

**The Cabinet**

**18<sup>th</sup> April, 2018 at 3.30 pm  
at the Sandwell Council House, Oldbury**

**Present:** Councillor Eling (Chair);  
Councillors Carmichael, Costigan, Hackett,  
D Hosell, Khatun, Moore and Trow.

**Apologies:** Councillor Shackleton;  
Councillor Hickey.

**In attendance:** Councillors Edis, E M Giles, P Hughes and Underhill.

54/18

**Minutes**

**Resolved** that the minutes of the meeting held on 21<sup>st</sup> March, 2018 be confirmed as a correct record, subject to an amendment to resolution (2) of Minute No. 52/18 (Consultation Outcomes and Submission of Mayoral West Midland Combined Authority Governance Scheme for the West Midlands Fire Service) as follows:-

- (2) that the submission of the Scheme together with the results of the Consultation to the Secretary of State for the Home Office, so as to enable the transfer of governance of West Midlands Fire Service (WMFS) from West Midlands Fire and Rescue Authority (WMFRA), to the Mayoral West Midlands Combined Authority (WMCA), be agreed, subject to the inclusion that the function of reviewing decisions made by the Mayor of the WMCA in relation to the West Midlands Fire Service should not sit within the proposed Mayoral Fire Advisory Committee but with the WMCA Overview and Scrutiny Committee.

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### Strategic Items

55/18

#### **ICT Capital Investment Programme (Key Decision Ref. No. SMBC10/04/2018)**

The Cabinet Member for Core Council Services sought approval to commence the next phase of improvements to the Council's ICT infrastructure.

It was reported that on 27<sup>th</sup> February 2014, the former Cabinet Member for Strategic Resources approved the Council's ICT strategy (see Minute No. 19/14). This resulted in the Cabinet approving a £5.5m investment for a programme of work that would help to deliver the strategy and modernise and improve the Council's ICT infrastructure (see Minute No. 48/14). This first phase of investment had delivered the platform needed to deliver modern ICT services across the Council.

In order to maintain this position, on-going annual investment would be required. This approach would reduce the need for significant one-off capital investments in the future.

It was proposed that phase 2 of the programme would focus on enabling digital transformation by:

- completing the refresh of user devices to Citrix or Windows 10, replacing older devices that were inhibiting the move to modern, agile working;
- deliver appropriate devices for front-line workers (including social workers) and 'power users' (including architects who required computer aided design software).

To ensure ICT was continually refreshed and modernised, approval was sought for longer term capital investment of £1.2 million per annum. This would ensure the Council's ICT was maintained and refreshed on a regular basis so that it remained fit for purpose and met the changing needs of users.

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In response to a question raised by the Chair of the Budget and Corporate Scrutiny Management Board relating the assurances on data security and security systems being breached particularly with regards General Data Protection Regulation (GDPR), the Cabinet Member for Core Council Services confirmed that the Council undertook an annual independent ICT health check / penetration test to identify existing vulnerabilities and that Microsoft, the Council's provider, spent significant amounts of money in increasing system protection of the systems they provided to the Council, so it could be assured the Council benefited from this. The use of Citrix was a major advantage as all data processing was conducted on servers rather than the end device. The Council also used a remote management software, Microsoft Intune, which allowed the Council to protect mobile devices and wipe data if a device was lost or stolen. Encryption of endpoints was also a standard in all device configuration.

### **Resolved:-**

- (1) that the commencement of the next phase of improvements to the Council's ICT infrastructure, be approved;
- (2) that capital funding of £1.2m per annum be allocated to invest in the council's ICT infrastructure in the form of a rolling programme of improvement and modernisation of the ICT infrastructure;
- (3) that the Executive Director – Resources submits a regular update to the Cabinet outlining progress in meeting the aims of the ICT strategy.

56/18

### **Supply of Office Furniture (Key Decision Ref. No. SMBC08/04/2018)**

The Cabinet Member for Core Council Services sought approval for a framework agreement for the supply of office furniture.

It was reported that the Council currently procured office furniture from a framework agreement administered by Dudley MBC. Dudley MBC had now advised that the framework agreement would no longer be available for use by other authorities upon its renewal.

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Based on recent data, expenditure for office furniture was estimated to be £60,000 per annum. This figure related to general replacement furniture only and did not include any specific high value projects such as the recent Wellman Building refurbishment.

