

The Cabinet

**12th December 2018 at 3.30pm
at the Sandwell Council House, Oldbury**

Present: Councillor Eling (Leader of the Council - Chair);
Councillors Carmichael, Gavan, Hackett, D Hosell,
Khatun, Moore, Shackleton and Trow.

Apologies: Councillor Costigan.

In attendance: Councillors Ahmed, E M Giles, P Hughes, Rollins
and Underhill.

161/18 **Minutes**

Resolved that the minutes of the meeting held on 14th
November, 2018 be confirmed as a correct record.

Strategic Items

162/18 **Regional Adoption Agency Arrangements (Key Decision Ref.
No. SMBC04/12/2018)**

The Cabinet Member for Children's Services sought approval for the creation of a Regional Adoption Agency (RAA) - Adoption@Heart and for it to be hosted by Wolverhampton City Council.

The provision of an adoption service was a statutory requirement and the Council was required to monitor the provision of adoption services.

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The development of Regional Adoption Agencies (RAA) was part of the national regionalising adoption programme. All local authorities were expected to deliver their adoption services through an RAA by 2020 and funding had been provided by the Department for Education (DfE) to cover the costs of setting up these new arrangements.

Benefits were anticipated from the creation of an RAA such as the opportunity to improve practice and outcomes for children through innovation, and the efficiencies, such as a reduction in local authority expenditure on fostering placements (and practitioner time), and the quality of practice and outcomes.

Following Cabinet approval by the four local authorities (Sandwell MBC, Walsall MBC, Dudley MBC and Wolverhampton City Council), appropriate actions would be taken to transfer employees of each the local authority or Children's Trust to the City of Wolverhampton Council, under the Transfer of Undertakings (Protection of Employment) Regulations 2006, as amended by the Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 2014 ("TUPE"), thereby negating the possibility of any staff redundancies as a direct result of the transfer.

In order that Sandwell could move into the RAA arrangement, the DfE had confirmed that the Secretary of State had agreed a change in 'Direction' to Sandwell MBC that would enable the current contract with Sandwell Children's Trust to be amended. This constituted a 'major change' and the legal procedure would be enacted.

The local authority/Trust would continue to be directly accountable for high quality adoption services, would actively participate in the proposed governance arrangements and would continue to identify a named Responsible Officer for adoption services.

A formal consultation process with all affected staff and recognised Trade Unions and representatives would be led by the partner employers and supported by the RAA for all staff affected by the transfer. Sandwell's adoption services employees were employed by Sandwell Children's Trust; the Trust would liaise directly with the City of Wolverhampton Council on all TUPE matters and associated Trades Union consultations.

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In response to questions raised by the Chair of the Children's Services and Education Scrutiny Board, the Cabinet Member for Children's Services stated that:-

- it was envisaged that 4-5 full time equivalent posts would be affected by TUPE, however, he was awaiting final confirmation on numbers;
- there would no longer be a Sandwell specific Adoption Panel. A regional Adoption Panel would be established and current members of the 4 Black Country local authority Adoption Panels would be able to join the 'pool' of potential Panel members;
- the contract with Adoption@Heart had a number of schedules, one of which related to escalation and managing potential dissatisfaction through proposed governance arrangements;
- scrutiny arrangements in each local authority would be locally determined.

In response to questions raised by the Chair of the Budget and Corporate Scrutiny Management Board, the Cabinet Member for Children's Services stated that:-

- Sandwell Children's Trust was the employer of staff subject to TUPE and were responsible for ensuring that they were consulted and supported through the proposed change;
- there would be a Collaborative Agreement between the Trust and Adoption@Heart to enable those relationships to continue at an operational level;
- in relation to fostering and a likelihood of a joint agency arrangement extending to the Fostering service, this had not been discussed locally but was being considered at a national level;
- once a child was adopted, they were no longer deemed to be 'looked after' by the local authority.

