

Minutes of Cabinet

**Wednesday 13 November 2024 at 3.30pm
in the Council Chamber, Sandwell Council House, Oldbury**

Present: Councillor Carmichael (Leader of the Council and Chair);
Councillor Allcock, S Gill, Hartwell, Hughes, Smith, Taylor and
Uddin.

In attendance: Councillors Fenton, E M Giles, J Giles and Jeffcoat.

Officers: Shokat Lal (Chief Executive); James McLaughlin (Assistant
Chief Executive); Alex Thompson (Executive Director -
Finance and Transformation); Alan Lunt (Executive Director –
Place); Sally Giles (Director of Children and Education
Services); Charmain Oliver (Interim Service Manager
and Deputy Monitoring Officer); Owen Roberts (Graduate);
Suky Suthi-Nagra (Democratic and Member Services
Manager) and Connor Robinson (Democratic Services
Officer).

111/24 **Apology for Absence**

An apology for absence was received from Councillor Moore.

112/24 **Declarations of Interest**

There were no declarations of interest made.

113/24 **Minutes**

Resolved that the minutes of the meeting held on 16 October
2024 are approved as a correct record.

Additional Item of Business – The Appointment of Chair to Sandwell Children’s Trust Board

Approval was sought for the appointment of the Chair to Sandwell Children’s Trust Board. Following the resignation of Rt Hon Baroness Jacqui Smith, a recruitment process was undertaken by the Department of Education (DfE). This was in line with the governance side agreement between the Council and DfE which had given the DfE the power to appoint a new Trust Board Chair in consultation with the Council.

The DfE had appointed Graham Archer to the role of Trust Board Chair. As the appointed individual they would, as a Non-Executive Director of the Trust, have a fiduciary duty to the Trust board, meaning that they would act in good faith, and in the best interests of Sandwell Children’s Trust.

The item was considered as a matter of urgency and as such the Chair of the Children’s Services and Education Scrutiny Board had been consulted and agreed to waive the 28-day notice, the 5-day meeting notice and the call-in provision so that the proposals could be implemented immediately.

Reason for Decision

Linda Sanders an Independent Non-Executive Director at the Trust had served as interim Chair for a temporary period following the resignation of Rt Hon Baroness Jacqui Smith.

The Council as sole owner of Sandwell Children’s Trust was required to appoint a Trust Board chairperson. Cabinet would act on behalf of the Council in respect of matters that were ‘reserved to the owner’.

Following the completion of the recruitment process, the Secretary of State, in line with their powers as outlined in the Governance Side Agreement between the Council and the DfE had agreed the appointment of Graham Archer as the Chair of the Trust Board.

To ensure that the Council fulfilled its obligation as detailed in the Sandwell Children’s Trust Articles of Association the Council was required to formally appoint the new chair.

In line with the Inspecting Local Authority Children's Services Framework a full inspection of children's service should take place before May 2025. Appointing the new chairperson as a matter of urgency would allow Graham Archer the sufficient time to familiarise himself with the Trust and prepare for the inspection. A delay in making the appointment may have caused a detrimental impact.

Alternative Options Considered

The alternative option would be to reject the direction of the DfE. However, the Council would then be in breach of the Governance Side agreement signed with DfE in March 2018.

Resolved that the Council, as the sole owner of Sandwell Children's Trust, agrees the appointment of Graham Archer as a Trust Board Chair of Sandwell Children's Trust.

115/24 **Private Rented Sector Medium Term Leased Accommodation**

Approval was sought for the Private Rented Sector Medium Term Leased Accommodation.

There were three aims for the service around managing demand and mitigating pressures:-

- reduce demand where possible;
- ensure the Council had the right profile of temporary accommodation which provided the best provision for both customers and the Council;
- reduce the need for temporary accommodation or length of stay where temporary accommodation was needed by securing suitable move on accommodation.

There were three additional projects or work streams in both the development and implementation phase which would further support the aim of reducing the use of temporary accommodation in general and in particular the use of expensive bed and breakfast.

