any professional services required to advise the council on the preferred Compulsory Purchase Order strategy and execution, including a revised Property Cost Estimate (PCE) on any necessary interests

41/23

Demolition Framework 2023-2027.

Approval was sought to authorise the Director of Regeneration and Growth, in consultation with the S151 Officer, Director of Law & Governance-Monitoring Officer and the Cabinet Member for Regeneration & Growth, to commence procurement of contractors for a demolition framework agreement to undertake demolition works on council managed properties in accordance with the public procurement rules, the Council's procurement and contract procedure rules and financial regulations.

Reasons for recommendations

The Council operated a successful demolition framework agreement, this ended in March 2023. The new framework needed to be in place before the previous one ended to provide the Council with a continuity of demolition options and resources.

Alternative options considered

The alternative option to the demolition framework was that demolition projects would instead be undertaken individually and were procured on a project by project basis. This would result in the following:

- additional procurement costs;
- extended programme to appoint a contractor;
- inability to react quickly to urgent works;
- potential loss of income from external clients;
- loss of opportunity to develop close working relationship with specialist demolition contractor(s) and other local public sector bodies.

Resolved:-

- (1) that approval be given to authorise the Director of Regeneration and Growth, in consultation with the S151 Officer, Director of Law & Governance & Monitoring Officer and the Cabinet Member for Regeneration & Growth, to commence procurement of contractors for a demolition framework agreement to undertake demolition works on council managed properties in accordance with the public procurement rules, the Council's procurement and contract procedure rules and financial regulations;
- (2) that the Director of Regeneration and Growth be authorised to award contracts to the successful demolition framework contractors in accordance with Resolution (1) above.
- (3) that subject to Resolutions (1) and (2) above, the Director of Law and Governance & Monitoring Officer be authorised to enter into and execute under seal as may be required, any documentation in relation to the award of framework contract and/or other agreements with the procured contractor(s) as deemed necessary;
- (4) that any necessary exemption be made to the Council's Procurement and Contract Procedure Rules to enable the course of action referred to in Resolution (1) above to proceed.

Parking Enforcement Contract Exemption

Approval was sought to authorise the Director of Borough Economy to extend the contract to APCOA for a period until 30 June 2023 at a value of £994,510 to deliver Parking Enforcement Services representing an increase of £34,561 (3.6%) on the value for 2021/22 of £959,949.

Reasons for recommendations

Efforts to properly procure a new parking enforcement contract, with available internal resources and external commissions, over the last year had been unsuccessful. The scope of the contract requirements had changed and were dependent on the balance between in-house and contract provision, the best practice use of new technology, the adoption of new enforcement powers, confirmation of the approval of revised parking charges and the post pandemic stabilisation of parking demand. These factors were unforeseen at the outset.

The recommendations set out the approvals necessary to provide sufficient time to commission external subject matter expertise and capacity to develop the options and carry out potential procurement activity if required.

Alternative options considered

No suitable frameworks had been available and there had not been a positive response to the ITT for Consultancy Services that were sent out December 2021 to January 2022.

Resolved:-

- (1) that the Director of Borough Economy be authorised to extend the contract to APCOA for a period until 30 June 2023 at a value of £994,510 to deliver Parking Enforcement Services representing an increase of £34,561 (3.6%) on the value for 2021/22 of £959,949;
- (2) that the Director of Borough Economy be authorised to extend the contract to APCOA for a period from 1 July 2023 until 29th February 2024 at a value of £704,613 to deliver Parking Enforcement Services, equivalent to an increase of £6.3% on the value for the equivalent period in 2022/23;

- (3) that the Director of Borough Economy, in consultation with the Director of Finance, be authorised to extend, in the event of process delays, the contract to APCOA for a period from 1st March 2024 until 30th June 2024 at a value of £349,644 to deliver Parking Enforcement Services;
- (4) that approval be given to the procurement of a new four-year parking enforcement contract with provision for two, one-year extensions to include transferring the following staff from APCOA to the Council for the future in-house delivery of these services, at an annual value of approximately £200,000 and would reduce the scope of the new contract accordingly;

