

The Cabinet

19th September 2018 at 3.30pm
at the Sandwell Council House, Oldbury

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

Apologies: Councillors Carmichael, Costigan and Gavan.

In attendance: Councillors Ahmed, Downing, Edwards, E M Giles,
P Hughes, Rollins and Underhill;
Andrew Scattergood (Fire Brigades Union).

118/18 **Declarations of Interest**

Councillor P Hughes and the Chief Executive both declared pecuniary interests in Minute Nos. 122/18 (Schools Capital Programme 2018/19-20/21: Phase 2, Q3 Academy Langley), 123/08 (Proposed expansion of St Matthews CE Primary School, Windmill Lane, Smethwick) and 124/18 (Proposed expansion of The Westminster School, Rowley Campus, Curral Road, Rowley Regis, West Midlands) on the basis that they were Directors of the Sandwell Asset and Land Company that held leases on schools. They subsequently left the room during consideration of the items.

119/18 **2018-19 Cycle Improvements Programme (Key Decision Ref. No. 16/06/2018)**

The Leader of the Council deferred consideration of the item and requested that it be referred to the Economy, Skills, Transport and Environment Scrutiny Board for consideration.

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120/18 Minutes

Resolved that the minutes of the meeting held on 25th July 2018 be confirmed as a correct record.

Strategic Items

121/18 **West Midlands Combined Authority Governance Scheme for the West Midlands Fire and Rescue Service (Key Decision Ref. No. 11/09/2018)**

The Leader of the Council reported that, in response to the Policing and Crime Bill (2016) consultation, the West Midlands Fire and Rescue Authority (WMFRA) had set out a direction seeking the future sustainability of services under a Mayoral West Midlands Combined Authority (WMCA) model of governance.

This model provided opportunities for the joint transformation of public services to West Midlands communities, providing value for money in the delivery of public safety.

As the Combined Authority had to seek the approval of its constituent councils on the governance review and scheme, all seven constituent councils were consulted between October and November 2017. Sandwell Council had considered the matter at its meeting on 17th October 2017 (see Minute No. 87/17).

Support for the proposed scheme was received from all seven constituent councils, along with approval to proceed to a public consultation, subject to a number of conditions being contained within the Statutory Order. As part of the public consultation exercise, the Scheme had been revised to reflect these concerns.

Following the conclusion of public consultation, all seven constituent councils had approved the revised scheme for the transfer of the WMFRA to the WMCA during March - May 2018.

Sandwell's Cabinet had included an additional condition 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 (see Minute No. 54/18).

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As part of the drafting process of the Statutory Order, which allowed for the WMCA assuming governance of the West Midlands Fire Service (WMFS), the Home Office had considered the conditions made by the West Midlands constituent councils.

In response to the Home Office's comments, WMFS and WMCA had made the following proposals for the fulfilment of the conditions:-

- that the fire service budget and fire reserves are subject to a local ring-fencing arrangement adopted by the WMCA and be contained within the WMCA constitution;
- that the Statutory Order contains requirement that numbers of the Committee be set to a maximum of 18 members, with 15 elected members, and that the Police and Crime Commissioner be classed as an additional voting member;
- that the Statutory Order designate accountabilities for the Chief Fire Officer (CFO) to exercise, and that the revised WMCA Constitution dealing with Fire Governance, make it clear that all relevant organisational and operational matters were designated to the CFO.

The proposals to amend the WMCA Constitution were due to be considered by the WMCA Board on 14th September 2018, and the draft wording was as follows:

- A. The Combined Authority will maintain a separate budget known as the Fire Service budget "the budget". All receipts due to the Combined Authority in relation to the discharge of Fire Service operations and functions as set out in the Statutory Order West Midlands Combined Authority (Fire and Rescue Functions Order 2019), must be paid into "the budget" and all expenditure related to the same matters, must be paid out of "the budget".
- B. All assets relating to the discharge of Fire Service operations and functions will be owned by the WMCA as set out in the Order, but ring-fenced for use in relation to Fire Service Operations. Any receipts, income or proceeds of sale in relation to Fire Service assets will be retained within "the budget".
- C. Any reserves associated with the Fire Service at the point of transfer should be purely for the use of the Fire Service. Future movement in the Fire Service reserves need to be

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directly linked to the budgetary arrangements set out in A and B above.

- D. The CFO together with the officer responsible for the proper administration of financial affairs of the WMCA under section 151 Local Government Act 1972, will propose and be accountable for an annual budget for the fire and rescue service which will ensure the most effective and efficient delivery of services to local communities as set out in the Fire Service Strategy.
- E. Nothing in these provisions shall be taken as precluding any shared services, shared use of assets or other forms of joint working involving assets, personnel or services maintained by “the budget” with the consent of the Mayor and the Chief Fire Officer.

Following discussions in relation to the functions of the Mayoral Fire Advisory Committee, it had been confirmed at the WMCA Board on the 25th May 2018 that the function of reviewing decisions made by the Mayor of the WMCA in relation to WMFS should sit with the WMCA Overview and Scrutiny Committee. This was subsequently made clear in the letter of submission to the Home Office and was reflected in the draft Order.

Members now considered representations made by Andrew Scattergood from the Fire Brigades Union (FBU) and Councillor Edwards, Chair of the Fire and Rescue Authority, in relation to the proposed governance review and scheme as follows:-

FBU Concerns

Democracy – the proposed model under the WMCA would be very different to what was currently used at the Fire Authority;

Accountability – the Chief Fire Officer would be accountable to the Mayor as opposed to elected members of constituent councils as was currently operated at the Fire Authority. This was deemed by the Union to be flawed;

Staff representation in the proposed model – the voice of staff would not be heard at committee meetings. The Union recommended the inclusion of a workforce representative on committees to ensure that informed decisions could be made.

The draft Statutory Instrument was a significant risk to the Fire Authority as the Mayor could veto decisions of elected members and there was therefore no parity.

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The Fire Service was a fundamental public service and should not be controlled by one person.

Representation of the Chair of Fire and Rescue Authority

The Government had pushed for the governance of the Fire Authority through a single person accountability model, that was either the Midland Metro Mayor or the Police and Crime Commissioner. The Fire Authority governance staying as it was was not an option.

A working group had been set up to consider the advantages and disadvantages of both options. The results found that the best option was to move to the WMCA so as to remain neutral from the Police when working with the community to deliver the prevention agenda. In addition, the WMCA had the same seven lead constituent councils reporting to it as was the case for the Fire Authority.