Reason for Decision

The Council had a statutory responsibility to assist with homelessness prevention and relief as set out in the Homelessness Reduction Act 2017.

When households approached the housing solutions service requesting homelessness support, the service ensured robust

investigation and evaluation of all available options, including supporting the household to stay in their current home.

The housing solutions service had seen an unprecedented rise in demand for temporary accommodation; with 220 households as of November 2024 in this accommodation type, an increase of 61% on temporary accommodation usage from the same position in 2023.

The Housing Solutions service had successfully converted existing council owned stock into temporary accommodation. This included accommodation operational at Applewood Grove (2021), Manifolia Grange (2023) and Holly Grange (2024) which had contributed to mitigating the increasing numbers of households in bed and breakfast accommodation and saved an estimated £1.200m accommodation costs.

Alternative Options Considered

The Council had a statutory duty to provide emergency accommodation under certain circumstances. As many households present at crisis, it left little opportunity to prevent the homeless situation from occurring and, as a result, it was necessary to have access to emergency accommodation at very short notice. In addition, approaches could be received out of hours and therefore, there was a requirement to have access to emergency accommodation at all times.

The Council could make the decision not to explore the lease of private rented properties but this would result in the continued growth of financial pressures and the use of bed and breakfast for families over prolonged periods. This would bring the risk of successful legal challenges over use of bed and breakfast exceeding 6 weeks.

Resolved:-

- (1) that approval is given to authorise the Executive Director of Place in consultation with the Cabinet Member for Housing and Sustainable Development to tender for and award a contract to secure a new contract for a period of two years to secure up to 100 properties for use as medium term interim accommodation for families who are homeless and seeking a longer-term home, for a two-year period;
- (2) that authority is given to the Executive Director of Place to consult with the Sandwell Children's Trust as the trust

are required on occasion to provide temporary accommodation.

116/24 **Highway Winter Maintenance Operational Plan 2024-2025**

Approval was sought for the Highway Winter Maintenance Operational Plan 2024-2025. Road users and the wider community placed a high value on keeping traffic moving safely during periods of snow and freezing winter weather. Failure to do so could result in adverse economic and social impacts, public dissatisfaction and significant reputational damage.

The Council had a statutory duty within the Highway Act ‘to ensure, so far as reasonably practicable, that safe passage along a highway was not endangered by snow or ice’. The duty was not absolute, but decisions had to be taken on reasonable grounds with due care and regard to relevant considerations set out in best practice guidance, such as the Well Managed Highways code of practice.

Reason for Decision

To meet the statutory duty, winter service operations were carried out to prevent ice forming, melt ice already formed and remove snow accumulations by using ground rock salt which was stored at Taylors Lane Depot in Oldbury.

The Borough’s highways were the arteries of communities. They connect residents to employment, education, local services and indeed the wider world. They enabled economic growth, social mobility and were vital in ensuring good health outcomes, in particular, from the positive opportunities that they could bring from social inclusion and interaction.

It is vital to keep Sandwell’s highways operating safely and efficiently at all times, and an effective Winter Maintenance Plan was crucial to achieving this aim.

Alternative Options Considered

There was no recommended affordable alternative to mitigate the safety risks addressed by the Winter Maintenance Operational Plan 2024-25.

Resolved that approval is given to the Highway Winter Maintenance Operational Plan 2024-25.

Active Travel Fund Tranche 4 Extension: A4034 Cycle Route - Oldbury to Blackheath, Phase 1

Approval was sought for the Active Travel Fund Tranche 4 Extension: A4034 Cycle Route – Oldbury to Blackheath – Phase 1. The Blackheath to Oldbury cycleway would provide a dedicated cycle route from Oldbury Town Centre to Blackheath Town Centre along the A4034.

