

The Cabinet

25th July 2018 at 3.30pm
at the Sandwell Council House, Oldbury

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

Apologies: Councillors E M Giles and P Hughes.

In attendance: Councillors Ahmed, Rollins, Singh and Underhill.

101/18 **Minutes**

Resolved that the minutes of the meetings held on 13th and 27th June, 2018 be confirmed as a correct record.

Strategic Items

102/18 **Public Spaces Protection Order - West Bromwich Town Centre
(Key Decision Ref. No. SMBC08/07/2018)**

The Cabinet Member for Public Health and Protection reported that due to an increase in anti-social behaviour (ASB) over the last 2 years, a more targeted approach to the use of Public Space Protection Orders (PSPOs) was required in order to address issues in specific geographical areas such as West Bromwich town centre.

Consultation with members of the public was undertaken between February 2018 and May 2018 which demonstrated very strong support for action to be taken to address alcohol related violence and ASB, threatening and intimidating behaviour, violence in a public place, begging and nuisance parking.

The Cabinet – 25th July 2018

The feedback from consultation also confirmed the view that great care would need to be taken in choosing and confirming the wording of a PSPO so that vulnerable groups were not further disadvantaged by disproportionate actions. The implementation group understood that the PSPO should be used robustly but with care to offer support to people who were genuinely in need because of homelessness or poverty. The implementation group also made a clear distinction that action to address nuisance parking must be limited to parking that caused real obstruction to people, especially people for whom mobility was restricted.

Approval was now sought to implement a Public Spaces Protection Order for three years commencing 1st August 2018 within West Bromwich town centre and for an officer implementation group to be established to oversee the work of the Council and its partners.

Whilst members were minded to approve the proposals, it was felt that a further report should be submitted to the Cabinet in the Autumn highlighting the steps taken to implement the PSPO and its effectiveness over the first three months.

The Chair of the Economy, Skills, Transport and Environment Scrutiny Board, as ward councillor for West Bromwich Central, welcomed the introduction of the PSPO within the town centre to help alleviate ASB, street drinking and begging.

In response to questions raised by the Chair of the Safer Neighbourhoods and Active Communities Scrutiny Board, the Cabinet Member for Public Health and Protection confirmed that an implementation group would be scheduled monthly. Monthly meetings would also be continued with businesses via the Business Improvement District. The Director Housing and Communities would chair an implementation group that would oversee the implementation of the PSPO. However, day to day issues would be reported into the most relevant teams for action as was currently the case. Regular progress reports will be provided to the councillors in the affected Wards.

Resolved:-

- (1) that a Public Spaces Protection Order be implemented for West Bromwich Town Centre, with effect from 1st August 2018, for a period of three years;

The Cabinet – 25th July 2018

- (2) that in connection with resolution (1) above, the Order be published in accordance with the Regulations published by the Secretary of State, and be made accessible and available via the Council website;
- (3) that the existing Director led Implementation group be continued to maximise the benefit of the Public Spaces Protection Order to the local neighbourhoods and communities during the period the Public Spaces Protection Order is in place;
- (4) that a further report be submitted to Cabinet in Autumn 2018 highlighting the steps taken to implement the Public Spaces Protection Order and its effectiveness over the first three months.

103/18

Schools Capital Programme 2018/19-2020/21 (Key Decision Ref. No. SMBC05/06/2018)

The Leader of the Council sought approval to allocate £2,008,000 from the Department for Education's Basic Need and School Condition allocation to fund the next phase of the Schools Capital Programme 2018/19-2020/21.

The Department for Education's (DfE)/Education Schools Funding Agency (ESFA) had confirmed an allocation of £2,821,976 School Condition funding to the authority for 2018/19.

It was currently projected that an additional 3,845 places would be required in secondary schools by September 2025.

Previously, approved capital projects to provide a total of 840 new secondary school places had been completed at Q3 Academy Langley; Ormiston Sandwell Community Academy, Oldbury; and RSA Academy, Tipton.

Funding to deliver 1,045 new school places at George Salter Academy (250 places), Shireland Collegiate Academy (275 places), the new academy at Kelvin Way, West Bromwich (300 places) and Wood Green Academy (220 places) had previously been approved by the Cabinet to meet the continuing demand for new places.

The Cabinet – 25th July 2018

Whilst the unprecedented growth in the birth rate experienced in recent years had started to ease, demand for school places in the Borough continued, primarily due to increased migration and retention rates. Demand continued to be high in Smethwick in particular.

The following expansion projects had been identified to ensure a continued supply of sufficient secondary school places:

- Bristnall Hall Academy (150 places)
- St Michael's Church of England High School (30 places)

These schemes would ensure that the Council could continue to meet demand for secondary school places across the six towns. Feasibility work would also continue to be undertaken on those secondary schools who had expressed an interest in expanding.

A project for Lightwoods Primary School (Key Stage 2) was also included in the programme. The school had expanded by one form of entry (210 places) from September 2016. Modification works were now required to complete the school's expansion with the upgrade of classrooms and pupil toilets for junior age children, together with the adaptation of external play areas.