Resolved :-

- (1) that the establishment of the Regional Adoption Agency (RAA) and its governance as a 'hosted' model be approved;

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- (2) that the DfE communication regarding the change in the 'direction' from the Secretary of State and the associated implications for the Council's current contract with Sandwell Children's Trust be noted;
- (3) that the City of Wolverhampton Council act as the host authority for the Regional Adoption Agency and the necessary technical delegation of functions to the City of Wolverhampton Council for the purpose of the Regional Adoption Agency be approved;
- (4) that the subsequent requirement for the TUPE transfer of adoption services staff from Sandwell Children's Trust into the City of Wolverhampton Council to work within the Regional Adoption Agency be noted;
- (5) that the proposed financial model and formula for funding contributions from the four local authorities be approved and the impact on the current financial arrangement between Sandwell MBC and Sandwell Children's Trust be noted;
- (6) that the proposed governance arrangements in connection with Resolution (1) above and the establishment of a Lead Members' RAA Board to enable Lead Members from the four Councils to collectively execute their corporate parenting responsibilities in respect of achieving good outcomes for children in care be approved;
- (7) that the Executive Director - Children's Services and the Executive Director - Resources, in consultation with the Cabinet Member for Children's Services and the Cabinet Member for Culture and Core Council Services make further decisions regarding the final arrangements for the establishment of the Regional Adoption Agency;
- (8) that the Director – Monitoring Officer, in consultation with the Executive Director - Children's Services and Executive Director - Resources, enter into and authorise all necessary deeds, contracts and other related documents to implement the Resolution (1), (2), (3), (4), (5), (6) and (7) above.

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163/18

Procurement: Demolition Framework 2018 – 2022 (Key Decision Ref. No. SMBC20/06/2018)

The Cabinet Member for Culture and Core Council Services sought approval to appoint three specialist demolition contractors to a four year demolition framework. The framework sought to reduce cost and time for the demolition of individual council owned properties, as well as allowing income generation from external partners.

Works included:-

- Old Gas Showrooms, West Bromwich - including reclamation works for the Black Country Living Museum;
- Shaftesbury House, West Bromwich;
- Ashleigh Road, Tividale;
- Woods Lane, Cradley Heath – including demolition and site reclamation;
- Grove Lane, Smethwick – demolition, clearance and reclamation of the site for the new Midland Metropolitan Hospital for Sandwell and West Birmingham NHS Trust;
- Pensnett School, Brierley Hill for Dudley Metropolitan Borough Council;
- Mahoe Centre, Dudley for Dudley Metropolitan Borough Council.

The Council received competitive tenders from relevant and appropriately experienced organisations to undertake demolition of buildings and associated works.

The three most economically advantageous tenders were as follows:-

- Coleman & Company Ltd
- AR Demolition Ltd
- City Demolition Contractors (Birmingham) Ltd

The Framework Agreement was made available for use by Sandwell MBC internal Directorates, Wolverhampton City Council, Birmingham City Council, Dudley Metropolitan Borough Council, Solihull Metropolitan Borough Council, Coventry City Council and Walsall Metropolitan Borough Council and the Sandwell and West Birmingham Hospitals NHS Trust, subject to Access Agreements being completed by the relevant public body.

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Historically, the volume of works delivered through similar frameworks amounted to approximately £4m per annum. The works ranged in size from rows of garages to high-rise demolition projects and orders could range in value between £1,000 and over £1,000,000 depending on the extent, location and nature of the works. Works could be located in relative isolation or within a built up environment.

Resolved:-

- (1) that the Executive Director – Neighbourhoods, in consultation with the Executive Director – Resources appoint Coleman & Company Ltd, AR Demolition Ltd and City Demolition Contractors (Birmingham) Ltd to the Demolition Framework to undertake demolition and emergency work to council owned and partners' properties;
- (2) that in connection with Resolution (1) (above), the Director – Monitoring Officer enter into, or execute under seal, any documentation in relation to award of the framework contracts and/or other agreements with Coleman & Company Ltd, AR Demolition Ltd and City Demolition Contractors (Birmingham) Ltd, as may be deemed necessary.

164/18

Extension to Local Authority Partnering Arrangements for Delivery of Non-Housing Property Repairs and Maintenance 2022 (Key Decision Ref. No. SMBC09/12/2018)

The Cabinet Member for Culture and Core Council Services sought approval to extend partnering arrangements via Solihull MBC framework, for the delivery of non- housing property repairs and maintenance for a further year whilst the Council considered future delivery options.

The original agreement period was four years from 1st April 2015. The additional option to extend for one year had already been exercised. The current contractual agreement with Solihull MBC to provide repairs and maintenance to non-housing property was due to end in March 2019.

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A further review of the function delivered by the service area was on-going. The additional one year extension to the contract would enable continued delivery of non-housing property repairs and maintenance and specifically compliance works as part of the contract. This would allow further extensive work to be undertaken to provide options for the future delivery of the service provision moving forward.