Following discussions with Facilities Services, it was identified that an agreement needed to be in place that catered for small scale purchases of standard office furniture such as chairs, desks and cabinets etc but also offered the ability to cater for any larger scale procurement projects. This required a contractor who had the ability to dispose of old surplus furniture and work with Facilities Services in the planning and design phase of such projects.

As future requirements could only be confirmed with any certainty in respect of standard purchases, it was not practical to run an in-house procurement exercise to cover future requirements. External framework agreements offered access to a wider range of suppliers and more competitive prices through economies of scale. Furthermore, they would have already gone through a rigorous pre-selection and tendering process to ensure only technically capable and competitively priced suppliers were available.

The current framework provided by Eastern Shires Purchasing Organisation (ESPO) currently only had one contractor. This agreement would expire at the end of March 2018. A new framework was currently being finalised but details were not currently available. Due to time constraints and uncertainty of who new contractors would be, this option was ruled out.

The other two large public sector frameworks available which still had suitable timescales were Crown Commercial Services (CCS) and Yorkshire Purchasing Organisation (YPO). Both had multiple contractors, some of them the same, who were well known with established track records. This verified that framework agreements had a robust selection procedure and were able to obtain very competitive prices due to economies of scale.

After reviewing both frameworks, it was felt that the CCS agreement offered the best fit solution for the Council's requirements. There were seven contractors on the framework and procurement options allowed for either direct award to single suppliers or further competition exercise between framework suppliers for larger bespoke projects.

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Pricing information from all contractors for standard core range products was supplied by CCS and the most consistently competitive prices were those offered by Gresham Office Furniture Ltd. They also had the lowest disposal rates of all contractors. Additional discount structure for non-core products was a very competitive 50%. Gresham Office Furniture Ltd were a previous supplier to the Council and were the contractor who supplied the furniture in Jack Judge House. There were no reservations regarding the product range, quality and service this contractor could provide. It was therefore recommended that Gresham be selected as the preferred contractor for standard range items.

Should there be any future requirements for larger scale purchases, these would subject to a further competition exercise through the framework agreement. These would run in the form of a mini tender exercise whereby all seven framework suppliers would be provided with a project brief and invited to submit prices.

### **Resolved:-**

- (1) that the framework agreement RM3812 offered by Crown Commercial Services be adopted for the period 1<sup>st</sup> May 2018 to 3<sup>rd</sup> September 2021;
- (2) that the Executive Director – Resources in conjunction with the Director – Monitoring Officer, award a contract for standard purchases to Gresham Office Furniture Ltd and any larger requirements be subject to a further competition exercise held through the framework agreement;
- (3) that the Executive Director – Resources award any further competition exercises held through the framework agreement.

57/18

### **Provision of Fuel Cards (Key Decision Ref. No. SMBC03/04/2018)**

The Cabinet Member for Core Council Services sought approval to award a contract for the provision of fuel cards.

It was reported that the Council had used fuels cards since the petrol station was closed at the Sandwell Road Depot, before the depot was demolished.

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The Council was currently using fuels cards issued by Allstar Business Solutions Ltd, with the contract due to expire on 13<sup>th</sup> May 2018. Following analysis of the Crown Commercial Services Framework, it was identified that utilising the fuel cards provided by companies other than Allstar Business Solutions Ltd would restrict the Council to branded petrol stations only. Currently, the Council utilised supermarket petrol stations within the area as they were on average £0.002 to £0.006 per litre cheaper than branded petrol stations.

It was therefore proposed to appoint Allstar Business Solutions Ltd as the Council's fuel card provider for the next 12 months. This would also allow purchases to be made at branded petrol stations if they did offer cheaper petrol at any point.

### **Resolved:-**

- (1) that the use of the Crown Commercial Framework to appoint Allstar Business Solutions Ltd as the Council's Fuel Card Provider until 30<sup>th</sup> April 2019, be approved;
- (2) that in connection with Resolution (1) above, the Director – Monitoring Officer enter into an appropriate contract with Allstar Business Solutions Ltd, on terms to be agreed by the Executive Director – Resources.

58/18

### **Adoption of Revised Prevention of Homelessness Strategy (Key Decision Ref. No. SMBC06/11/2018)**

The Cabinet Member for Housing sought approval for the adoption of the revised Prevention of Homelessness Strategy 2018-2021.