The FBU had stated that WMFRS and the PCC option had not been adequately consulted upon, however, consultation had been ongoing over two years and the FBU had regularly been consulted at Joint Consultative Committee.

Councillor P Hughes, Chair of the West Midlands Combined Authority Overview and Scrutiny Committee, stated that Government had imposed either the Mayoral or PCC options upon the WMFRS, and as a result, the Service did not have a choice in the matter.

It was proposed that Sandwell should now make representations to the WMCA to enable improvements to be made within the governance structure to include staff representation within the advisory committee.

The Leader of the Council felt that checks and balances were needed and any changes to the WMCA governance arrangements should be reflected within the Combined Authority's Constitution for the Mayor to have regard to. Members were of the view that as far as possible, any outcomes and red line issues raised in the public consultation that were not addressed within the Parliamentary Order should be addressed within the Constitution of the WMCA.

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The proposed amendments to the Constitution would be approved by each of the constituent councils at their respective full Council meetings.

Members noted the concerns of the FBU and the proposed impact on the Fire Service and its members and recommended that workforce representation should also be included on the committee structure of the WMCA in order to consider concerns and opportunities for staff.

Resolved:-

- (1) that the proposals for the fulfilment of the conditions from the seven constituent councils in relation to the West Midlands Combined Authority Governance Scheme for the West Midlands Fire Service be approved;
- (2) that the proposed amendments to the West Midlands Combined Authority Constitution that reflect the conditions agreed by the constituent councils and to ensure, as far as is practically possible, that the outcomes and red lines issues identified within the consultation not addressed within the Parliamentary Order are addressed within the Constitution of the West Midlands Combined Authority, be approved and recommended for adoption by the West Midlands Combined Authority;
- (3) that in connection with Resolution (2) above, any changes to the West Midlands Combined Authority Constitution be submitted to a meeting of the full Council of each of the seven constituent council for approval;
- (4) that workforce representation on committees be considered as part of the governance arrangements of the West Midlands Combined Authority;
- (5) that the Chief Executive, in consultation with the Leader of the Council, assent to the Draft Order received from Government to be laid before Parliament, to enable the changes for West Midlands Combined Authority to assume governance of West Midlands Fire Service (in accordance with Cabinet Minute No. 52/18).

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122/18

Schools Capital Programme 2018/19-20/21: Phase 2, Q3 Academy Langley (Key Decision Ref. No. SMBC10/07/2018)

The Cabinet Member for Children's Services reported that on 29th May 2018, the Department for Education/Education and Skills Funding Agency (DfE/ESFA) announced that the Authority would receive a nil Basic Need capital allowance for 2020/21.

It was currently projected that an additional 3,845 places would be required in secondary schools by September 2025. Whilst the unprecedented growth in the birth rate experienced over recent years had started to ease, the Borough continued to receive a high demand for school places, primarily due to increased migration and retention rates. Demand in Smethwick was particularly high.

The proposed final project at Q3 Academy Langley (Phase 2) was scheduled for completion in September 2019 to support the projected shortfall in secondary school places. Phase 2 entailed construction of 3 additional blocks to the main building.

In light of the Government's zero announcement on Basic Need funding, officers had reviewed Phase 2 to ensure a sufficient supply of school places could still be delivered for September 2019. The proposed Phase 2 would now be a reduced scheme to build one block to accommodate both general and specialist teaching areas to support Key Stage 4 option subjects for Years 10 and 11.

Strategic Finance had confirmed that having taken into account all previous approvals for expenditure of Basic Need and ongoing commitments, the balance of resources available to the Council was £7,448,916.

Following the nil Basic Need announcement, and the above remaining Basic Need resources, these were the only capital resources available to the Council to meet the ongoing demand for new secondary school places. The Authority would continue to challenge the Government and the DfE to seek a resolution to the Government's decision.

Approval was now sought to the allocation of capital funding to enable the proposed expansion to be included within the Schools Capital Programme 2018/19-2020/21.

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A full appraisal had been undertaken by Strategic Finance. Some risks had been identified as a result of the appraisal and action points recommended to mitigate those risks.

In response to a question raised by the Chair of the Economy, Skills, Transport and Environment Scrutiny Board, the Cabinet Member for Children's Services confirmed that:-

- the Council was currently in discussions with the Education Skills Funding Agency (ESFA) about the application of its funding formula. Very large cohorts of pupils were moving in to the secondary sector in the coming years and capacity would need to be built ahead of this by creating additional Year 7 places every year. However, the ESFA formula would count any spare spaces in higher year groups as capacity in the system. This, however, did not work as schools could not manage significantly oversized year groups in one cohort (and this would store up capacity problems in the future);
- consideration was being given to what action to take against the ESFA but the basis of the challenge was that if the Council built a school ahead of the need for places, the funding formula did not fund the authority to deliver the places i.e. once we build a phase of a school (e.g. KS3) then the ESFA counts all of the space as delivered capacity and reduces future funding which would result in not recouping initial funding outlay.

Resolved:-

- (1) that funding for Phase 2, Q3 Academy Langley, Moat Road, Oldbury B68 8ED as part of the Schools Capital Programme 2018/19-2020/21 be approved;
- (2) that in connection with Resolution (1) above, the remaining £948,916 funding be retained until a feasibility study has been undertaken on proposed schemes for 2019-2022, which will be subject to a further report submitted to Cabinet;
- (3) that in connection with Resolution (1), (2) and (5), the Director – Education, Skills and Employment award a contract, either:-

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- through the Strategic Partnering Agreement with Sandwell Futures Limited; or
 - following a compliant procurement exercise, in conjunction with the Section 151 Officer, and in consultation with the Cabinet Member for Children's Services, subject to meeting relevant criteria;
- (4) that in connection with Resolution (1), (2), (3) and (5), the Director – Monitoring Officer enter into any legal agreements on terms agreed by the Director – Education, Skills and Employment, as required, to allow the building works to be completed on the site;
- (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:-
- review cost estimates to ensure that they are reasonable and can be managed within the available funding;
 - review the Corporate Risk Register for the project to ensure all risks, responsible officers and target dates for the mitigation of risks are appropriately identified;
 - ensure rigorous financial monitoring is undertaken on the Council's Basic Need allocations to ensure future funding needs can be met;
 - identify outputs and outcomes in relation to the construction works to assist with effective project management.