To mitigate any potential risks and dependencies it was recommended that engagement was subject to a new, lighter touch, Service Level Agreement in relation to the access only arrangement to Solihull's nominated framework contractors.

The Chair of the Safer Neighbourhoods and Active Communities Scrutiny Board stated that, in investigating 'future delivery options', it seemed to imply innovative thinking yet the standard procurement programme and timeline outlined within the report was the 'standard' going out to tender, rather than using an existing framework agreement.

The Cabinet Member for Culture and Core Council Services stated that the intention was to consider a number of options which would be discussed with members in the New Year. Further options would take into account delivery models currently available but with the intention to consider variations that may provide greater benefits, such as social value. The time line was standard at the initial stage and standard in format, however, there was a period of slippage built in should the Council need longer to decide upon the best course of action based on the options appraisal.

Resolved:-

- (1) that the current contractual arrangements for the delivery of non-housing property repairs and maintenance be extended via Solihull MBC's framework for a period of 12 months to 30th March 2020;
- (2) that in connection with Resolution (1) above, the Director – Monitoring Officer, in consultation with the Director – Regeneration and Growth, enter in to and sign Service Level Agreements for access arrangement only to Solihull MBC's framework arrangements for non-housing repairs and maintenance works;

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- (3) that in connection with Resolution (2) above, the Director – Monitoring Officer confirms and extends legal and contractual arrangements for accessing property repairs and maintenance works via the partnering contracts procured by Solihull MBC;
- (4) that any necessary exemptions to the Council's Procurement and Contract Procedure Rules be made to enable the course of action referred to in Resolution (1), (2), (3) and (4) above to proceed;
- (5) that the Director – Regeneration and Growth, in consultation with the Cabinet Member for Culture and Core Council Services and the Executive Director – Resources, undertake a review of service delivery of non-housing repairs and maintenance to include a relevant procurement exercise.

165/18

Council Tax Base 2019 – 20 (Key Decision Ref. No. SMBC01/12/2018)

The Leader of the Council presented the proposed council tax base 2019 – 2020.

The council tax base represented the amount that could be raised by the Council for every £1 of council tax that was levied in the Borough.

The tax base was calculated in accordance with the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012.

The regulations set out the methodology to be used by authorities when calculating their tax base for council tax purposes.

It also dictated that the tax base should be set between 1st December and 31st January prior to the financial year to which it referred.

A number of changes were being proposed to the scheme. Details of the Local Council Tax Reduction Scheme would be contained within the Local Council Tax Reduction Scheme report to Cabinet on 9th January 2019.

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For the purposes of calculating the Council Tax Base for 2019-20, it was assumed that the proposed changes would be made to the Council Tax Reduction Scheme. The council tax base for 2019-20 had been calculated as 74,899.81.

On 4th December 2012, the Council resolved to remove council tax exemptions on empty properties during the initial six months and also introduced an empty home premium of 150% for homes empty longer than two years. These changes were introduced from 1st April 2013.

Legislation had now been passed which would allow for an empty home premium of 200% from 1st April 2019 for homes empty for over two years; this would be included in the council tax award of discount policy report to Cabinet in February 2019. This would result in an increase in the amount of collectable council tax which had been taken into account when setting the council tax base for 2019-20.

The adjusted Band D equivalent had to be reduced to reflect any anticipated losses on collection. Experience had shown that a 99% collection rate was achievable.

The following showed the adjusted council tax base for 2019/2020 at a collection rate of 99%:

<u>Collection Rate %</u>	<u>Tax Base</u>
99	74,150.81

The actual levels of council tax for 2019-2020 would be dependent upon final decisions yet to be taken on both Sandwell budgets and those of the precepting bodies, together with consideration of any surplus or deficit on the Collection Fund.

In response to questions raised by the Chair of the Economy, Skills, Transport and Environment Scrutiny Board, the Leader of the Council confirmed that:-

- there were 370 properties that had been empty for two or more years and the empty home premium of 200% would apply to all of these properties from the 1st April 2019;

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- the intention of the premium was to reduce the number of long term empty homes in the borough. When the empty homes policy was reviewed, this would be taken into account.

Resolved to recommend to Council:-

- (1) that the council tax base for 2019-2020 be set at 74,150.81;
- (2) the Executive Director – Resources adjust the council tax base as required following approval of the 2019-2020 Council Tax Reduction Scheme by Council on 16th January 2019.