Under the Homelessness Act 2002, local authorities were required to produce on a maximum five-year cycle a homelessness review and a homelessness strategy that set out the strategic direction authorities would take to tackle homelessness.

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The introduction of the Homeless Reduction Act 2017, represented a significant change to the way the Council would tackle homelessness in future. In summary, the Act placed far greater emphasis on the prevention of homelessness, early intervention and a responsibility on the part of those affected to take responsibilities to help resolve their homelessness. The Act introduced three major new duties on local authorities, namely to:

- assess all eligible applicants and agree an individual personal housing plan;
- take reasonable steps to prevent homelessness;
- relieve homelessness by helping the applicant to secure accommodation.

It was reported that local authorities must assess and provide meaningful assistance to everyone who presented as either homeless or was threatened with homelessness, regardless of any priority need. The applicant must be notified in writing of the outcome of the assessment and the local authority must seek agreement from the customer on the reasonable steps to be taken by both the customer and the Council within the personal housing plan.

The Prevention Duty applied to applicants threatened with homelessness within 56 days instead of the current 28. This duty itself lasted for 56 days and only ended if the prevention assistance worked, the 56 days had elapsed (though this period could be extended) or if the applicant became homeless – in which case the Relief Duty applied.

The Relief Duty also lasted for 56 days with the option to extend. Unless referred to another authority, the authority must take reasonable steps to help the applicant ensure that accommodation became available to them for at least six months' duration. It was noted that reasonable steps in the prevention duty and relief duty were limited to 'help secure' accommodation, rather than to ensure. local authorities were still responsible for securing accommodation for homeless households owed the 'main duty', i.e. those who were eligible, unintentionally homeless and in priority need.

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In addition, the 'Duty to Refer' required public authorities specified in the regulations to notify a housing authority of service users whom they considered may be homeless or threatened with homelessness provided they had the relevant consent from the individual concerned. This part of the legislation however would not take effect until October 2018.

The Homelessness Review, completed in late 2017, had also played a significant part in formulating the strategy. One of the key findings to emerge from the Review was the need for greater engagement with the private rented sector (PRS) both in accessing properties at the relief stage of homelessness and also the discharge of the full homelessness duty.

The strategy had been revised following extensive consultation and set out a strategic direction for the prevention of homelessness for the next three years. The revised strategy would continue to put prevention at the heart of tackling homelessness in Sandwell.

The Cabinet Member for Housing thanked the Safer Neighbourhoods and Active Communities Scrutiny Board for their input in producing the strategy.

The Chair of the Budget and Corporate Scrutiny Management Board, Chair of the Health and Adult Social Care Scrutiny Board and the Chair of the Safer Neighbourhoods and Active Communities Scrutiny Board sought clarification on whether:-

- there were any plans to conduct a piece of work on termination / loss of assured shorthold tenancy;
- the strategy should include reference to the Council's involvement in the West Midlands Combined Authority Housing First model;
- other types of accommodation were being considered for temporary such as converting empty council / private offices etc;
- there would be any joint working with the National Health Service (NHS);
- there was a possibility of people getting a council property who were struggling to pay rent to private landlords.

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In response, the Cabinet Member for Housing confirmed that:-

- the loss of assured shorthold tenancy was one of the main reasons why people approached the Council as being homeless. The Private Rented Sector had a big role to play in preventing homelessness. The Private Landlords Forum was well attended and the recently approved Landlords Assurance Scheme allowed landlords to advertise properties free of charge and would help to raise standards in the Private Rented Sector;
- the actual allocation of funding for the Housing First model had yet to be finalised;
- the Council aimed to significantly reduce the use of temporary accommodation. The Council had sourced accommodation in our own stock and through the Private Sector Leasing Scheme, empty properties had been taken on from private landlords to prevent homelessness;
- joint working with the NHS was currently being explored;
- the Council had approximately 29,000 units, half of which were flatted units. The Council also operated a five year residency qualification to join the housing register which since its introduction had reduced the number of applicants by approximately two-thirds. The Housing Allocations Policy was currently being reviewed and gave the Council the opportunity to revise the approach to how people accessed council properties going forward.

### **Resolved:-**

- (1) that the revised Prevention of Homelessness Strategy 2018-2021, as now submitted, be adopted;
- (2) that the revised policy to discharge a homelessness duty into the private rented sector, as now submitted, be adopted.

