

The Cabinet

**14th November 2018 at 3.30pm
at the Sandwell Council House, Oldbury**

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

Apologies: Councillors Hughes and Rollins.

In attendance: Councillors Ahmed, E M Giles, Singh and Underhill.

148/18 **Minutes**

Resolved that the minutes of the meeting held on 17th
October, 2018 be confirmed as a correct record.

Strategic Items

149/18 **Digital Strategy 2018 – 2021 (Key Decision Ref. No. SMBC09/11/2018)**

The Leader of the Council deferred consideration of the item to enable the recommendations of the Budget and Corporate Scrutiny Management Board to be incorporated for consideration at a future meeting.

150/18 **Results of Consultation on the Draft Black Patch Interim Planning Statement (Key Decision Ref. No. SMBC11/11/2018)**

Further to Minute No. 91/18 (27th June 2018) the Cabinet Member for Regeneration and Economic Investment outlined the results of the consultation undertaken on the Draft Black Patch Interim Planning Statement and Masterplan during Summer 2018 and sought approval to the Interim Planning Statement and Masterplan.

The Cabinet – 14th November 2018

The Black Patch area had had little investment in recent years and problems with anti-social behaviour, fly-tipping and traveller encroachment had resulted in the environment becoming particularly run down. Lack of natural surveillance, due to a decreased popularity, had contributed to these problems, including in and around the park which had reduced its usage by local residents.

The Friends of Black Patch Park and nearby residents had campaigned to seek investment for the Park and to restore it as the focal point within a residential environment. However, the current housing offer in the vicinity comprised an enclave of properties owned by Midland Heart at Avery Road and Murdock Road with the remainder of the area being predominantly industrial in nature. There was therefore little community to promote the transformation.

In addition to this, the Merry Hill Allotments on Perrott Street had become considerably run down and subject to fly-tipping, illegal occupation and vandalism with only 37% of plots being rented, not all of which were being cultivated. A decision had been made that, due to the ongoing maintenance and problems with anti-social behaviour, the Council would be applying to the Secretary of State to close the allotments in the near future.

The current Local Plan showed two sites with the potential to accommodate new housing. The Merry Hill Allotments, once officially closed, and land at Kitchener Street. However whilst the allotments did not have an identified allocation in the adopted Local Plan, Kitchener Street was allocated for employment uses. Allocations in the adopted Local Plan could not be formally altered until such time as the Local Plan for the area had been reviewed and adopted as formal planning policy. The reviewed Local Plan would consist of two tiers; the Black Country Plan and the Sandwell Development Plan which would replace the Black Country Core Strategy and Sandwell Site Allocations and Delivery DPD respectively. A review was underway but would not be complete until 2023.

It was therefore proposed that the land use allocations of the Merry Hill allotments and Kitchener Street be altered on an interim basis, until such time as the review had taken place. This meant that the Interim Planning Statement and Masterplan, if approved, would be

The Cabinet – 14th November 2018

treated as a material planning considerations, should any applications for residential use be forthcoming in the near future.

The results of the consultation regarding the revising of land uses for the allotments and Kitchener Street were in the main very supportive. Many respondents felt that bringing new housing back into the area would be a step-change to making this more of a community focus and generate more use of the park facilities

The Chair of the Safer Neighbourhoods and Active Communities Scrutiny Board thanked the Cabinet Member for taking the lead on the issue of regeneration to the Black Patch area. The Cabinet Member responded that the regeneration of the area was part of a larger package to regenerate the wider area of Smethwick.

Resolved:-

- (1) that the results of the consultation undertaken on the Draft Black Patch Interim Planning Statement and Masterplan during Summer 2018 be received;
- (2) that the Interim Planning Statement and Masterplan be approved as a material consideration in the determination of future planning applications, subject to the suggested minor changes.

151/18

Schools' Model Pay Policies 2018/19 (Key Decision Ref. No. SMBC01/10/2018)

The Cabinet Member for Children's Services presented the proposed Model Schools' Pay Policy and the Unattached Teachers' Pay Policy for 2018/19.