166/18 **Business Rates Retention Forecast 2019 – 20 (Key Decision Ref. No. SMBC03/12/2018)**

The Leader of the Council sought approval to the Business Rates Retention yield retention forecast for 2019 – 20.

There was a statutory requirement placed on all collection authorities to calculate how much business rates income each authority was likely to receive for the coming financial year.

The National Non Domestic Rate (NNDR1) 2019-20 form (representation the estimated business rates expected to be collected by the Council in the following year) was yet to be received from the Ministry of Housing, Communities and Local Government (MHCLG), assumptions regarding the information were considered and the final estimate was therefore made.

All commercial property was revalued with effect from 1st April 2017.

In the Budget 2016, the Government committed to piloting approaches to 100% Business Rates Retention in London, Manchester and Liverpool from as early as 1st April 2017. The West Midlands Combined Authority agreed to take part in the pilot from April 2017.

The Leader of the Council confirmed that Sandwell would continue to take part in the 100% Business Rates Retention Pilot and would retain 99% of business rates collected for 2019-20.

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The business rate multiplier would go up by 2.2% making a figure of 49.0 pence. The financial impact of this would be funded through the Section 31 grant.

Resolved:-

- (1) that, subject to any changes arising from the issue of the National Non Domestic Rate (NNDR1) form by the Department for Communities and Local Government and Autumn Statement announcements, the business rate retention forecast for 2019-2020, based on 99% Business Rates Retention be set at £98.57m;
- (2) that the Executive Director - Resources adjust the estimate to take account of any required changes arising from the issue of the National Non Domestic Rate (NNDR1) form, Spending Review, Budget Statement announcements and funding arrangements for Business Rates Retention Pilots.

167/18 **Quarter 2 Budget Monitoring (Key Decision Ref. No. SMBC08/12/2018)**

The Leader of the Council presented details of the Quarter 2 Budget Monitoring summarising the financial position of the Council at the end of September 2018.

At a directorate level, excluding Public Health and the Housing Revenue Account, the council was forecasting a year-end surplus of £4.171m.

In addition, there was a projected year-end surplus against Public Health of £1.530m. This was a ring-fenced grant and was therefore required to be carried forward into 2019/20.

The forecast outturn for individual directorates assumed that a total of £5.717m of corporate resources would be used to support expenditure. This meant that the projected year-end deficit for the council as a whole was projected to be £1.546m.

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Approval was now sought to a number of revenue virements above £0.250m between service areas.

The Council had several budgets that were held centrally and classified as Central Items. This was due to the nature of these budgets which was not within the control of a specific directorate. The forecast outturn against these budgets was a surplus of £0.050m. At the end of 2016/17, a total of £24.303m was held in earmarked reserves. It was forecast that £1.108m of these reserves would be used during 2018/19 leaving a remaining balance of £23.171m at the end of the financial year.

The Housing Revenue Account is forecasting a year-end surplus of £0.300m.

The Leader of the Council was pleased at the overall good budget at a time of pressurised local government finances. He stated that despite the local government finance settlement yet to be published, officers were able to work out, subject to a few tweaks, the figures which formed the base of the report.

He further stated that the budget balanced a small surplus, however, some corporate resources were being put into Children's Services and a strong relationship with Sandwell Children's Trust was critical.

Resolved:-

- (1) that the financial monitoring position of individual directorates and the Housing Revenue Account (HRA) as at 30th September 2018 (quarter 2 2018/19) be received and referred to the Budget and Corporate Scrutiny Management Board for consideration and comment;

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- (2) that the current financial position for the Council, as set out below, be noted: -

Directorate	Projected (Surplus) / Deficit
	£000
Corporate Management	0
Resources	34
Adult Social Care	(4,272)
Regeneration & Growth	(233)
Housing & Communities	123
Children's Services	227
Total Net Service Expenditure	(4,121)
Central Items	(50)
Total Net Service Expenditure (including Central Items)	(4,171)

The above figure excludes the use of corporate resources by service areas. When this is included, the overall position is a projected deficit of £1.546m;

- (3) that the following requested budget virements above £0.250m between directorates be approved: -

	DR £000	CR £000
Adults		
Transfer of Passenger Transfer Unit from Childrens Services	904	
Children's Services		
Transfer of Passenger Transfer Unit to Adults		904
	904	904

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- (4) that the adjustments to budgets for the following additional grants that have been received since the original 2018/19 budget was set be approved: -