59/18

### **The Energy Companies Obligation (ECO) – ECO Flexibility Arrangements (Key Decision Ref. No. SMBC09/04/2018)**

The Cabinet Member for Housing sought approval to the Energy Companies Obligation Flexible Eligibility Statement.

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The Energy Company Obligation (ECO) was a government energy efficiency scheme designed to help reduce carbon emissions and tackle fuel poverty. It placed an obligation on energy suppliers to help households cut their energy bills and reduce carbon emissions by installing energy saving measures. The Government had made a commitment to have an energy supplier obligation in place until 2022, with a focus on fuel poverty.

The latest extension of the scheme was called ECO2t (ECO2 transition or flexible eligibility) and was expected to run until 30<sup>th</sup> September 2018, during which time the Government was expected to have consulted on the future of ECO after that date. ECO2t sat alongside the main ECO scheme and was designed to support private sector residents who had previously been unable to qualify for funding.

The main categories of private tenure targeted by the latest scheme were as follows:

- people living in fuel poverty, particularly those not in receipt of eligible benefits;
- people living on a low income and vulnerable to the effects of living in a cold home;
- in addition, a proportion of non-fuel poor homes (in-fill) would be allowed for Solid Wall Insulation projects, if:  
66% of blocks of flats, terraces, adjacent properties were fuel poor/low income and vulnerable to cold or:  
50% of semi-detached houses or bungalows and two premises' buildings were fuel poor or low income and vulnerable to cold.

Local authorities (LA) were responsible for determining eligibility criteria for measures via what was known as a Statement of Intent (Sol) which must be published before any ECO2t scheme could be implemented. The Sol was intended to state publicly the criteria that a LA intended to use to identify households that met the eligibility criteria under ECO2t and would need to demonstrate transparency and public accountability.

When a recipient had been identified, the LA was responsible for issuing declarations of eligibility. A declaration was a statement, in writing, issued by the LA, which was required to demonstrate that the LA had been consulted and that it considered the household met the eligibility criteria for the scheme. A declaration must be in place before a measure could be installed.

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It was reported that energy companies were responsible for meeting their obligations and ensuring that they, and any members of the supply chain acting on their behalf, complied with the scheme requirements. OFGEM was the scheme administrator and responsible for setting suppliers' obligations using a calculation based on their share of the gas and electricity supply market.

In response to a question raised by the Chair of the Safer Neighbourhoods and Active Communities Scrutiny Board relating to eligibility criteria, the Cabinet Member for Housing confirmed that contractors who were registered with energy companies under the Obligation would identify dwellings and residents in the borough. It was anticipated that contractors would actively market the scheme before interviewing applicants for eligibility. Declarations would then be submitted to the Council for approval.

### **Resolved:-**

- (1) that Energy Companies Obligation Flexible Eligibility Statement, as now submitted, be adopted;
- (2) that the Executive Director – Neighbourhoods undertake ongoing adjustments to the Energy Companies Obligation Flexible Eligibility Statement when necessary to ensure compliance with future Government guidance and effectiveness for residents.

60/18

### **Neighbourhood Improvement Programme – External Refurbishment (Key Decision Ref. No. SMBC13/04/2018)**

The Cabinet Member for Housing sought approval to procure and award contracts to deliver improvements to the Council's housing stock.

It was reported that on 18<sup>th</sup> October 2017, the Cabinet approved the Housing Revenue Account (HRA) – Housing Investment Programme. This set out a refreshed 10 year HRA investment plan to enable the delivery of new build projects, continued investment into existing stock and communal spaces in our neighbourhoods (see Minute No. 167/17).

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The procurement of this contract would continue the investment into the current stock to ensure it met the needs of existing and new tenants, supported tenants to avoid fuel poverty through energy efficiency interventions and provided an opportunity to reduce burglaries through the installation of new more secure doors and windows. Improvements to the communal space within neighbourhoods would produce positive outputs for community safety.

The Chair of the Budget and Corporate Scrutiny Management Board welcomed the proposal enact a direct recommendation of the Budget and Corporate Scrutiny Management Board.

The Chair of the Budget and Corporate Scrutiny Management Board and the Chair of the Safer Neighbourhoods and Active Communities Scrutiny Board sought clarification on:-

- whether there was a particular reason the housing in Millfields was mentioned in the report as this came under the housing private finance initiative with Riverside;
- the amount of properties still with single glazed windows.