As part of Sandwell's Active Travel Fund submission, Phase 1 of the Oldbury to Blackheath route was approved for Government funding. Phase 1 ran from Oldbury Town Centre to Park Street along A4034 Churchbridge where it would join with a cycleway which would be provided as part of the major scheme at Birchley Island which was programmed to start construction in 2025. It would also serve the Park Street industrial area.

At the Oldbury Town Centre end of the scheme the cycle way would interface with a cycleway on A457 Oldbury Ringway which was currently under construction, and formed part of the wider A457 Oldbury to Birmingham corridor programme of works.

The scheme had the potential for a major shift towards cycling, walking, and improving public transport in the borough, whilst reducing reliance on private cars. It also provided interventions which supported sustainable access between Blackheath and Oldbury. The section had been prioritised for early delivery through Active Travel Fund Tranche 4 Extension. This was based on the scheme meeting criteria such as deliverability; compliance with local transport note 1/20 cycle design guidance; and proximity to large local centres thereby maximising benefits for local communities.

Reason for Decision

The Department for Transport (DfT) required all funded schemes to adhere to published design guidance, policies and plans otherwise the Department reserved the right to reduce, suspend or withhold future DfT grant payments to local authorities.

The Council in partnership with Transport for West Midlands submitted a bid to Government for Active Travel Fund Tranche 4 Extension funding for a cycling and walking scheme along the A4034 Churchbridge from Oldbury Ringway to Park Street in accordance with the funding guidelines which stipulated that only those schemes which aimed to deliver high quality, off road, segregated cycle lanes, new footways and pedestrian crossings in accordance with national cycle design standards would receive

funding. The scheme aimed to deliver the first phase of a high-quality cycle and pedestrian measures to improve accessibility by active modes would provide a cycleway from Oldbury Town Centre to Blackheath Town Centre along the A4034. The cycleway which would provide a route for cyclists along a key network which linked two of the towns which made up Sandwell Borough. The Council was successful in receiving the full funding requested to implement the scheme in accordance with the funding guidelines. The Funding Grant Agreement between West Midlands Combined Authority and Sandwell Council stipulated that the project should be completed by the 31 March 2026.

Alternative Options Considered

The options submitted for funding approval as part of the Active Travel Fund Tranche 4 Extension submission to Central Government had to be implemented.

Any alternative options would not be funded as part of the Active Travel Fund 4 Extension and there was a risk of funding being withheld should local authorities not meet the criteria set out in the funding guidelines and initial submission documents and proposals.

Resolved:-

- (1) that approval in principle be given to the proposed Blackheath to Oldbury Cycleway Phase 1 for the purposes of carrying out public consultation;
- (2) that any representations received in connection with Resolution (1) above be considered by the Cabinet Member for Environment and Highways in conjunction with the Cabinet Member for Regeneration and Infrastructure at a future Decision Making Session;
- (3) that the Cabinet Member for Regeneration and Infrastructure and the Executive Director – Place, in conjunction with the Section 151 Officer and the Monitoring Officer, be authorised to accept Active Travel Fund Tranche 4 Extension grants from Transport for West Midlands under the Terms and Conditions contained in the Grant Agreement;
- (4) that following public consultation, consideration of objections, and detailed design, a further report be received by Cabinet seeking approval to the final scheme design.

Brandhall Village - Delivery Strategy

Approval was sought for the Brandhall Village Delivery Strategy. The Brandhall site benefited from limited site constraints, was in single ownership, and was an attractive market location. In comparison to most other sites in Sandwell, it presented a significant opportunity to seek high standards development.

To progress the scheme successfully, it would be necessary to ensure the overall aspirations of the Council were clearly communicated, and that those who assist with the delivery of the individual elements were equally committed to achieving them.

Reason for Decision

Proposals for the development of Brandhall Urban Village had been progressed since the decision to close the former Golf Course in May 2020 (see Minute No. 36/20).

During July 2022, Cabinet confirmed its preference for the specific elements of the Brandhall Village scheme to comprise provision of a replacement primary school for Causeway Green Primary School, provision of 190 new homes, and the retention of the remainder of the site for a public park.