(Councillor P Hughes and the Chief Executive left the room during consideration of this matter)

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123/18 **Proposed expansion of St Matthews CE Primary School, Windmill Lane, Smethwick (Key Decision Ref. No. SMBC02/09/2018)**

The Cabinet Member for Children's Services sought approval to make alterations to St Matthews CE Primary School, Windmill Lane, Smethwick in order to meet the high demand for school places in Smethwick.

The proposed increase in places would mean that a scheme would be developed to ensure continuity of provision across the school. In 2017, a new two classroom modular block was completed at the school to enable the 30 additional pupils to be admitted into Reception in September 2017, and to accommodate a further class of 30 Reception pupils in September 2018.

As agreed at the Land and Asset Management Committee on 14th June 2018 (see Minute No. 5/18) further building work would commence soon to build a new Key Stage 2 classroom block for the school on land in Windmill Lane, opposite the school's existing site. The proposed works were scheduled for completion by Autumn 2019.

Councillor Ahmed, ward member for St Pauls, welcomed the proposals to address the increased demand in school places in the area.

Resolved that having taken the results of consultation into account and notwithstanding any appeal from the local Church of England diocese, the Roman Catholic diocese or the school governing body, the prescribed alterations at St Matthews CE Primary School, Windmill Lane, Smethwick, B66 3LX be approved.

(Councillor P Hughes and the Chief Executive left the room during consideration of this matter)

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124/18

Proposed expansion of The Westminster School, Rowley Campus, Curral Road, Rowley Regis, West Midlands (Key Decision Ref. No. SMBC03/09/2018)

The Cabinet Member for Children's Services sought approval to expand The Westminster School, Rowley Campus, Curral Road, Rowley Regis to 250 places to meet the increase in demand for places. The expansion would increase the Council's ability to provide places on the Supported Internship and Apprenticeships programme leading to increased employment opportunities for young people with learning disabilities.

The proposed increase in capacity at The Westminster School would:-

- a) confirm current provision for 7 to 16 year olds; and
- b) create space for a bespoke 16 to 19 provision that would enable students to extend their studies and access Supported Internships and Supported Apprenticeships.

The proposal impacted directly on the Whiteheath Education Centre which would need to relocate to another site.

The Inclusion Support Service in Sandwell would provide ongoing support for the young people at Whiteheath by re-assessing their needs and ensuring that any changes and developments were based on additional support and advice. The Inclusion Support Service would provide a direct oversight and carefully managed plan for the young people who regularly attended Whiteheath.

The Council's preferred option for Whiteheath was that it relocated to Sandwell Community School – South Tipton campus site, Alexandra Road, Tipton as it had suitable and sufficient accommodation to a similar standard to the Rowley Campus. The unit also formed part of the Building Schools for the Future contract arrangements, which for the Centre, provided a similar facilities management and ICT service as purchased at the Rowley Campus. To mirror the current contractual arrangements as the Rowley Campus, this would provide the minimal disruption for the Centre whilst staff could focus on settling pupils into their new setting.

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The move to the South Tipton campus would save Whiteheath Education Centre an estimated £27,000 on site running costs which could be spent on enhanced provision for young people and allow for expanded services. The Council would also allocate capital resources to support the re-location of Whiteheath.

The Chair of the Children's Services and Education Scrutiny Board welcomed the proposals to provide places for education and improve work opportunities for young people with moderate learning difficulties as opposed to struggling in a mainstream setting. She Chair did however express disappointment that the matter was not considered at the Children's Services and Education Scrutiny Board before a decision was made. In response, the Cabinet Member for Children's Services requested that the Director – Education, Skills and Employment discuss the proposals with the Scrutiny Board prior to commencing work.

Resolved:-

- (1) that having taken the results of consultation into account and notwithstanding any appeal from the local Church of England diocese, the Roman Catholic diocese or the school governing body, the prescribed alterations at The Westminster School, Rowley Campus, Curral Road, Rowley Regis, B65 9AN be approved subject to the allocation of capital funding to support the reorganisation of The Westminster School and associated move of Whiteheath Education Centre;
- (2) that the proposed expansion of The Westminster School, Rowley Campus, Curral Road, Rowley Regis be considered at the Children's Services and Education Scrutiny Board.

(Councillor P Hughes and the Chief Executive left the room during consideration of this matter)

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125/18

Supporting People to Live Independently at Home (Key Decision Ref. No. SMBC01/04/2018)

The Cabinet Member for Social Care reported that the Council was under a duty in accordance with the Chronically Sick and Disabled Persons Act 1970, the Children Act 1989 (in respect of children) and the Care Act 2014 (in respect of adult persons who may be in need of care and support) to provide support where it had assessed that such support was needed, including practical assistance in the home and adaptations to the home.

Approval was now sought for the Executive Director – Adult Social Care, Health and Wellbeing to procure, award and enter into a contract with suitably qualified, competent and experienced contractors to manage and deliver:-

- a minor adaptation/handyperson service for a period of three years commencing on 1st January 2019 until 31st December 2021 with an option to extend for one year until 31st December 2022;
- a major adaptation/improved works and Bath Out Shower In (BOSI)/Level Access Shower (LAS) Service for a period of three years commencing 1st February 2019 until 31st January 2022 with an option to extend for one year until 31st January 2023.

In response to questions raised by the Chair of the Budget and Corporate Scrutiny Management Board, the Cabinet Member for Social Care confirmed that:-

- any potential TUPE Implications as a result of the procurement process would be dealt with;
- whilst the in-house direct labour organisation could tender for the works, its focus was on delivering the works of this nature to Council owned properties and ensuring that day to day repairs were carried out.

In response to a question raised by the Vice Chair of the Health and Adult Social Care Scrutiny Board, the Leader of the Council requested that where members were aware of cases where support had not been made available to residents, this should be reported to the service area to ensure that any issues were addressed and all support was provided to those that needed it.