In response, the Cabinet Member for Housing confirmed that:-

- Millfields, for the purpose of the investment programmed, covered a small number of properties in Rydding Lane;
- 192 properties had been identified with one or more single glazed windows where works were either refused or there were no access to replace the windows.

### **Resolved:-**

- (1) that the Director - Housing and Communities in consultation with the Executive Director – Resources, prepare tendering documentation and to procure, in accordance with the public procurement regulations, the Council's procurement and financial regulations, contractors, working on behalf of the Council, to deliver external refurbishment, energy efficiency measures and communal space improvements to and surrounding council housing stock;
- (2) that subject to Resolution (1) above, the Director – Monitoring Officer enter into or execute under seal any documentation in relation to the award of the contract.

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61/18

### **Neighbourhood Improvement Programme – Internal Improvements (Key Decision Ref. No. SMBC14/04/2018)**

The Cabinet Member for Housing sought approval to procure and award contracts to carry out internal improvements including kitchens, bathrooms, plastering and rewiring improvements to Council housing stock.

The Council had delivered an internal improvement programme which had seen every property visited over the past 13 years to assess the condition of internal elements such as kitchens, bathrooms, wiring, and heating with orders being raised with contractors to replace these elements where they were found to be old and uneconomic to repair. As a consequence, not every element within each property was therefore replaced.

The identification of works would be demand driven by tenants with each property inspected and assessed to identify if repair or replacement was required.

#### **Resolved:-**

- (1) that the Director - Housing and Communities in consultation with the Executive Director – Resources, prepare tendering documentation and to procure, in accordance with the public procurement regulations, the Council's procurement and financial regulations contractors, working on behalf of the Council, to deliver improvements to council housing stock;
- (2) that subject to Resolution (1) above, the Director – Monitoring Officer enter into or execute under seal any documentation in relation to the award of the contract.

62/18

### **Refurbishment of Lifts at Mountford House, West Bromwich (Key Decision Ref. No. SMBC12/04/2018)**

The Cabinet Member for Housing sought approval to award a contract for the refurbishment of two passenger lifts to Mountford House.

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It was reported that at its meeting on 18<sup>th</sup> October 2017, the Cabinet gave approval for the procurement of new arrangements for the refurbishment of lifts to Mountford House using the Efficiency East Midlands (EEM) (see Minute No. 167/17).

A mini competition between the four appointed contractors to the EEM framework Lot 2 – West Midlands had been undertaken. Two tenders were received by the tender deadline and based on the tender evaluation, it was recommended that Lift and Engineering Services Limited be awarded the contract for the refurbishment of lifts to Mountford House.

In addition to approval to award this contract, an exemption was being sought to Procurement and Contract Procedure Rules (Rule 8). This rule required four compliant tender returns to be received for a contract of this value. However, having gone through a framework, it was considered that although only two responses were received, this provided a reasonable balance of comparison.

The Chair of the Safer Neighbourhoods and Active Communities Scrutiny Board welcomed the award of the contract to a local Sandwell specialist contractor.

### **Resolved:-**

- (1) that the Director – Housing and Communities in consultation with the Director – Monitoring Officer, award and enter into a contract with Lift and Engineering Services Limited for the Refurbishment of two Passenger Lifts to Mountford House, West Bromwich;
- (2) that the Director – Monitoring Officer make any necessary exemptions to the Council's Contract Procedure Rules to enable the action referred to in Resolution (1) above to proceed.

63/18

### **Supported Housing – Accommodation Based Homeless Prevention Services for Single Adults (Key Decision Ref. No. SMBC06/03/2018)**

The Leader of the Council, in the absence of the Cabinet Member for Social Care, sought approval for the re-procurement of four separate supported housing contracts that were due to end on 1<sup>st</sup> November 2018.

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The Council currently had contracts with four providers for supported housing and accommodation based homeless prevention services for Single Adults (18+).

There were 143 units of accommodation across Sandwell in eight schemes for Sandwell adults (18+) who were or were at risk of being homeless together with other supported needs such as people leaving prison, people with mental ill health, people with substance abuse issues and young adults leaving care. The contracts for this service were activity based, therefore, the Council only paid for the units when utilised and occupied with approved Sandwell referrals.