In November 2022, Cabinet reaffirmed its decision in July 2022 to retain 27ha of land on site as a public park and designated this as a Site for Local Importance for Nature Conservation, provide 2.78ha of land for the provision of a replacement school for Causeway Green Primary School, and release of 5.1 ha of land for the creation of 190 new homes, of which 25% were required to be affordable.

The Director of Finance, in conjunction with the Director of Regeneration and Growth, were requested to report back on the best funding strategy of the preferred option (including external funding if necessary), and to seek approval for inclusion in the capital programme (see Minute No. 147/22).

In the intervening period, consideration had been given to the standards to which the scheme should be built, how this could be delivered, and the anticipated requirement for funding, given the inter-relationship between the three elements of the project.

Alternative Options Considered

Do Nothing

Under the 'Do Nothing' scenario, the site would remain in its current

state as an inaccessible greenspace. This option was considered as one of the options for the future of the site at the Cabinet meeting of July 2022.

Given the Cabinet decision of July to deliver the new primary school, 190 new homes and a new park, and the ongoing maintenance and health and safety implications, the Do-Nothing option had been discounted.

Sell the site

An alternative option would be to sell the whole site to the best bidder. This would generate a capital receipt for the Council which could be used to assist delivery of other Council objectives. It was anticipated that, development of the site in its entirety would result.

The disposal of the site would generate a significant capital receipt. However, this would put at significant risk the Council's reputation for working with its local communities, taking their views into account, and delivering on the commitments it makes. The Cabinet confirmed its preferences for the site in its decision in July 2022 and its subsequent endorsement in November 2022. Therefore, an option which seeks to dispose of the site in its entirety was not considered as a suitable alternative to delivery.

Propose an alternative delivery method

Detailed consideration had been given to delivery methods and these were identified.

It was recommended that the most appropriate option for delivering the Brandhall scheme was to identify a suitable development partner who would share the Council's aspirations for the scheme and work in partnership to see the site's objectives delivered, and this was the proposed approach recommended for approval.

Resolved:-

- (1) that approval is given to the delivery of the Brandhall Village scheme which incorporates the following:
 - a circa 27 hectare Eco-Park,
 - a replacement school for Causeway Green Primary School which achieves a carbon zero/ carbon neutral accreditation (e.g. PassivHaus) accreditation.
 - the provision of 190 new homes delivered to a minimum of Energy Performance Certificate -

Grade A, of which a minimum of 25% will be for affordable provision.

- (2) that approval is given to delivery approach 'Option 3' as the most appropriate method for project delivery of the Brandhall Village scheme as set out in appendix 1;
- (3) that in connection with Resolution (1) above, approval is given to authorise the Executive Director – Place in consultation with the Cabinet Member for Regeneration and Infrastructure to approve the final masterplan for the EcoPark;
- (4) that approval is given to authorise the Executive Director – Place, in consultation with the Executive Director, Finance and Transformation and the Monitoring Officer/ Assistant Director - Legal and Assurance, to procure and award a contract for a development partner and to confirm the details of the transaction for the disposal of circa 5.1ha of land for housing delivery in accordance with the housing objectives identified in recommendation (1) and subject to the Disposal of Council Owned Land and Buildings Protocol;
- (5) that the Executive Director, Finance and Transformation is authorised to allocate £187,000 of capital resources to fund the demolition of the former Club House and the making good for future incorporation into the site proposals, subject to available funding being identified and a satisfactory capital appraisal being undertaken;
- (6) that the Executive Director – Place, in consultation with the Monitoring Officer/ Assistant Director – Legal and Assurance and the Executive Director - Finance and Transformation, be authorised to enter into any necessary legal agreements, submit any necessary planning applications/ agreements, undertake all necessary procurement processes (including entering into contracts for the provision of goods and services and any direct contract awards), undertake relevant community consultation relating to the scheme or its individual elements, and undertake/ exercise all other necessary actions/ powers to deliver the Brandhall Village scheme, including the demolition of the former Club House;