Service	Staff Transfer Numbers
First Line Notice Processing Officers	2
Notice Processing Supervisor	1
Bus Lane Enforcement officer (3 days per wk)	1
TRO Officer, Surveyor	1
Representation and Appeals Officer	1
Operations Supervisor	1

- (5) that any necessary exemptions be made under the Council's Contract Procedure Rules, the exception that we will use is a VEAT Notice to mitigate any risk to enable the course of action referred to in Resolutions (1), (2) and (3) above to proceed;
- (6) that any necessary exemptions be made to Council Policy or approved processes to enable the course of action referred to in Resolution (4);
- (7) that the Director of Law and Governance and Monitoring Officer be authorised to take any necessary actions to bring the proposals referred to in Resolutions (1) – (6) into effect.

Organisational Culture, Values and Behaviours

Approval was sought to adopt a new set of values and behaviours for Sandwell Council following the work that had taken place as part of the culture workstream within the Single Improvement Plan.

The Vice Chair of the Economy, Skills, Transport and Environment Scrutiny Board, on behalf of the Chair of the Budget and Corporate Scrutiny Management Board, requested further information on when, if ever, recorded meetings would be taking place between staff and their managers on a regular basis. Questions were also raised on how the Cabinet Member would ensure that the new organisation Culture, Values and Behaviours would be incorporated into the staff/manager meetings as well as the annual appraisal process.

The Cabinet Member for Finance and Resources confirmed that with the introduction of Oracle Fusion in April 2024, systems would be available to record meetings between employees and managers. This functionality would be explored as part of the development project work. However, consideration would need to be given as to whether it would be appropriate to record these types of meetings. The Culture, Values and Behaviours would be embedded into people management approaches including performance and development review processes.

Reasons for recommendations

The Council's organisational values and behaviours were central to customer experience and would both drive and be embedded through work on customer journey and around equality, diversity and inclusion.

Alternative options considered

There was no alternative option as this recommendation had been agreed as part of the Single Improvement Plan

Resolved:-

- (1) that approval be given to adopt the following set of values and behaviours for Sandwell Council following the work that has taken place as part of the culture workstream within the Single Improvement Plan:-
 - We are one team - united and working together with the shared purpose of achieving great results.

- We are customer focused– caring about providing the best possible public service.
- We are inclusive – treating each other with respect and knowing our diversity is our strength.
- We are ambitious – striving for excellence, always looking to get better and making sure everyone can take pride in our borough.
- We are accountable – delivering what we say we will.

44/23

Cape Primary School and Uplands Manor Primary School – Making significant changes (prescribed alternations)

Approval was sought to proposals to reduce the pupil admission number (PAN) of both Cape Primary School and Uplands Manor Primary School, Smethwick.

The Vice Chair of the Economy, Skills, Transport and Environment Scrutiny Board, on behalf of the Chair of Children’s Services and Education Scrutiny Board, asked if there were any plans to use the places/premises within the borough that were seeking to reduce their PANS to help with the growing number of places needed for children with Education and Health Care Plans (EHCPs).

The Cabinet Member for Children and Education confirmed that plans had been made through the Special Schools Place Planning Strategy to do so. As part of the initial discussion with each school that approached the Council seek a reduction in PAN, re-purposing of space for SEND was included as part of that dialogue.

Although not as a direct result of a falling roll, the Council had a recent example at Grace Mary Primary School, where focus provision had been extended through the re-use of surplus space. Uplands Manor Primary School had already expanded its focus provision to re-use surplus areas.

The Council would continue to support schools with additional resources who had the knowledge, expertise and skills to train staff, to enable an extension to, or form a new Focus Provision Unit/ Resource Base at their school.

ASD was the only one area of SEND that required additional specialist school place capacity. Officers were also looking to meet demand for extra support for children with a multitude of specialist needs.

Reasons for recommendations

The reduction in the Pupil Admission Number (PAN) would lessen the impact on the schools' budgets where the existing PAN was not being filled as the projected demand was considerably less than the PAN.