The services played a fundamental role in preventing incidences of homelessness within the Borough which contributed to duties placed on local authorities as part of the Homeless Reduction Act 2017. Services offered on-site support together with an individual planned support programme for each client who received a minimum of 5 hours 1-2-1 support per week. Clients could reside in services for up to a year while to work on a range of areas of support to ready them for move on to independent living.

The annual total value of the four contracts which delivered this service would not exceed £948,118. The four contracts currently had capacity to accommodate 143 clients at any one time with utilisation as at 20<sup>th</sup> March 2018 at 118 units occupied (82.5%) with a further 16 nominations waiting assessment increasing the utilisation to 93.7%.

The Chair of the Budget and Corporate Scrutiny Management Board and the Chair of the Health and Adult Social Care Scrutiny Board sought clarification on:-

- how the current providers had delivered under the existing contracts and the whether they had brought in any 'added value' to the contracts;
- whether the rise in homeless had been taken into account.

In response, the Leader of the Council confirmed that:-

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- each of the providers had effectively supported the Council in its interventions with vulnerable homeless individuals. From a social/added value perspective, alongside employing local people, the providers worked with some of the most vulnerable people in the borough. The providers would work with people around their issues whilst also addressing their housing needs;
- the proposed contracts would include flexibility to the reduction of homeless individuals in the borough.

### **Resolved:-**

- (1) that the Executive Director – Adult Social Care, Health and Wellbeing commence the re-procurement of the 4 Supported Housing contracts that are due to end on 1<sup>st</sup> November 2018;
- (2) that the Director – Monitoring Officer enter into contracts with successful tenderers for a period of two years with the option to extend these contracts further for two periods of one year on terms to be agreed by the Executive Director – Adult Social Care, Health and Wellbeing;
- (3) that if fewer than four tenders are received, the Director – Monitoring Officer allow an exemption to rule 8.7 of Procurement and Contract Procedure Rules 2016-2017 to award a contract to the successful tenderer.

64/18

### **Purchase of Winter Maintenance Vehicles (Key Decision Ref. No. SMBC15/04/2018)**

The Cabinet Member for Highways and Environment sought approval for the purchase of nine new winter maintenance vehicles.

The Council currently hired nine winter maintenance vehicles via a call off contract placed under the previous Self Drive Vehicle Hire Framework Agreement which had now expired and no further call off contracts were permitted under this agreement.

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It was reported that the Cabinet on 13<sup>th</sup> December 2017 approved the hire of nine new gritters for the winter season 2018 onwards (see Minute No. 188/17). Since that time, further work had been undertaken to better understand the financial cost of purchase as compared to hire. This identified that the cost of the two options was comparable, with the purchase option being slightly cheaper once the residual value of the vehicles was factored in.

The option to purchase would also provide a benefit to the Council by ensuring that the on-going maintenance of the vehicles would be done in-house through the Council's Fleet Services. This work, estimated to be in excess of £400,000 over the lifetime of the vehicles, would strengthen the financial viability of the in-house services.

The Council was seeking to improve its financial position by insourcing fleet maintenance work from other councils. Therefore, by allowing Fleet Services to buy and maintain the winter maintenance vehicles, it would help support the priority of a sustainable fleet function. Fleet Services provided vehicles for range of council services, public and charitable sector organisations.

The Fleet Service was subject to regular benchmarking and review and was demonstrated to provide good value for money in comparison with other public and private fleet management providers.

### **Resolved:-**

- (1) that Minute No. 188/17 of the Cabinet taken on 13<sup>th</sup> December 2017, relating to the hire of winter maintenance vehicles, be not proceeded with;
- (2) that the purchase of nine new winter maintenance vehicles, be approved;
- (3) that the 2018/19 permanent virement of £193,000 from the Highways budget to Fleet Services to fund the prudential borrowing costs and the associated maintenance of the vehicles and equipment, be approved;
- (4) that the replacement of the fleet with new vehicles at the end of seven years following a new procurement, be approved;

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- (5) that the Director – Monitoring Officer make any necessary exemptions to the Council’s Contract Procedure Rules to enable the actions referred to in Resolution (1) and (3) above to proceed.

65/18

### **Local Transport Settlement 2018/19 – Sandwell Allocation (Key Decision Ref. No. SMBC09/03/2018)**

The Cabinet Member for Regeneration and Economic Investment provided details of the local transport resources allocated to the Council for 2018/19 along with future allocations for the period 2019/20 to 2020/21.