The Department for Education issued the Schools' 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 1st September each year setting out the basis on which the employer would determine teachers' pay, the date by which it would determine the teachers' annual pay review and establishing procedures for addressing teachers' grievances in relation to their pay.

The Cabinet – 14th November 2018

From this, the Council prepared Model Pay Policies:-

- for teachers in schools, which it recommended School Governing Bodies to adopt; and
- for unattached teachers who were employed by the Council but who did not work in a school location.

The model policies, which were revised annually, had been subject to consultation with all appropriate trades unions in Sandwell.

The September 2018 pay award had been agreed nationally and the recommendation uplifts for Sandwell, in keeping with regional comparators for all teachers, was summarised below:

- a 3.5% uplift to each of the points of the main pay range (MPR) and unqualified teacher pay range
- a 2% uplift to each of the points of the upper pay range and the leading practitioner pay range
- a 1.5% uplift to each of the points of the leadership pay ranges
- a 2% uplift of all allowances in the national framework

The pay policies now submitted reflected these new ranges.

Resolved:-

(1) that the September 2018 Pay Award be approved, as set out below, and applied to local authority Community Schools:-

- a 3.5% uplift to each of the points of the main pay range (MPR) and unqualified teacher pay range;
- a 2% uplift to each of the points of the upper pay range and the leading practitioner pay range;
- a 1.5% uplift to each of the points of the leadership pay ranges;
- a 2% uplift of all allowances in the national framework;

The Cabinet – 14th November 2018

- (2) that the Unattached Teachers' Pay Policy 2018/19, as now submitted, be approved and implemented by the Council with effect from 1st September 2018;
- (3) that the Model Schools' Pay Policy 2018/19, as now submitted, be approved and recommended to the Governing Bodies of Schools in Sandwell for adoption and implementation with effect from 1st September 2018.

152/18

Award of Contract for the Education Management Information System (Key Decision Ref. No. SMBC03/11/2018)

The Cabinet Member for Children's Services sought approval for the Council to award a five-year contract, with the option to extend a further two years, for the main Education Management Information System to Servelec HSC Ltd following the completion of a procurement exercise.

The Cabinet, on 22nd March 2017 (Minute No. 71/17 refers) had authorised the Director – Education to undertake a procurement exercise for an Education Management Information System to meet the needs of the Council in the future.

Following a Competitive Procurement with Negotiation process, the preferred supplier had outscored other potential suppliers on all elements of cost and quality criteria and had significant recent experience of importing data from other Education MIS systems into the Servelec Synergy system.

Resolved:-

- (1) that the Director – Monitoring Officer enters into the contract with Servelec HSC Ltd for the provision of an externally hosted Education Management Information System, for a period of five years with the option to extend for a further period of up to two years, on terms to be agreed by the Director - Education, Skills and Employment;

The Cabinet – 14th November 2018

- (2) 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) above to proceed.

153/18 **Refurbishment of Alfred Gunn House (Key Decision Ref. No. SMBC04/10/2018)**

The Cabinet Member for Housing sought approval to procure, award and enter into a contract to deliver the refurbishment of Alfred Gunn House for the potential new build housing scheme within its footprint to continue the substantial investment in the Council's housing stock.

The Council had delivered a programme of improvements to high rise blocks of flats across the Borough generally including improvements to the external fabric such as new windows, surface treatment such as render and cladding and roofing works together with improvements to the communal areas such as new entrances, fire retardant paintwork and fire doors.

Analysis of tenancy data showed Alfred Gunn House had a relatively high turnover and shorter than average tenancies. The local housing team had identified that the 57 3 bedroom units in the block as a factor in this in that, typically, properties of this size would house families but high-rise accommodation is not highly desired within that demographic. Consequently, it was proposed to remodel the accommodation to provide more desirable 2 bedroom units. It was also proposed to utilise roof space to construct an additional 10 2 bedroom flats.