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Resolved:-

- (1) that the Executive Director – Adult Social Care, Health and Wellbeing, in consultation with the Executive Director – Resources, seek tenders in accordance with the Public Contracts Regulations 2015, the Council's Procurement and Contract Procedure Rules and Financial Regulations, to deliver:
 - minor adaptation/handyperson service for a period of three years commencing 1st January 2019 until 31st December 2021 with an option to extend for one year until 31st December 2022;
 - major adaptation/improved works and Bath Out Shower In (BOSI) / Level Access Shower (LAS) service for a period of three years commencing 1st February 2019 until 31st January 2022 with an option to extend for one year until 31st January 2023;
- (2) that the Director – Monitoring Officer enter into contracts with successful tenderers on terms to be agreed by the Executive Director – Adult Social Care, Health and Wellbeing;
- (3) that the Executive Director – Adult Social Care, Health and Wellbeing make any necessary exemptions to the Council's Procurement and Contract Procedure Rules to award contracts to successful bidders following the procurement process.

126/18

Sandwell Children's Trust Update and Improvement Plan (Key Decision Ref. No. 14/07/2018)

The Cabinet Member for Children's Services reported that the Sandwell Children's Trust, in consultation with the Council, had developed and submitted an Improvement Plan to Ofsted, on behalf of the Council.

The Plan was based on eight key priorities which set out what the Trust aimed to achieve, how it intended to do this and what "good" and better services would eventually look like.

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The Plan was informed by Ofsted's recommendations following the November 2017 inspection, repeat recommendations from previous inspections and incorporated the Sandwell Children's Commissioner's key priorities from his diagnostic work undertaken whilst working with the Council. The eight key priorities were as follows:-

Priority 1: Leadership. Having strong leadership is pivotal in shaping and improving services for children and families and is the catalyst to transforming and delivering high quality services for children and young people

Priority 2: Workforce. Having a highly committed, child focussed workforce is essential in creating an environment where social work can flourish. These values alongside a shared goal of improvement are vital to the improvement journey.

Priority 3: Practice. The quality of practice is fundamental in improving the lives of children and their families in Sandwell. Good practice is fostered by strong leadership which develops a confident and competent workforce who place children at the centre of their work.

Priority 4: Children Looked After. This is a fundamental priority of the plan because as 'Corporate Parents' we have a duty to make sure that decisions about our children and young people becoming looked after are based on robust social work practice supported by a rigorous framework which facilitate safe, stable permanent placements which support and drive positive, sustainable outcomes where our children thrive and achieve.

Priority 5: CSE, Exploitation, Missing & Trafficked. CSE destroys lives and affects all our communities; and is recognised nationally as one of the most important challenges facing local agencies today. It has a serious long term and lasting impact on every aspect of a child's life including their health, physical and emotional wellbeing, educational attainment, personal safety, relationships and future life opportunities.

Priority 6: Performance and Quality Assurance. The Trust will use its Quality and Assurance systems and frameworks to create a structure for improvement which enables a shift in culture to drive passion for high quality practice

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Priority 7: Partnership. Strong and effective partnerships are critical when transforming and improving children's services. Shared visions and values alongside a joined-up approach to tackling issues is fundamental if partnership approaches are to succeed.

Priority 8: Voice and Experience of the Child. This priority is central to the improvement plan given that the child's voice should thread through all the priorities. The importance of capturing and understanding the child's voice and experience is fundamental in ensuring that children are effectively supported and safeguarded.

The contract/partnership between the Council and the Trust included a performance management framework which underpinned the objective to achieve an Ofsted rating of 'Requires Improvement' by 2020 and 'Good' by 2022. The Improvement Plan would form the basis of improvement activity of the Trust and the Council over the next two years with the aim of delivering their shared vision for children's social care in Sandwell.

Within the action plan for Priority 7: Partnership, the Executive Director of Children's Services was responsible for establishing a Strategic Children's Partnership by April 2019. This would enable all relevant partners to work together effectively to commission services for children, young people and their families. This work was on track.

The Department of Education had established the Sandwell Children's Improvement Board to provide leadership and challenge across the partnership and to drive forward sustainable improvements with the overall aim of improving outcomes for the borough's most vulnerable children and young people. The Board was made up of representatives from the Council, the Trust and other partner organisations which included the Sandwell Safeguarding Board, West Midlands Police and Sandwell & West Birmingham Clinical Commissioning Group. The Board was chaired, on behalf of the Department of Education, by Paul Moffat, Chief Executive of Doncaster Children's Trust. The Council was represented by the Cabinet Member for Children's Services, the Chief Executive, the Director of Children's Services and the Director of Education, Skills and Employment.

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In accordance with the terms of the contract, whilst the Trust was providing the Council with monthly monitoring information, an initial six months grace period was agreed, which allowed the Trust time to establish processes and governance arrangements before formal reporting commenced.

The contract had been signed by both parties with a view to agreeing Key Performance Indicators (KPIs) by the end of July 2018. The first Strategic Partnership Board agreed that the deadline should be extended to the end of September so that the new Executive Director of Children's Services would be able to fully participate in the determination of the KPIs and associated targets.

The Executive Director of Children's Services was currently creating a client management function, with the Manager's post currently out to recruitment. The client management function would support the Executive Director of Children's Services to monitor the performance, undertake audit activity and hold the Trust to account for the delivery of the contract.

The contract with the Trust specified that representatives of the Trust should attend Council meetings when reasonably requested, specifically referencing attendance twice a year at Children's Services and Education Scrutiny Board and at Budget and Corporate Scrutiny Management Board each February.

In accordance with Support Services Agreement (SSA), the Council provided a range of support services to the Trust for an initial one year term (except for the leased cars service which had three year terms). The Trust and the Council were currently undertaking a review of the services provided in order to determine future arrangements. The Cabinet would be informed of the outcomes of the review in a future report.

The Trust's Articles of Association required the Trust to obtain Council approval to certain reserved matters. One of the reserved matters was the appointment of Board members. Consideration was given to the current Trust Board membership.

In response to questions and comments raised by the Chair of the Budget and Corporate Scrutiny Management Board, the Chair of the Children's Services and Education Scrutiny Board and the Vice Chair of the Health and Adult Social Care Scrutiny Board, the Cabinet Member for Children's Services reported that:-

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- due to the Improvement Plan being submitted to the DfE on 10th May 2018, scrutiny did not have the opportunity to consider and comment on the Improvement Plan. The new Executive Director of Children’s Services was working closely with the Trust to ensure effective working relationships were established with the Council and all key reports were submitted in a timely way;
- he had spoken with the Chair of the Improvement Board who had agreed that the Chair of the Children’s Services and Education Scrutiny Board should be included on the membership of the Improvement Board;
- partnership work was underway and a review of Sandwell Safeguarding Children Board would be considered by the Council, including scrutiny, and all partner agencies by the end of the year. Partner agencies had also met to discuss the development of a new strategic commissioning board for children and young people’s services and the proposals for this would be finalised once the arrangements for the Safeguarding Board were agreed to ensure clarity. The Safer Sandwell Partnership Board had undertaken a restructure and the Prevention of Violence and Exploitation sub-group would have a focus on child exploitation and also youth offending.