Nationally, the amount of Integrated Transport Block (ITB) funding allocated to local authorities had been fixed at £258m per annum since 2015/16 and would remain at this level until 2020/21. This followed a decision to “top slice” £200m annually from the national pot which was allocated to the Local Growth Fund (LGF).

Local Enterprise Partnerships bid for these funds was through their growth deal negotiations on a competitive basis whereas ITB was allocated to local authorities by formula.

Since April 2011, the Integrated Transport and Maintenance blocks in metropolitan areas were allocated to those areas Integrated Transport Authorities (ITAs). In the West Midlands, the ITA function was incorporated into the West Midlands Combined Authority (WMCA) on its formal inception in June 2016. As a result, these allocations formed part of the Devolved Transport Grant which was confirmed by Government in March 2016.

The allocation to the West Midlands metropolitan area for the forthcoming year was £30.73m; of this sum, £17.618m had been allocated for Integrated Transport and £13.112m for local Highway Maintenance Block funding.

#### **Resolved:-**

- (1) that the details of the allocation of resources, as approved by the West Midlands Combined Authority on 9<sup>th</sup> March 2018 for Integrated Transport and Local Highway Maintenance Block funding be received;

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- (2) that the following programme of minor works, highways, bridges and street lighting maintenance works for 2017/18 (some maintenance figures are subject to DfT confirmations) be approved:

<b>Minor Works Programme</b>	<b>Funds 2018/19 £'000s</b>
Major Schemes Development (Ring Fenced)	220
Local Area Safety Schemes	115
Local Safety Schemes	150
Safer Routes to School	125
Vulnerable Users	250
Demand Management	100
Traffic Calming	100
Major Route Signing	60
Named Schemes Over £250k	360
<b>Total</b>	<b>1480</b>

<b>Maintenance Programme</b>	<b>Funds 2018/19 £'000s</b>
Carriageway Maintenance – Needs Formula	1936
Carriageway Maintenance – Incentive Fund	538
Carriageway Maintenance – Challenge Fund	0
Carriageway Maintenance – Pothole Action Fund	TBC 380
Bridges – Needs Formula	516
Street Lighting – Needs Formula	130
<b>Total</b>	<b>3500</b>

### 66/18 **Winter Damage to the Highway Network**

The Cabinet Member for Highways and Environment sought approval to Council capital funding for the commencement of pothole repairs and to top up anticipated Department for Transport (DfT) funding to complete the repair of winter damage to the highway network.

It was reported that road users and the wider community placed a high value on keeping the highway network in a safe and serviceable state of repair to keep traffic moving. Failure to do so could result in public dissatisfaction, a potential for additional wear and tear to vehicles and significant reputational damage.

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The Council had a statutory duty to ensure, so far as reasonably practicable, that safe passage along a highway was not endangered by the condition of road infrastructure. The duty was not absolute but decisions must be taken on reasonable grounds with due care and regard to relevant considerations set out in best practice guidance. To meet this duty, the repair of winter damage was a priority each spring. This year, the winter had been severe with around three times the number of winter gritting operations required compared to recent years.

The DfT had partly acknowledged the severity of recently winter conditions by announcing funding for pothole repairs in March. This was likely to be provided through the West Midlands Combined Authority. The DfT announcement was expected to provide the Council with around £313,000 from a pothole fund, but this had yet to be confirmed. A further pothole fund may be provided later in the year however the amount was uncertain.

Following the 2016/17 winter, the Council received £225,000 plus a subsequent £155,000 for pothole repairs. During the recent winter, freezing conditions had been three times as extensive. Consequently, the anticipated DfT funding was not expected to be sufficient to make the necessary repairs and had not yet been confirmed or received.

It was therefore proposed that the Council provided £240,000 from capital reserves to top up anticipated DfT pothole approvals, supplement budgets for the immediate commencement of pothole repairs and to repair winter damage to the highway network.

The Chair of the Children's Services and Education Scrutiny Board welcomed the additional funding to enable the repair of potholes and to address any winter damage to the highway network.

The Chair of the Budget and Corporate Management Board made reference to work conducted on behalf of utility companies as being the main reason for highway repairs being delayed and that the Council was not responsible for this.

**Resolved** that the allocation of £240,000 of the Council capital funding from reserves to supplement funding to be received from the Department for Transport to enable the repair of potholes and to address any winter damage to the highway network, be approved.