Alfred Gunn House was ideally located close to key transport links. Improving the external appearance and the accommodation on offer would help to increase demand from commuters who would benefit from easy access to Langley Train Station and Junction 2 of M5. A report would be submitted to the Cabinet in January 2019 outlining proposals and seeking approval for a new build social housing scheme in the footprint of the block.

The Chair of the Health and Adult Social Care Scrutiny Board thanked the Cabinet Member for the proposed changes, stating that it would improve the area.

The Cabinet – 14th November 2018

Resolved:-

- (1) that the Director - Housing and Communities, in consultation with the Executive Director – Resources, prepare tendering documentation and to procure a contractor, in accordance with the Public Contracts Regulations 2015 and the Council’s Procurement and Contract Procedure Rules, working on behalf of the Council, to deliver the Refurbishment of Alfred Gunn House;
- (2) that the Director – Housing and Communities, in consultation with the Executive Director – Resources, submits a further report to the Cabinet in January 2019 detailing a proposed new build social housing scheme in the footprint of Alfred Gunn House;
- (3) that the Director - Housing and Communities awards the contract for the refurbishment of Alfred Gunn House and new build council housing scheme, as referred to in resolution (1) above, to the successful contractor;
- (4) that the Director – Monitoring Officer enters into, or executes under seal, any documentation in relation to the award of the contract for the refurbishment of Alfred Gunn House and the new build council housing scheme;
- (5) that the construction of 10 new 2 bedroom flats on the roof of the existing Alfred Gunn House building be approved.

154/18

Street lighting SOX to LED Conversion (Key Decision Ref. No. SMBC09/10/2018)

The Cabinet Member for Highways and Environment sought approval for the capital allocation of £3.867 million for the replacement of 11,329 life expired yellow sodium (SOX) street lighting lanterns with energy efficient LED lighting.

The Cabinet – 14th November 2018

The sodium (SOX) street lighting lanterns across the borough had become outdated technology and the manufacture of replacement parts would cease in 2020. Consequently, these lanterns required replacing before stocks of spare parts ran out in 2021/22.

The energy consumption of LED technology with CMS control offered energy savings of £402,477 per year, when the 11,329 lanterns had been replaced.

The total cost of the project was £3,866,655 and included a provisional sum of £390,000 for the replacement of 5% of lighting columns (red risk condition) and 5% for design supervision and administration costs. An interest free loan was available for 95.5% of the costs.

As well as delivering revenue savings through increased energy efficiency the project would assist with delivering carbon reduction targets.

The contract was scheduled to commence in December 2018 to ensure the SOX lanterns could be replaced within a 3 year programme before spare part stocks were exhausted.

Resolved:-

- (1) that a capital allocation of £3.867 million be made for the conversion of 11,329 life expired sodium trioxide lanterns to energy efficient LED lighting with the funding to be repaid from revenue savings over a 25 year period;
- (2) that the draw-down and phased repayment of a £3,145,603 interest free loan from SALIX for qualifying carbon reduction benefits be approved to reduce the interest charges associated with the capital borrowing requirement;
- (3) that the following action points identified within the appraisal report be implemented to reduce any risk to the Council:
 - review payback period of project with the Council's Capital Accountant to ensure that a prudent

The Cabinet – 14th November 2018

approach is taken in relation to the repayment period;

- review the benefits of the CMS technology, with the production of whole life costings;
- ensure risk is identified within the Risk Register, with appropriate mitigating actions;
- produce whole life costings for the project to identify the net present value, along with sensitivity analysis to ensure that the proposal will provide value for money to the Council;
- that the Risk Register is reviewed to ensure all risks are identified and adequately mitigated;
- that all future revenue requirements for the project are identified and costed to ensure that funding requirements can be met from Regeneration and Economy's existing resources;
- that a system be established to capture all savings and expenditure relating to the project, to ensure that the project can be effectively evaluated.

155/18

Plastering and Associated Repairs to Sandwell MBC Properties (Key Decision Ref. No. SMBC02/11/2018)

The Cabinet Member for Housing sought approval to award contracts for plastering and associated repairs to Council properties for a contract period of four years, from 16th December 2018 to 30th November 2022.