Alternative options considered

Do nothing and keep the PAN at their existing numbers – the Reception classes were not forecast to fill to their maximum, meaning the schools would not receive the maximum funding to enable the required classes per year group. There would be an expectation from the Local Authority that the schools could still take up to the maximum number of pupils throughout the whole intake year. This may have resulted in a high number of in-year allocations that could potentially require changes to class organisation during the school year which was detrimental to the pupils and the school.

Resolved that in connection with the proposed prescribed alterations to reduce the pupil admission number (PAN) of Cape Primary School, Cape Hill, Durban Road, Smethwick, B66 4SH and Uplands Manor Primary School, Addenbrooke Road, Smethwick, B67 6HT by a form of entry with effect from 1 September 2023 approval be given to:

- (1) publish the appropriate statutory proposals for each school;
- (2) delegate the decision for the prescribed alternations to the Director of Children's Services and Education, following completion of the statutory consultation period, and to request the School Adjudicator to make a final decision on the proposals to reduce the PAN's by a form of entry as the Authority has already determined its admission arrangements for those maintained schools for 2023/24 academic year.

Appointment of a non-executive director of Sandwell Children's Trust

Approval was sought to agree the appointment of Jane Bleach as non-executive director of Sandwell Children's Trust for a three year period from 1 March 2023.

Reasons for recommendations

The appointment of the previous non-executive director ended in February 2023. To ensure that the requirement for independent non-executive directors as set out in Article 13.1.4 of the Articles of Association for Sandwell Children's Trust (the Trust) was met, a recruitment exercise was undertaken.

Alternative options considered

The alternative option would be to reject the recommendation. However, in line with the Governance Side Agreement with the Department for Education (DfE) (which superseded the Memorandum of Understanding) and the Trust's Articles of Association, there would be a vacancy on the board that would still need to be filled. A new recruitment process would need to be undertaken which would leave a gap in the governance arrangements of the Trust for a period of time.

Resolved:-

- (1) that Cabinet, on behalf of the Council as the sole owner of Sandwell Children's Trust:
 - a) notes the completed sequence of events that are contractually required to appoint a non-executive director of Sandwell Children's Trust;
 - b) notes and takes into account in its decision-making, the response from the Secretary of State for Education; and
 - c) agrees the appointment Jane Bleach as a non-executive director of Sandwell Children's Trust for the period of 3 years from 1 March 2023.

Tree Strategy and Implementation Plan 2023 – 2028

Approval was sought to the adoption of the Tree Strategy and Implementation Plan 2023-2028.

Reasons for recommendations

The Tree Strategy refreshed the Council's approach to the protection, enhancement, and management of tree stock in Sandwell and aligned with practice in other authorities and national guidance.

Alternative options considered

There were no alternative options.

Resolved:-

- (1) that approval be given to adopt the Tree Strategy and Implementation Plan 2023 – 2028 as set out in Appendix A, including:
 - a) the Council's policy and approach to protecting, enhancing, and managing our tree stock in Sandwell;
 - b) the Council's policy and approach towards trees on private land;
 - c) the Council's policy and approach towards tree planting;
- (2) that the Assistant Director of Borough Economy be authorised to:
 - a) prepare a detailed action plan for the implementation of the Tree Strategy;
 - b) work with Climate Change colleagues and internal / external stakeholders to develop and implement a tree planting programme for the 2023 / 2024 planting season;
 - c) complete a baseline inspection of all trees on Council land within the red risk areas in the next 18 months, to comply with the inspection framework set out within the strategy;
 - d) work with finance colleagues to identify funds for the baseline inspection and subsequent red risk remedial works arising from this;

- e) prepare projections for the medium-term financial plan in relation to trees, following the baseline inspections, to meet the commitments set out within this strategy;
- f) submit a further report to Cabinet to consider on recommendations addressing Ash Dieback.

47/23

Improvement Plan Progress & Phase 2 Refresh

An update was received in relation to progress against the Improvement Plan up to 2 February 2023.

In response to questions from Scrutiny Chairs, it was highlighted that in contrast to previous unsuccessful attempts at recruiting to the children's to adults services project manager post, the most recent listing had gained interest. Work had progressed with additional resource from within the business. An outline business case had been refined with the Children's Trust and key external partners, and a governance structure had been agreed.