Directorate	Grant Details	Amount (£000)
Resources	Individual Electoral Registration	47
		47

- (5) that the following proposed uses of surpluses/deficits be approved: -

Adults	£000
Forecast surplus be carried forward to 2019/20 to assist in the management of projected budget pressures	1,400
Balance of the forecast surplus to be carried forward to 2020/21 to assist in the management of additional budget pressures	2,872
Total	4,272
Housing & Communities	£000
Contribute towards Transforming Local Services shortfall	850
Total	850
Public Health	£000
Forecast surplus be carried forward to 2019/20 to manage the cumulative impact of year on year reductions in the Public Health Grant.	1,359
Balance of the forecast surplus to be carried forward to 2020/21 to assist in the management of the reductions in the value of the Public Health Grant	171
Total	1,530
HRA	£000
Transfer to balances to fund ongoing capital investment	300
Total	300
Regeneration & Growth	£000

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Carry Forward to 2019/20 to support directorate priorities	233
Total	233
Resources	£000
Reduce existing approved carry forward	(34)
Total	(34)

- (6) that details of the performance of the treasury management function for the first 6 months of 2018/19 and prudential indicators be received.

168/18 **Proposed new Social Care and Health Centre, Rowley Regis (Key Decision Ref. No. SMBC05/12/2018)**

The Cabinet Member for Social Care sought approval to proceed with the completion of a detailed building and service specification, in partnership with Sandwell and West Birmingham Clinical Commissioning Group and NHS Trust, for the design, build and equipping of a new purpose-built specialised Social Care and Health Centre, at Harvest Road in Rowley Regis.

At its meeting on 29th March 2018, the Sandwell Health and Wellbeing Board gave its agreement and support to formally scope-up the long-term options to provide integrated social care and health centres in Sandwell. This was in response to three main strategic challenges: to help deliver sustainable progress on Delayed Transfers of Care (DTC) performance; provide more effective step-up/hospital admission prevention services; and aim to commission a minimum required level of short-term, bed-based intermediate care (IC) throughout the year rather than in “peaks and troughs” according to winter pressures reactions.

The anticipated value of the contract was £2million (£500,000 per annum) for a period of four years.

Sandwell was stated as being the best performing local authority in the West Midlands (consisting of 14 local authorities) in terms of lowest DTCs per 100,000 population, since September 2017.

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Based on the latest comparable validated information, Sandwell was the fourth best-performing area in the country.

An immediate outcome from this was for the Better Care Fund to fund a minimum of 76 enhanced assessment beds for the next two years – these being only those beds commissioned by the Council from the independent sector and essentially a social care-led model of intermediate care and support.

In the longer-term, subject to more detailed justification and other work, it was also envisaged there would be a need for at least one new social care and health centre, providing up to 80 ensuite beds/flats, fully integrated with modernised/rationalised out-of-hospital care pathways and new ways of working, along with a second centre of up to 60 further beds. The justification/business case for a second more health-based intermediate care centre was connected to the business case for the Midland Metropolitan Hospital and supporting developments.

As a result of partnership decisions made and direction already given, together with clear national and local comparisons of need, demand and performance, and forward projections of these, that there was a strong case for proceeding apace with at least one new purpose-built, integrated Sandwell Social Care and Health Centre providing social care-led short-stay care and support for approximately 80 people – even if we were able to effect a significant shift to a higher proportion of home-based intermediate care provision, as was the partnership intent.

Four options had been considered for the future development and provision of Sandwell bed-based intermediate care, as follows, with a summary of the respective advantages and disadvantages of each option. A number of sites in the ownership of the Council had been considered in relation to options 2-4, and it proposed that the land at Harvest Road, Rowley Regis, currently known as the Knowle site, be used, based on these main reasons:-

- location: close to Rowley and Russell's Hall Hospitals, with good transport links and easy access;
- planning permission for a similar type and size of facility was granted in January 2015 involving successful, positive consultation with over 50 neighbouring local residents – although that permission expired after three years due to failure to build;

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- an extensive appraisal was carried out in the local area and there were no other sites available capable of accommodating a building of this size.

Option 1 - Do nothing - dispose of the site on the open market and continue to commission intermediate care from local care homes

Option 2 – the Council to design, maintain and staff up a new Social Care and Health Centre on the site

Option 3 - the Council to design and maintain the Centre and the NHS or an independent sector care provider to provide the care and manage the Centre

Option 4 - Commission an external partner to design, build and operate the Centre

It was stated that based on the above summary of the detailed Council capital project appraisal submitted to and supported by the Strategic Investment Unit, option 2 was recommended as the most viable and consistent with the Council's ambitions and top priorities. The option afforded the Council to have optimum direct control and assurance over: the design, building, fitting and equipping of the special Social Care and Health Centre, in the shortest possible timescale .