The contracts would be used to support the direct labour team manage peaks in workload.

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

The Cabinet – 14th November 2018

Resolved:-

- (1) that the Executive Director – Neighbourhoods awards the contract for plastering and associated repairs to Council properties to Axis Europe Plc, Hindley Contractors Ltd and Bryant Electrical (Midlands) Ltd;
- (2) that in connection with resolution (1) above, the Director – Monitoring Officer enters into the appropriate contracts with Axis Europe Plc, Hindley Contractors Ltd and Bryant Electrical (Midlands) Ltd.

156/18

Review of 2019/20 Council Tenant Rents and Housing Related Property Charges (Key Decision Ref. No. SMBC06/11/2018)

The Cabinet Member for Housing sought approval for council tenant rents and other housing related property charges for 2019/20 to take effect from 1st April 2019.

Every year, council tenants, leaseholders and other residents were notified of the rent and other related housing charges to be set from April. It was now proposed to revise those charges.

In March 2016, central government had passed the Welfare Reform and Work Act which included the direction that all social housing providers must reduce their housing rents by 1% per year. This policy had been agreed for four years and commenced in 2016/17.

Service charges were outside of the government legislative changes. The principle continued to be the recovery of cost associated with the service including an appropriate proportion of overhead costs. This policy would continue to be applied by the Council.

There were limited exemptions from the government imposed rent reductions for some council housing properties. This included properties managed by organisations under Private Finance Initiative (PFI) arrangements and these rents would be separately considered.

The Cabinet – 14th November 2018

There were other properties and garages within the General Fund portfolio which could also be considered separately outside of the government restraints.

There were agreements with leaseholders for the recharge of Council services and administration costs. These charges were annually reviewed in terms of operational costs at the relevant blocks and properties.

Resolved that council tenant rents and other housing related property charges for 2019/20, as set out in Appendix 1, be approved implemented with effect from 1st April 2019.

157/18

Award of Contract for Use of Enforcement Agents (Key Decision Ref. No. SMBC13/11/2018)

The Cabinet Member for Culture and Core Council Services sought approval to authorise the award of contracts to support, where necessary, the collection of debts for the period 1st December 2018 to 30th November 2021 with the option to extend for a further two years to 30th November 2023.

The Council used enforcement agents to support the recovery of unpaid council tax, business rates, high court and county court judgements, commercial rent arrears, business improvement district (BID) charges, and sundry debts. The existing contract was due to expire 30th November 2018.

The City of Wolverhampton Council had procured the new contract on behalf of Dudley Metropolitan Borough Council, Sandwell Metropolitan Borough Council, South Staffordshire District Council and City of Wolverhampton Council.

The contracts were at no cost to the Council. The service providers would collect fees from the debtors and fees were fixed in accordance with the Taking Control of Goods (Fees) Regulations 2014.

Members noted that Sandwell was currently rated the best Metropolitan Borough Council for its Council Tax in-year collection. The award of this contract would help to maintain high collection levels. However, the Council had extensive in-house processes in place for the collection of debt and would only use enforcement

The Cabinet – 14th November 2018

agents as a last resort once all internal processes had been exhausted.

Resolved:-

- (1) that the joint procurement exercise undertaken to procure enforcement agent contracts with Dudley Metropolitan Borough Council, South Staffordshire District Council and City of Wolverhampton Council be noted;
- (2) that approval be given to the award of contracts to support, where necessary, the collection of debts for the period 1st December 2018 to 30th November 2021 with the option to extend for a further two years to 30th November 2023 as follows:-
 - Lot 1 – Bristow & Sutor of Redditch, Worcestershire and Rundles & Co. Ltd of Leicestershire for the collection of unpaid Council Tax, Business rates, Commercial rent arrears, Business Improvement District (BID) charges, County and High Court Judgements and Commercial Rent arrears recovery and collection agent for sundry debts including housing benefit overpayments;
 - Lot 3 – Rundle & Co. Ltd of Leicestershire and Newlyn plc. of Hertfordshire for unpaid Council Tax and Business Rates and collection agent service for sundry debts including housing benefit overpayments.