Resolved:-

- (1) that the Children’s Improvement Plan be received;
- (2) that the appointments to the Sandwell Children’s Trust Board as set out below be ratified;

Name	Board Role	Professional Capacity
Rt Hon Jacqui Smith	Chair	Former Cabinet Minister
Cllr Paul Sanders	Council appointed Non-Executive Director	Elected member
Stuart Lackenby	Council appointed Non-Executive Director	Director of Prevention & Protection, SMBC
Stephen Rimmer	Non-Executive Director	Director of Impact and Learning, Barnardos
Linda Sanders	Non-Executive Director	Former Director of Children’s Services
Vineeta Manchanda	Non-Executive Director	Senior Finance Manager

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Frances Craven	Executive Director	Chief Executive, SCT
Dan Mortiboys	Executive Director	Director of Resources, SCT
Steven Gauntley	Executive Director	Director of Quality & Performance, SCT

- (3) that the update information on the early stages of the Sandwell Children's Trust be noted.

127/18 **Award of contract to provide specialist outdoor education and arts education staff to support service delivery in Sandwell Residential Education Centres (SRES) (Key Decision Ref. No. SMBC001/07/2018)**

The Cabinet Member for Children's Services sought approval to award a contract for the provision of specialist outdoor education and arts education staff to support service delivery at the four Sandwell Residential Centres (SRES).

On 21st March 2018, the Cabinet had approved a request to obtain quotations for a service to provide specialist outdoor education and arts education staff to SRES to meet business demands for a four-year agreement (see Minute No. 45/18).

This agreement would replace a series of one-year agreements to increase business confidence and continuity, and to reduce the work involved in annual procurement.

In accordance with the Council's Procurement and Contract Procedure Rules, despite four expressions of interest being submitted, only one supplier, Newave Limited, had submitted a quotation. A thorough evaluation of their quotation was undertaken and price was reasonable and fair in the sector, allowing for high quality and competitive staff sourcing and the quality scores were high.

Newave Limited currently provided the service under a one-year agreement, and their level of service was very good.

A number of Newave tutors undertook work throughout the week to help with delivering courses.

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However, due to the ad-hoc and bespoke nature of the staffing demand from the Centres, Newave staff did not solely work on this contract and were allocated delivery elsewhere. All Newave staff were direct employees of Newave Education and as a result, received all statutory employment rights as an employee. All Newave staff were entitled to join their company pension scheme, enhanced maternity and paternity packages and received holiday allowances/leave.

The contract would be for a four-year period starting from 1st November 2018. There was a break clause in the contract which could be exercised if the terms of the agreement were not met.

The estimated annual spend was £120,000. Expenditure would only be incurred when there was demand for additional or specialist staffing, and would generate additional income.

Resolved:-

- (1) that the Director - Education, Skills and Employment award a contract to Newave Ltd to provide specialist outdoor education and arts education staff to support service delivery at the four Sandwell Residential Centres (SRES) to commence on 1st November 2018 for a four-year period with a maximum value of £120,000 per annum;
- (2) that the Director – Monitoring Officer make and execute any necessary documents to enable the course of action referred to in Resolution (1) above to proceed;
- (3) that any necessary exemptions to the Council's Procurement and Contract Procedure Rules be approved to enable the course of action referred to in Resolution (1) above to be undertaken.

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128/18

Novation of Framework Agreement for Superimposed Road Markings, Specialist Surfacing and Studs (Key Decision Ref. No. 16/08/2018)

The Cabinet Member for Highways and Environment sought approval to the novation of the Framework Agreement for superimposed road markings, specialist surfacing and studs on the highways network for the period of 1st August 2017 to 31st July 2021 to Wilson & Scott (Highways) Limited from DeAngelo Brothers UK Limited.

Sandwell MBC was the lead authority for this Framework Agreement on behalf of Dudley MBC and Wolverhampton CC. Walsall MBC were able to utilise the agreement at any time during its duration.

The total cost of services procured over the life of the Framework Agreement by all participating authorities was estimated at £2.7m. The total cost of services procured over the life of the Framework Agreement by Sandwell MBC was estimated to be £1.8m.

In accordance with the Public Contracts Regulations 2015, the winning supplier (DeAngelo Brothers UK Limited) had recently sold the road marking asset of its business to Wilson and Scott (Highways) Ltd.

Wilson and Scott (Highways) Ltd had previously supplied these services and came first in the quality submission but second overall in the most recent procurement exercise.

The proposed new supplier (Wilson & Scott) would use the submitted rates that were evaluated for the winning bid by DeAngelo Brothers UK Limited.

Resolved:

- (1) that novation of the Framework Agreement for superimposed road markings, specialist surfacing and studs for the highway network for the period of 1st August 2017 to 31st July 2021 to Wilson & Scott (Highways) Limited from DeAngelo Brothers UK Limited be approved;

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- (2) that in connection with Resolution (1) above, the Director - Monitoring Officer execute any documents necessary to give effect to the recommendations.'

129/18

Day to Day Repairs to Sandwell MBC Properties (Key Decision Ref. No. 01/11/2018)

The Leader of the Council, in the absence of the Cabinet Member for Housing, sought approval to award the contract for day to day repairs to Council properties to Axis Europe Plc and Woodland Property Services Limited for a period of four years, from 8th November 2018 to 31st October 2022 at a cost of £2.4m (£600,000 per annum).

In response to a question raised by the Chair of the Safer Neighbourhoods and Active Communities Scrutiny Board, the Leader confirmed that there were no TUPE implications in relation to the contract.

Resolved:-

- (1) that the Executive Director – Neighbourhoods award the contract for day to day repairs to Council properties to Axis Europe Plc and Woodland Property Services Limited for a period of four years, from 8th November 2018 to 31st October 2022 at a cost of £2.4m (£600,000 per annum);
- (2) that in connection with Resolution (1) above, the Director – Monitoring Officer enter into the appropriate contracts with Axis Europe Plc and Woodland Property Services Limited.