The Chair of the Health and Adult Social Care Scrutiny Board enquired whether given uncertainty of funding through the Better Care Fund, was the prudential borrowing not a risk, with it being funded over 20 years?

The Cabinet Member for Social Care responded stating that there had been no announcements about the level of Better Care Fund resources beyond 2019 – 20. Whilst the proposed 20 year project represented a risk, the risks linked to the cost of prudential borrowing were relatively small compared to the impact of a loss of £41million from the Health and Social Care system if the Better Care Fund were to cease. The proposed borrowing represented approximately 31% of the build cost of the new centre and in a worst case scenario, it was anticipated that the sale of the asset would generate sufficient receipts to repay the borrowing.

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The Chair of the Budget and Corporate Scrutiny Management Board enquired as to whether the Council was looking to lead the way, in terms of future proofing, the integration of artificial intelligence (AI) and robotics and cited the example of Bradford City Council working on a project to use AI in Adult Social Care and using funding from the LGA. The Cabinet Member for Social Care stated that the Council would be exploring all opportunities to implement technology including AI and robotics using the new Knowle development. Officers would explore current innovation and best practice and ensure it was incorporated in the design specification.

Resolved:-

- (1) that the Executive Director – Adult Social care, Health and Wellbeing investigate fully option 2, and the detailed implications of this, of the four options considered for the future of social care-led bed-based intermediate care provision in Sandwell – the building of a specialist 80-bed integrated Social Care and Health Centre at the Knowle site, Harvest Road, Rowley Regis, with the Centre to be managed and staffed by the Council;
- (2) that the completion of a detailed building and service specification for this service be approved, in partnership with the Sandwell and West Birmingham CCG and NHS Trust, and the seeking of necessary planning permission to proceed with this development.
- (3) that the following financial adjustments to support the proposed development be approved:
 - the transfer of £6million from the 2018/19 Better Care Fund (BCF) to the capital programme as a Revenue Contribution to Capital Outlay (RCCO);
 - the redirection of £0.823million from historic projects within the Adult Social Care capital programme; £0.714million from Extra Care Development and £0.109million from the Campus Closure project;

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- a capital allocation of £3.177million to fund the balance of the development costs with the prudential borrowing to be repaid from BCF revenue budgets over a 20-year period;
- (4) that in connection with Resolution (1) above, the Executive Director – Adult Social Care, Health and Wellbeing submit further reports detailing the full implications of option 2 as a preferred delivery model and the recommended procurement process will follow;
- (5) that in connection with Resolution (1) above, the following action points identified within the appraisal report be implemented to reduce any risk to the Council:
- ensure long term strategic planning is undertaken to manage potential future reductions in government funding for social care and to ensure that the operational costs of the facility can be managed within available resources;
 - determine contractual arrangements for nursing staff in order to identify both short term and long term financial implications to the Council;
 - that the project delivery programme is reviewed to ensure that potential delays due to required planning conditions can be accommodated without impacting on delivery timescales and that contingency plans are in place should completion of the scheme be delayed;
- (6) that a nominated officer is identified to ensure that the project can be effectively evaluated and reported to appropriate partners.

169/18

Restructure of Regulatory Services (Key Decision Ref. No. SMBC04/03/2018)

The Leader of the Council, in the absence of the Cabinet Member for Public Health and Protection, sought approval to the restructure of Regulatory Services as the basis for consultation with employees and trade unions.

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The redesigned structure sought to place an emphasis on the delivery of services and the range of powers the Council had available to protect both residents and people working in the borough from the risk of harm and deception which were prevalent in modern society.

The focus of restructuring the service area centred around the following key objectives:

- delivering a range of co-ordinated services which were better equipped to respond to changing demands and local needs;
- aligning the management and staffing structure to support the delivery of both the 2030 Vision and priorities of the wider Prevention and Protection and Adult Social Care, Health and Well Being directorates;
- ensuring the right resources were in the right place to meet the Council's statutory obligations, the expectations of elected members and the expectations of local residents both now and in the years to come;
- delivering services that were affordable and exploring opportunities to generate income where it was appropriate to do so.