- (7) that the Executive Director, Finance and Transformation is authorised to allocate up to £613,000 to provide the capital funds required to support the delivery of the EcoPark, subject to available funding being identified corporately and a satisfactory capital appraisal being undertaken;
- (8) that the Executive Director, Finance and Transformation, in consultation with Cabinet Member for Regeneration and Growth, is authorised to increase capital funding allocated to the delivery of the park (detailed 1.6 above) within the approved delegation levels (max £1.0m) should it prove necessary once the park masterplan is finalised and final costs are understood, subject to available funding being identified corporately;
- (9) the Executive Director, Finance and Transformation is authorised to allocate revenue reserves of £310,000 to support the progression of the delivery of the project, including:
- agency and Legal support for procurement and disposal of 5.1ha of land for housing development.
 - progression of discharge of planning conditions relating to site wide viability and the need and use of the school playing fields.
 - preparation and submission of a Reserved Matters application for the Park proposals, including the associated supporting technical documents required.

119/24

School Teachers' Model Pay Policies 2024/25

Approval was sought for the School Teachers' Model Pay Policies 2024/25. The School Teachers' Pay and Conditions Document required schools and local authorities to have a pay policy which set out the basis on which they determine teachers' pay, the date by which they would determine teachers' annual pay review, and the procedures for determining appeals.

Schools and local authorities must stay within the legal framework set out within the School Teachers' Pay and Conditions Document

and in other relevant legislation, such as equality, employment protection and data protection legislation.

The School Teachers' Pay and Conditions Document had been consulted on with all key stakeholders as part of the Department for Education's normal statutory consultation process.

The revised arrangements for teachers set out in the 2024 School Teachers' Pay and Conditions Document, would come into force with effect from 1 September 2024. The purpose of the pay reform was to give schools and local authorities autonomy to attract, recruit and reward teachers through an increase in pay, which could act as an incentive for continuous improvement.

The flexibility within the School Teachers' Pay and Conditions Document allowed schools and local authorities to develop pay policies that were tailored to local circumstances. The policies had to be revised to reflect the statutory changes and to clarify the school's local authority's approach to making pay decisions.

Reason for Decision

The Department for Education issued the School Teachers' Pay and Conditions Document to local authorities on an annual basis. It placed 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 would determine teachers' pay, the date by which it would determine the teacher's annual pay review and to establish procedures for addressing teachers' grievances in relation to their pay.

The Model Policies had been subject to consultation with all appropriate trade unions in Sandwell.

The School Teachers' Pay and Conditions Document had limited changes for 2024 other than the removal of performance related pay and as such the Pay Policy was a general refresh only rather than representing wholesale changes.

Both policies were compliant with all appropriate employment legislation and with the 2024 School Teachers' Pay and Conditions Document and accompanying statutory guidance.

The September 2024 teacher pay award had been agreed nationally and the recommendation for Sandwell Council, in keeping with regional comparators for all teachers.

Alternative Options Considered

The Department for Education issued the School Teachers' Pay and Conditions Document. It placed a statutory duty on organisations employing teachers to have a pay policy in place by 1 September each year which set out the basis on which the employer would determine teachers' pay.

There were not any alternative courses of action available that would otherwise satisfy the requirements. Historical feedback had always suggested that the majority of schools still wanted a consistent pay spine produced by the Local Government Association for them across all the pay ranges.

Resolved:-

- (1) that the September 2024 Teacher Pay Award is agreed as 5.5 per cent uplift to all pay points and allowances for both teachers and leaders for all local authority-maintained schools with all pay uplifts backdated to 1 September 2024;
- (2) that the Unattached Teachers' Pay Policy 2024/25 is approved, and implemented by the Council, with effect from 1 September 2024;
- (3) that the Model Schools' Pay Policy 2024/25 is approved, and recommended to the Governing Bodies of Schools in Sandwell for adoption and implementation with effect from 1 September 2024.

Meeting ended at 3.47pm

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