130/18

Cyclical Maintenance to High Rise Properties (Key Decision Ref. No. 03/08/2018)

The Leader of the Council, in the absence of the Cabinet Member for Housing, sought approval to procure contractor(s) to carry out cyclical maintenance to high rise properties across the Borough.

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On 18th October 2017, Cabinet approved the Housing Revenue Account (HRA) – Housing Investment Programme report. The report set out a refreshed ten year HRA investment plan to enable the delivery of new build projects, continue investment into existing stock and communal spaces in our neighbourhoods.

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.

To maintain high rise blocks once they had been improved, the Council was pulling together all cyclical maintenance activity into a coherent plan and introducing a five year programme that would not only ensure the blocks continued to look good, but also helped to ensure they were safe and met the required standard for fire protection.

The planned cyclical maintenance contract would become the focus for all work to communal spaces in high rise stock and associated work would be timed to gain the maximum benefit from investment.

Resolved:-

- (1) that the Director - Housing and Communities make any necessary exemptions to the Council's Procurement and Contract Procedure Rules 2018/19 to enable a contract period of five years for the cyclical maintenance to high rise properties in Sandwell;
- (2) that the Director - Housing and Communities, in consultation with the Executive Director – Resources, prepare tendering documentation and procure contractor(s), 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 cyclical maintenance to high rise properties;

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- (3) that the Director – Housing and Communities submit a further report on the outcome of the procurement exercise referred to in Resolution (1) above and for Cabinet to approve the new contract arrangements.

131/18

The Restructure of the Housing Choice Service in Response to the Homeless Reduction Act 2017 (Key Decision Ref. No. 09/07/2018)

The Leader of the Council, in the absence of the Cabinet Member for Housing, sought approval to the restructure of the Housing Choice Service in order to meet the requirement of the Homeless Reduction Act 2017, which had come into effect on 3rd April 2018.

The Act had placed new legal duties on local authorities to assess all eligible applicants, agree an individual Personal Housing Plan, take reasonable steps to prevent homelessness and to relieve homelessness by helping the applicant to secure accommodation.

The new Prevention Duty applied to applicants threatened with homelessness within 56 days (previously 28 days). The Relief Duty, to help secure accommodation, also lasted for 56 days.

In order to respond to the additional duties outlined in the Act, it would be necessary to restructure the Housing Choice Service to ensure that it was in a position to prevent homelessness within the borough.

A report detailing the revised structure proposals for the restructure of the Housing Choice Service (to be renamed the Housing Solutions Service) was presented to Cabinet on 25th July 2018 (see Minute No. 109/18). The revised structure was approved as a basis for consultation with employees and Trade Unions and all relevant stakeholders.

The consultation period was originally planned for 30 days. However, this was extended to 45 days following consultation with Trades Unions. Consultation with employees and Trades Unions was undertaken between 26th July 2018 and 10th September 2018.

A selection process had been agreed with Trades Union colleagues during the consultation period.

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In response to feedback from both employees and Trade Unions, interview skills training had been organised for all employees in advance of interviews. Dates for this had been shared at the employee briefing and via the intranet page.

A number of roles were available within the revised structure which would be on two-year fixed term contracts due to Central Government grant funding being time limited. All fixed term posts would be offered on a secondment basis and employees would have secured a substantive post which would be protected. The full time equivalent posts would number 44 of which eight would be two-year fixed term posts. They would consist of:

Post	Grade	No of Posts Full Time Equivalent (FTE)	No of Grant Funded Posts (Two- year Fixed Term Contracts)
Neighbourhood Services Manager – Housing Solutions	H	1	
Team Leader	G	3	
Complex Needs Officer	F	2	1
Housing Solutions Officers	E	13	
Visiting Officers	E	2	2
Accommodation Officer	E	5	3
Lettings Officer	E	6	1
Lettings Support Officer	D	6	1
Apprentices	Level 2	6	
TOTAL		44	8

The vacant positions would be ring fenced initially to those officers who would be potentially displaced by the restructure.

There would be 6 x Apprentices Level 2. Some of these apprenticeships would be recruited to based on individuals having 'lived experience'.

This would include liaising with the Children's Trust to include Care Leavers within this approach and would enhance the holistic customer centred approach.

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The new Housing Solutions Service would be implemented with effect from 1st November 2018.

Resolved:-

- (1) that the consultation undertaken with employees and Trades Unions on the revised Housing Solutions Service structure during the formal consultation period be noted;
- (2) that the revised structure for the Housing Solutions Service, as set out in Appendix 1, be approved for implementation with effect from 1st November 2018.

132/18

Restructure of the Business Excellence Service in the Neighbourhoods Directorate (Key Decision Ref. No. 03/07/2018)

The Deputy Leader and Cabinet Member for Neighbourhoods and Communities sought approval to restructure the Business Excellence Service within the Neighbourhoods Directorate.

The Business Excellence Service was a new service area created within the former Housing and Communities Directorate in June 2017. The service had been designed at that point to provide support, including administrative support, business planning, project management and performance management to the other service areas within the Directorate.

The Business Excellence Service area was fundamental to supporting the whole of the Neighbourhoods Directorate to deliver on its planned savings proposals. A renewed focus on transforming services to make them more streamlined, customer focused and more effective would deliver future savings.

The administrative element of the team had been supporting several service areas within the Housing and Communities Directorate. However, it was felt that this was not as productive as it could be if it was linked directly with the service area.

The Cabinet – 19th September 2018

This approach had been trialled where administrative employees from Business Excellence had been temporarily located within Asset Management and Maintenance team(s) and this had proved to be successful. Therefore, some administrative roles would be transferred into the Asset Management and Maintenance, Housing Management and Communities and Partnership service areas.

A report detailing the revised structure proposals for the Business Excellence Service was presented to Cabinet on 25th July 2018 and was approved as a basis for consultation with employees and Trades Unions and all relevant stakeholders (see Minute No.110/18).

The consultation period was originally planned for 30 days; however, this had been extended to 45 days following consultation with Trades Unions. Consultation with employees and Trades Unions was undertaken between 26th July 2018 and 10th September 2018.

A selection process had been agreed with Trades Union colleagues during the consultation period.

The proposed structure would be implemented with effect from 1st November 2018.