For many years, the main focus of the teams which had made up Regulatory Services had been to promote and enforce regulatory compliance across the borough.

The challenges they had now had to respond to had become more acute; a rise in activities such as fly tipping, unauthorised encampments, criminal landlords and sales of illegal alcohol and tobacco meant services needed to be more mobile, responsive and joined up in order to take the necessary enforcement action required to protect Sandwell residents.

Providing an appropriate level of response to a significant proportion of this change in activity in the short term had resulted in the temporary establishment of the Environmental Enforcement Team which had proved to be successful in providing an immediate response to issues which posed an immediate environmental risk.

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The introduction to the service area of the Boroughwide Patrolling Service (now known as the Environmental Protection Team) and Taxi Licensing had also served to increase the range of powers, local intelligence and information that were available across the service area. This increased the potential for activity to be co-ordinated more effectively to respond to the changing needs and demands of service stakeholders, as well as increasing the potential opportunities to engage in more effective partnership working to respond to local priorities.

Therefore, the rationale behind restructuring the service area focussed on co-ordinated activity, local intelligence and information more effectively to ensure that services were more responsive to the immediate risks people faced, and operational service delivery was focused on utilising the range of skills, abilities and legislative powers available to effectively protect the physical environment and people of Sandwell

The collective focus for the restructured service area would be delivering a range of services which engaged effectively with local partners and support the delivery of the 2030 vision through the protection of citizens and consumers who lived, worked and socialised within the borough.

In response to questions raised by the Chair of Budget and Corporate Scrutiny Management Board, the Leader reassured members that the specialist knowledge required to deal with the wide range of activity, such as noise and empty homes, would be retained. Job Descriptions and Personnel Specifications had been designed to ensure that requisite skills and knowledge remained within the structure, whilst also allowing for improved co-ordination of service delivery and deployment of resources to respond to both the current and emerging threats facing Sandwell residents.

In relation to the dotted line on the proposed structure as detailed within the report, the Leader confirmed that the dotted line denoted that this activity, and the staffing resources required to deliver it, would be transferred to the Public Health directorate. As an authority, the Council would be retaining the staffing resource to address issues such as air quality and contaminated land, however, as these issues also had an impact on people's long term health, transferring them to a Public Health would ensure that a more co-ordinated and effective response to the challenges the Council would face in the future.

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Resolved:-

- (1) that the modernisation of the Regulatory Service area by moving the primary focus of the service from monitoring regulatory compliance towards delivering a range of co-ordinated services which seek to protect both people who live and work within the borough and the natural environment which surrounds them be supported;
- (2) that the revised structure for Regulatory Services be approved as the basis for consultation with employees and trade unions;
- (3) that subject to the outcomes of consultation referred to in Resolution (2) above, and to the Executive Director - Adult Social Care, Health and Wellbeing and the Director - Prevention and Protection being satisfied that there are no significant issues arising, the revised structure for Regulatory Services be approved with effect from 1st April 2019;
- (4) that in connection with Resolution (2) and (3) above, in order for the new structure to take effect:-
 - (a) the following posts within Regulatory Services be deleted with effect from 1st April 2019:-

Role	FTE	Grade
Licensing Manager	1	Grade H
Senior Licensing Enforcement Officer	1	Grade F
Licensing Officer	3	Grade D
Licensing Officer (Taxi)	1	Grade C
Environmental Health Manager	1	Grade J
Group Environmental Health Officer	2	Grade H
Senior Environmental Health Officer	4	Grade G
District Environmental Health Officer	13.28	Grade F
Health and Safety Officer	1	Grade F
Scientific Officer CL	1	Grade F
Domestic Noise Supervisor	1	Grade F
Animal Health, Welfare & Disease	0.14	Grade E

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Control Officer		
Technical Officer	3	Grade E
Domestic Noise Officer	1	Grade E
Trading Standards Manager	1	Grade J
Area Trading Standards Officer	2	Grade H
Senior Trading Standards Officer	3.55	Grade G
Trading Standards Officer	7.66	Grade F
Assistant Trading Standards Officer	1.68	Grade D
Corporate Action Co-ordinator	1	Grade J
Waste Compliance Officer	3	Grade D
Senior Urban Renewal Officer	1	Grade H
Urban Renewal Officer	7	Grade F
Property Intervention Officer	0.86	Grade F

(b) the following posts be created within Regulatory Services with effect from 1st April 2019:-