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### Business Items

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#### Job Promise 3

The Cabinet Member for Core Council Services sought approval to extend the Jobs Promise Scheme, known as Job Promise 3, for a further year, until March 2019. During this extended period, it was proposed that the Council again pledge not to make any compulsory redundancies.

The original Job Promise, which was agreed in April 2015 for a period of two years, was made despite the challenging financial environment and was created as a direct result of employees sharing their concerns over job security through the annual engagement survey. In April 2017, a further commitment was made to extend the 'Job Promise' process until March 2018. This extension had been known as "Job Promise 2".

By being able to redeploy such a large number of employees, the Council had avoided having to make redundancy payments of over £1,000,000 and had been able to carry out its moral obligation as a responsible employer, to avoid compulsory redundancies.

Having undertaken research into expected levels of turnover, anticipated departmental redesigns, natural wastage, budgetary projections and the anticipated number of employees committed to leaving the Council on the Planned Leavers scheme, the Council had reached a point where it had a level of confidence about its financial position for 2018-19, sufficient to feel able to propose a further commitment to the Job Promise.

Job Promise 3 would be achieved by the Council continuing its approach to resourcing and flexible working to ensure staffing resource met demand and would continue its commitment to invest in its workforce to enhance current skill levels, where required, or where necessary to enable Job Promise 3 to succeed.

It was reported that the Job Promise had not been just a local achievement, with the Council being shortlisted and winning national awards as a result.

## **The Cabinet – 18<sup>th</sup> April, 2018**

The proposal to support Job Promise 3 was endorsed by the Joint Consultative Panel on 26<sup>th</sup> March 2018.

The Cabinet Member for Core Council Services commended the support and good work undertaken by officers within Finance, Human Resources and Trade Unions in being flexible and ensuring the Job Promise remained successful.

The Chair of the Budget and Corporate Scrutiny Management Board welcomed the extension of the Job Promise scheme and the praise the initiative had received in the recent Peer Review Assessment Report by the Local Government Association.

### **Resolved:-**

- (1) that in view of the success of the Job Promise and the confidence of the Council in its financial position in 2018- 19, the proposal not to make any employees compulsorily redundant before March 2019, be supported;
- (2) that during the period of the Job Promise 3, the risks and factors influencing the sustainability of the Job Promise 3 into 2019-20 should be considered.

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### **Recommendations Arising from Scrutiny Board**

The Chair of the Children's Services and Education Scrutiny Board presented the recommendations made by the Children's Services and Education Scrutiny Board between January and March 2018.

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

The Cabinet Member for Children's Services commended the Children's Services and Education Scrutiny Board for conducting a thorough review into special educational needs and disability.

**Resolved** that the following recommendations of the Children's Services and Education Scrutiny Board be accepted and a response to the recommendations of the Scrutiny Board be submitted within two months, setting out any approved recommendations and how they will be implemented:

## **The Cabinet – 18<sup>th</sup> April, 2018**

### **Special Educational Needs and Disability**

- (1) that the Cabinet Member for Children's Services be requested to promote the importance of tier 1 and tier 2 Special Educational Needs and Disability (SEND) services in Sandwell, to recognise the value of supporting mental wellbeing in children and young people at an early stage to prevent progression to specialist tier 3 provision for mental health services;
- (2) that the Cabinet Member for Children's Services be requested to make representation to DfE to ring fence Special Educational Needs (SEN) Notional Budget to provide support for the benefit and well-being of children with Special Educational Needs;
- (3) that the Cabinet Member for Children's Services be requested to encourage schools which receive Special Education (SEN) Notional Budget funding, to prioritise that funding for the benefit and wellbeing of children and young people with special educational needs.

#### **69/18 Minutes of the Cabinet Petitions Committee taken on 22<sup>nd</sup> March, 2018**

The minutes of the meeting of the Cabinet Petitions Committee held on 22<sup>nd</sup> March 2018 were received.

(Councillor Trow declared a personal interest on the basis that his relative resided in the vicinity of where a petition had been submitted from)

#### **70/18 Decisions of the Cabinet Member for Highways and Environment taken on 27<sup>th</sup> March 2018**

The decisions of the Cabinet Member for Highways and Environment taken on 27<sup>th</sup> March 2018 were received.

(Meeting ended at 4.26 pm)

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