Resolved :-

- (1) that the findings of the consultation undertaken with employees and Trades Unions on the revised Business Excellence structure during the formal consultation period be noted;
- (2) that the structure for Business Excellence Service, as set out in Appendix 2, be approved for implementation with effect from 1st November 2018.

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133/18 **2018/19 Budget Monitoring – Quarter 1 (Key Decision Ref. No. 07/09/2018)**

The Leader of the Council presented details of the Council-wide financial outturn for quarter 1 as at the end of June 2018.

At a directorate level, excluding Public Health and the Housing Revenue Account, the Council was forecasting a year-end surplus of £4.710m.

In addition, there was a projected year-end surplus against Public Health of £0.887m. This was a ring-fenced grant and was therefore required to be carried forward into 2019/20.

The forecast outturn for individual directorates revealed that a total of £5.512m of corporate resources would be used to support expenditure. The projected year-end deficit for the Council as a whole was £0.802m.

Approval was now sought to a number of revenue virements above £0.200m which had been processed between service areas since the 2018/19 budget was set and between directorates. Approval was also sought to make adjustments to budgets for additional grants that had been received since the original 2018/19 budget was set and to the use of surpluses and deficits as detailed. 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.

In October 2015, the Chance Glass Works Heritage Trust (CGWHT), which had been established to promote the comprehensive regeneration of the former Chance Glass Works site, had applied to the Black Country Local Enterprise Partnership for Local Growth Fund (LGF) funding of £660,000 to acquire the existing leases on the site of the former Chance Glass Works. Sandwell MBC had agreed to be the accountable body for an allocation of LGF grant to support the Chance Glassworks project.

The money had not been drawn down during the 2017/18 financial year. Sandwell MBC, as applicant, had submitted a change request to the LEP to extend the timeframe for spending the grant funding to the end of the 2018/19 financial year. This was approved at Black Country Executive Joint Committee on 27th June 2018.

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A future change request would be required to extend the grant money beyond the 2018/19 financial year.

It was therefore proposed to:-

- authorise the Chief Executive and the Section 151 Officer to reply to Walsall MBC to advise that this Council was prepared to underwrite the grant and indemnify Walsall MBC against any clawback on monies by Central Government in respect of £660k of Local Growth Fund (LGF) funding for the Chance's Glass Works regeneration project;
- authorise the Executive Director – Resources to set up a suitable account to accommodate up to £660,000 of Black Country Local Enterprise Partnership (BCLEP) monies and upon confirmation by the Executive Director - Neighbourhoods that she was satisfied that Chance Glass Works Heritage Trust (CGWHT) had acquired and subsequently completed acquisition of any interest and/or subsisting interest in the site on suitable terms and conditions to reimburse the Trust with the purchase price and associated fees only.

The Leader of the Council reported that, due to the continuing Government cuts in funding, a number of local authorities nationally had become bankrupt, however, Sandwell had a robust budget which was on track.

Sandwell was aware of the pressures within social care across the country due to the growing number of vulnerable children and this was a significant concern to the Council. Whilst the budget for children's social care had now been transferred to the Trust, there was a continual drive for value for money and achieving maximum efficiencies.

In addition, the adult social care budget would continue to provide a good quality service to the elderly and vulnerable adults in Sandwell.

The proposals would be referred to the Budget and Corporate Scrutiny Management Board for consideration.

The Cabinet – 19th September 2018

Resolved:-

- (1) that the financial monitoring position of individual directorates and the Housing Revenue Account (HRA) as at 30th June 2018 (quarter 1 2018/19) be received and referred to the Budget and Corporate Services Scrutiny Management Board for consideration and comment;
- (1) that the following adjustments that have been processed against target budgets be approved: -

	£000
Resources	
Transfer of Small Plant budget to Homes and Communities	(10)
Total Resources	-10
Adults	
Transfer of Safeguarding Systems Team and IMPRESS System from Children's Services	386
Total Adults	386
Regeneration & Growth	
Transfer for Christmas Lights	21
Transfer of Economic Development to Children's Services	(237)
Transfer of Tipton Education Fund to Children's Services	(13)
Transfer to Homes & Communities for purchase of winter gritter vehicles	(193)
Total Regeneration & Growth	-422
Housing & Communities	
Transfer from Resources for small plant purchases by Fleet	10
Transfer from Highways to fund borrowing costs of winter gritter vehicles	193
Adjustment for 2017/18 prudential borrowing costs	(14)
Total Housing & Communities	189
Children's Services	
Children's Trust Adjustment	5,014
Transfer of Economic Development from Regeneration to Children's Services	237
Transfer of Safeguarding Systems Team and IMPRESS System to Adults	(386)
Transfer of Tipton Education Fund from Regeneration	13
Allocation of budget to fund Tipton Education Fund prior years costs	37
Total Children's Services	4,915

- (3) that the following budget virements above £0.200m within service areas be approved: -

The Cabinet – 19th September 2018

Regeneration & Growth

In-Year Budget Virements		
	Debit £000	Credit £000
Property Services & Economic Development	1,154	
Corporate Landlord		8,380
Strategic Assets & Land Service	6,059	
Growth & Spatial Planning	588	
Management	579	
Total	8,380	8,380

(4) that the following requested budget virements above £0.200m between directorates be approved: -

	DR £000	CR £000
Resources		
Transfer to Children's Services for Children's Trust Support Services		1,987
Allocation to Sandwell Children's Trust for strategic capacity		812
Regeneration & Growth		
Transfer to Children's Services for increase in the 2018/19 Sandwell Children's Trust contract payment for office accommodation and postal services		641
Children's Services		
Transfer from Resources for Children's Trust Support Services	1,987	
Transfer from Regeneration & Growth for increase in the 2018/19 Sandwell Children's Trust contract payment for office accommodation and postal services	641	
Allocation to Sandwell Children's Trust for strategic capacity	812	
	3,440	3,440

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- (5) that 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)
Regeneration & Economy	Planning & Delivery Fund grant to support investment and delivery of new homes	250
	New Burdens grant towards Planning & Development	28
	Flood Defence grant	15
		293
Housing & Communities	Universal Credit personal budgeting assistance	64
	New Homelessness Reduction Act statutory requirements	358
	Community Safety confirmed grant from Police and Crime Commissioner	229
	Controlled migration fund from Home Office	100
	Opportunities for Everyone funding within libraries	11
		762