Role	FTE	Grade
Operations Manager - Licensing	1	Grade I
Licensing Supervisor	2	Grade G
Senior Licensing Officer	1	Grade F
Licensing Officer (General)	4	Grade C
Business Manager - Citizen & Consumer Protection	1	Grade J
Citizen & Consumer Protection Team Manager	2	Grade H
Senior Regulatory Compliance Officer	4	Grade G
Regulatory Compliance Officer (EH)	12.72	Grade F
Regulatory Compliance Officer (TS)	9.22	Grade F
Licensing Enforcement Officer	3.72	Grade E
Regulatory Compliance Assistant	2.68	Grade D
Business Manager - Environmental Protection & Enforcement	1	Grade J
Senior Environmental Enforcement Officer	1	Grade G
Environmental Enforcement Officer	4	Grade F
Pest Control Co-ordinator	1	Grade E
Environmental Rapid Response Operative	2	Grade D
Citizen & Consumer Protection	1	Grade H

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(Accommodation) Team Manager		
Citizen & Consumer Protection Officer (Accommodation)	7.86	Grade F
Environmental Improvement Officer	5.81	Grade F

- (5) that in connection with points Resolution (2) and (3) above, the Executive Director - Adult Social Care, Health and Wellbeing and the Director - Prevention and Protection in accordance with the Council's Human Resources policies and procedures:-
- (a) commence the appointment process as set out in this report as soon as possible after formal consultation ends, in order to move staff into the new structure;
 - (b) continue engagement with staff and trade unions;
 - (c) explore redeployment opportunities, via the Jobs Promise, for post holders holding posts displaced within the structure and place the post holders on the At Risk register;
- (6) that, in the event there are any issues arising from the consultation process on the revised structure deemed to be significant by the Executive Director - Adult Social Care, Health and Wellbeing and Director - Prevention and Protection a further report be submitted to Cabinet;
- (7) that following the implementation of the new structure, the service area is rebranded as Protection Services which will replace the current Regulatory Services identity.

Business Item

170/18

Minutes of the Meeting of the Cabinet Petitions Committee held on 29th November, 2018 (Key Decision Ref. No. SMBC04/11/2018)

The minutes of the Cabinet Petitions Committee held on 29th November 2018 were received.

No questions were asked of Cabinet Members.

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171/18 Recommendations Arising from Scrutiny Boards

The Chair of the Budget and Corporate Scrutiny Management Board presented the recommendations made by the Budget and Corporate Scrutiny Management Board, the Safer Neighbourhoods and Active Communities Scrutiny Board and the Health and Adult Social Care Scrutiny Board between October and November 2018.

Consideration was now given to the recommendations of the Scrutiny Board.

Resolved that the following recommendations of the Budget and Corporate Scrutiny Management Board, the Safer Neighbourhoods and Active Communities Scrutiny Board and the Health and Adult Social Care Scrutiny Board be accepted and the following Directors be requested to submit a further report to the Cabinet responding to the recommendations of the Scrutiny Board, within two months, setting out any approved recommendations and how they will be implemented:

Budget and Corporate Scrutiny Management Board:

- (1) that the Director – Housing and Communities undertake a council-wide piece of work to ensure that an appropriate multi-disciplinary response is made and that there is better utilisation of both Council and private sector properties to tackle the increase in homelessness in the Borough;
- (2) that the Director – Education, Skills and Employment undertake an in-depth piece of work to determine where savings can be made on school transport for children with special educational needs, including exploring opportunities for joint working with other local authorities;

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Safer Neighbourhoods and Active Communities Scrutiny Board:

- (3) that the Executive Director – Resources give consideration to introducing appropriate incentivisation for new tenants to set up Direct Debits to pay their rent at the time of taking up a Council tenancy;
- (4) that the Executive Director – Resources encourage Council tenants who pay their Council Tax by Direct Debit to also pay their rent by the same method;
- (6) that the Executive Director of Children’s Services liaise with Sandwell Children’s Trust requesting them to work with the Council’s Housing and Communities Directorate to register looked after young people for Council housing at the age of 16 in order to facilitate a smoother transition to becoming care leavers and to secure independent, sustainable tenancies.

(Meeting ended at 4.20 pm)

This meeting was webcast live and is available to view on the Council’s website (<http://sandwell.public-i.tv/core/portal/home>).

Contact Officer: Andrew Grant Democratic Services Unit 0121 569 3040
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