In relation to questions raised around the review into the SERCO contract, members were notified that officers would welcome the opportunity to present the report findings to the next available meeting of the Economy, Skills, Transport and Environment Scrutiny Board.

Reasons for recommendations

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

Alternative options considered

The Value for Money Governance Review was undertaken as part of the external auditor's role to provide assurance on the council's arrangements for securing economy, efficiency and effectiveness in its use of resources. As the report included statutory recommendations, the council had a legal obligation to respond appropriately.

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

Reviewing progress against the Improvement Plan enabled senior officers and members to have oversight of delivery, and take corrective action, as necessary. Alternative methods of monitoring progress could be adopted. The current monitoring method was regularly reviewed to ensure it remained fit for purpose and provided Leadership Team with the oversight they require.

Resolved:-

- (1) that progress against the Improvement Plan up to 2 February 2023 be received;
- (2) that the CIPFA FM Model Re-assessment Report be received;
- (3) that the responses to the recommendations and improvement points made in the Grant Thornton reissued Value for Money Governance Review Report, Grant Thornton Follow Up Review Report and the LGA Corporate Peer Challenge Progress Review be received;
- (4) that the Improvement Plan Risk Register as now submitted be received;
- (5) that details of changes to the Improvement Plan as a result of the follow-up external reviews and change to the Improvement Plan monitoring method be received;
- (6) that any recommendations or comments made by Budget and Corporate Scrutiny Management Board and the Audit and Risk Assurance Committee in relation to the Improvement Plan will be reported to a future meeting of the Cabinet.

Performance Management Framework – Q3 Monitoring

Approval of the Q3 monitoring reports was sought. An update was also provided in relation to the development of the Corporate Management Framework.

Reasons for recommendations

Council approved a corporate Performance Management Framework (PMF) on 12 April 2022, to address the recommendations of the Governance Value for Money Review by Grant Thornton and as a key element of the Council's Improvement Plan.

The corporate PMF had been further refined and built into business processes. The report on Q3 sought to build on the intelligence gathered for Q1 and Q2 and offered the opportunity to assess in year progress.

Alternative options considered

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

The council had various options on what type of performance management framework to establish. The Council's approach had been developed through understanding the needs of the organisation and drawing on best practice from other local authorities.

Resolved that that the progress on the further development of the Corporate Performance Management Framework be received and approval be given to the Q3 monitoring reports.

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.

Refurbishment of Alfred Gunn House

Approval was sought to increase the Housing Revenue Account (HRA) Capital Investment Programme Budget for completion of the major project at Alfred Gunn House.

Reasons for recommendations

As the projected total cost of the project has risen, compared to the original contract value, Cabinet approval was required in order to authorise the additional £9.997m to £11.254m spend from the HRA Capital Investment Programme.

Alternative options considered

The option to terminate the current contract and re-tender for the outstanding work had been considered by officers but had been ruled out on the basis that additional costs had already been incurred and there had been no significant breach of contract by the contractor that would entitle the council to terminate.

Resolved:-

- (1) that approval be given to increase the Housing Revenue Account Capital Investment Programme budget by an amount in the range £9.997m to £11.254m for completion of the major project at Alfred Gunn House, which includes the refurbishment of the block, new build flats within the block and new build homes in the vicinity of the block;
- (2) that the Director of Housing, in consultation with the Director of Finance, be authorised to remodel the Housing Revenue Account (HRA) Capital Investment Programme in order to accommodate the increased costs set out at Resolution (1);
- (3) that the Director of Housing, in consultation with the Director of Finance and the Director of Law and Governance and Monitoring Officer, be authorised to identify and implement the appropriate process for approving contract variations, in accordance with legal, financial and procurement procedures and advice;

- (4) that negotiations with the contractor, Seddon, be finalised in order to confirm the full and final costs of the Alfred Gunn House project, which shall not exceed £11.254m, and the completion date for the project;
- (5) that a review of contract performance and management on the Alfred Gunn House project be undertaken in order to learn the lessons and put more robust project and contract management in place for ongoing and future major complex projects of this type, and the review be reported to the Cabinet Member for Housing

Meeting ended at 4.45pm

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