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

Resources	£000
Carry Forward to 2019/20 to fund 6 Higher Level Apprentices	134
Carry Forward to 2020/21 to fund 6 Higher Level Apprentices	134
Total	268
Housing & Communities	£000
Museums- a back-dated credit for business rates to be transferred to capital (RCCO) for repairs and building improvements at Oak House museum	100
Total	100
HRA	£000
Transfer to HRA balances to fund ongoing capital investment	858
Total	858

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- (7) that the Chief Executive and the Section 151 Officer reply to Walsall MBC to advise that this Council is prepared to underwrite the grant and indemnify Walsall MBC against any clawback on monies by Central Government in respect of £660k of Local Growth Fund (LGF) funding for the Chance's Glass Works regeneration project;
- (8) that the Executive Director – Resources set up a suitable account to accommodate up to £660,000 of Black Country Local Enterprise Partnership (BCLEP) monies and upon confirmation by the Executive Director - Neighbourhoods that she is satisfied that Chance Glass Works Heritage Trust (CGWHT) has acquired and subsequently completed acquisition of any interest and/or subsisting interest in the site on suitable terms and conditions to reimburse the Trust with the purchase price and associated fees only.

134/18

Award of Contract for Provision of Local Welfare Provision (Key Decision Ref. No. 02/08/2018)

The Cabinet Member for Culture and Core Council Services sought approval to award a contract for the provision of local welfare provision to award the contract to Loaves N Fishes.

Local Welfare Provision had been introduced in April 2013, from this date Sandwell had piloted working with the voluntary sector/charitable organisations for the provision of white goods and household items.

Sandwell's Local Welfare Provision scheme had been co-designed with the voluntary sector/charitable organisations. It provided crucial support by way of food parcels, fuel, white goods and essential household items to Sandwell's most vulnerable residents who were faced with a crisis.

This approach had proved very successful and Sandwell now needed to formalise the arrangement with a contract following a procurement process.

The Cabinet – 19th September 2018

Resolved that the award of a contract to Loaves N Fishes for the period 1st October 2018 to the 30th September 2022 for the provision of white goods and household items to support delivery of the Council's Local Welfare Provision scheme be approved.

Business Item

135/18 Minutes of the Cabinet Petitions Committee

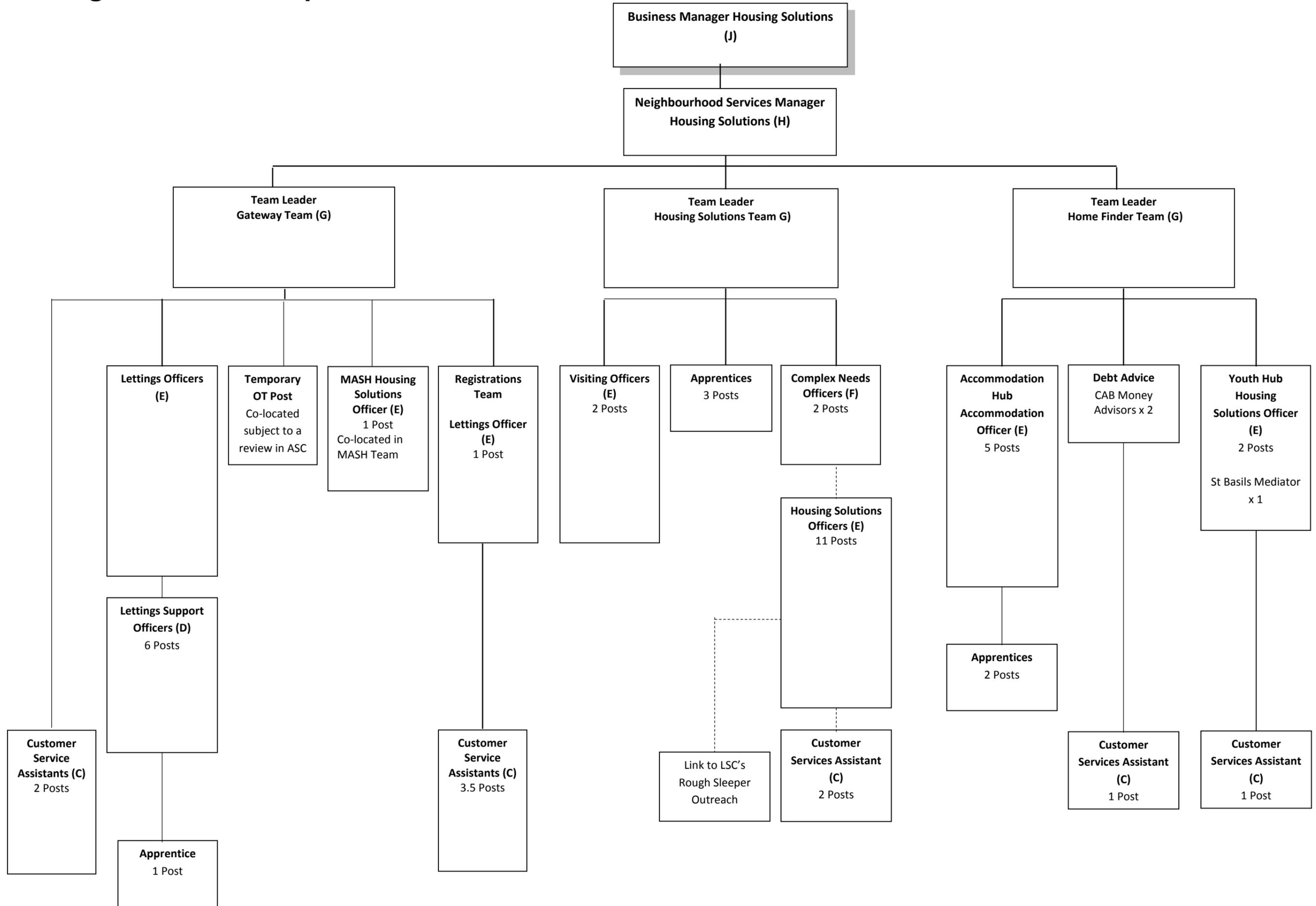
The minutes of the Cabinet Petitions Committee held on 26th July 2018 were received.

(Meeting ended at 4.50 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: Suky Suthi-Nagra Democratic Services Unit 0121 569 3479</p>

Housing Solutions - Proposed



PROPOSED