158/18

Recommendations Arising from Land and Asset Management Committee (Key Decision Ref. No. SMBC04/11/2018)

The Chair of Land and Asset Management Committee presented the recommendations arising from the Committee regarding land at Kelvin Way, West Bromwich.

At its meeting on 31st January 2018, Cabinet had resolved to approve the transfer of land at Kelvin Way, West Bromwich to Sandwell Land and Property Limited, with the grant of a lease back

The Cabinet – 14th November 2018

to the Authority (see Minute No.20/18). Cabinet had further agreed, in principle, for the proposed land transaction and requested a further report be submitted to the Land and Asset Management Committee in due course detailing the following:-

- (i) defined boundary;
- (ii) outcome of public consultation proposing site layout;
- (iii) planning details;
- (iv) community open space development.

Approval was now approval to confirm the boundary detail for the transfer of 3.655 hectares of land at Kelvin Way, West Bromwich.

Resolved that, in connection with land at Kelvin Way, West Bromwich, as indicated for information purposes within the Appendix, edged bold on Plan No. "SAM/27260/019:-

- (1) the boundary details for the proposed land transfer for the new 750 place secondary school be approved;
- (2) details of utilisation of the open space to the back of the school be presented to the Cabinet Member or the Land and Asset Management Committee, as appropriate.

159/18

Winter Capacity Plan – Award of Contract for Social Care Discharge Beds

The Cabinet Member for Adult Social Care sought approval to award a contract to Dudley Group NHS Foundation Trust for the provision of 12 Social Care discharge beds at Russells Hall Hospital to provide necessary resource to support individuals who had been declared medically fit and required care and support in their own homes or within a nursing home setting

Russells Hall Hospital was the largest out of borough hospital used by Sandwell residents and registered the highest number of Delayed Transfers of Care. The proposed contract would provide much needed bed capacity across the winter months. An early review would be undertaken to ascertain the need for a longer-term contract.

Approval of this contract would ensure that Adult Social Care could assist people to be discharged from an acute bed in Russells Hall Hospital as soon as they were medically fit, thereby assisting the

The Cabinet – 14th November 2018

Council to fulfil its requirements under the Care Act 2014 in relation to hospital discharges and reducing delayed transfers of care.

Funding for the contract had been approved and provided through the Social Care Investment to Ease NHS Winter Pressure grant monies allocated by central government. The allocation to Sandwell had now been confirmed as £1.8 million for the winter period 2018-2019.

The Leader of the Council reported that Sandwell was the fourth best performer in nationwide tables in relation to preventing delayed transfers of care and the additional resources would be well used at Russells Hall, covering residents of the Borough who did not access Sandwell General or City Hospitals; ensuring a good level of service provision across Sandwell.

Resolved:-

- (1) that the Executive Director - Adult Social Care, Health and Wellbeing awards a contract to Dudley Group NHS Foundation Trust, for the provision of 12 social care discharge beds at Russells Hall Hospital for the period 3 December 2018 to 31 March 2019 in the sum of up to £325,000, with an option to extend by a further 8 weeks;
- (2) that the Director – Monitoring Officer enters into a contract in relation to (1) above with Dudley Group NHS Foundation Trust on terms to be agreed by the Director Adult Social Care, Health and Wellbeing;
- (3) that any necessary exemptions be made to the Council's Procurement and Contract Procedure Rules to enable the course of action referred to in 1 above to proceed.

Business Item

160/18

Minutes of the Cabinet Petitions Committee

The minutes of the Cabinet Petitions Committee held on 27th September and 25th October 2018 were received.

The Cabinet – 14th November 2018

(Meeting ended at 4.02 pm)

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

<p>Contact Officer: Andrew Grant Democratic Services Unit 0121 569 3040</p>