It was proposed to meet the estimated capital cost for the projects of £2,008,000 from the total available resources of £3,950,534. A full appraisal had been undertaken by the Strategic Finance team and a number of actions recommended to mitigate those risks identified.

A further report would be submitted to Cabinet in due course seeking approval to fund a number of smaller schemes to deliver the Evolve programme. Works would primarily result from the proposed expansion of The Westminster School, which was currently subject to a formal consultation exercise. The outcome of the consultation would be reported to Cabinet for decision.

Resolved:-

- (1) that funding for the following proposed expansion projects be approved as part of the Schools Capital Programme 2018/19-2020/21:-

The Cabinet – 25th July 2018

- Bristnall Hall Academy, Bristnall Hall Lane, Oldbury B68 9PA;
 - St Michael's Church of England High School, Rowley Learning Campus, Curral Road, Rowley Regis B65 9AN;
 - Lightwoods Primary School (Key Stage 2), Castle Road East, Oldbury B68 9BG;
 - feasibility work for future secondary school expansions;
- (2) that £1,500,000 of the Department for Education School Condition Allocation be used to support cyclical maintenance;
- (3) that in connection with resolutions (1) and (2) above, the remaining £620,558 funding be retained until feasibility has been undertaken on proposed schemes for 2019-2022, which will be subject to a further reports to Cabinet;
- (4) that in connection with resolution (1), (2), (3) and (6), the Director – Education, Skills and Employment award a contract, either:-
- (i) through the New Project Development procedure, as established under the Strategic Partnering Agreement with Sandwell Futures Limited; or
 - (ii) following a compliant procurement exercise, in conjunction with the Section 151 Officer, and in consultation with the Cabinet Member for Children's Services;
- (5) that in connection with Resolution (1), (2), (3), (4) and (6), the Director – Monitoring Officer enter into any legal agreements on terms agreed by the Director – Education, Skills and Employment, as required, to allow building works to be completed on all proposed sites;
- (6) that in connection with Resolution (1) and (2) above, the following action points identified within the appraisal report be implemented to reduce any risk to the Council:-

The Cabinet – 25th July 2018

- ensure value for money checks are undertaken once estimated costs have been provided by Sandwell Futures Ltd;
- produce project programmes for each scheme within the Schools Capital Programme to ensure that effective project monitoring can be undertaken to aid the timely delivery of each project;
- ensure that corporate Risk Registers are produced for all projects and ensure that all risks are identified and can be adequately mitigated;
- regular financial monitoring updates on individual projects should be provided to the Leader, highlighting variations of spend against original estimated costs. Remaining funds should be returned to the unallocated Schools Capital Programme;
- ensure that the Council enters into such form of legal agreements as required to allow extension works on all proposed sites; and
- post project evaluation should include specific outcomes, along with benchmarking of final costs to ensure value for money is achieved.

104/18

Childcare Sufficiency Report 2018/2019 (Key Decision Ref. No. SMBC05/06/2018)

The Cabinet Member for Children's Services sought approval to the consideration of 11 recommendations detailed within the Sandwell Childcare Sufficiency report 2018/2019 as set out below:-

1. To continue to support childcare providers to deliver high quality, sustainable provision.
2. Aim to improve the quality of the providers which are judged by Ofsted as "Requires Improvement" or "Inadequate" by working intensively with them and, in particular, those that delivered early education funded places.
3. To increase the number of pre-schools in Tipton and Wednesbury; as well as the number of childminders in Wednesbury to provide choice and flexibility.
4. To encourage the take up of the Childcare Element of Tax Credit in Wednesbury as this town had the lowest take up.
5. To work with schools and existing providers in Wednesbury South to address the need for more holiday provisions.

The Cabinet – 25th July 2018

6. To encourage new and existing childcare providers in Friar Park, Langley, Wednesbury North, Wednesbury South and West Bromwich Central wards to deliver childcare for children whose parents work irregular working patterns.
7. To work with the schools that have no access to out of school care - Jubilee Park (before and after school) in Great Bridge ward and Tipton Green (after school) in Tipton ward.
8. To increase the take up of the free early learning for 2 year olds using a wide range of direct and indirect marketing, specifically targeting the following wards which had a low take up of the entitlement - Abbey; Blackheath; Cradley Heath and Old Hill; Friar Park; Great Barr and with Yew Tree; Greet Green and Lyng; Hateley Heath; Langley; Newton; Princes End; St Pauls; Smethwick; Soho and Victoria; Tividale, Wednesbury North and Wednesbury South.
9. To monitor the termly take-up of the 15 hours for 3 and 4 year olds against the places available, prioritising the wards where the take up exceeds number of places - Bristnall, Cradley Heath and Old Hill, Great Barr with Yew Tree, Langley, Wednesbury South and West Bromwich Central. Some neighbouring wards had current capacity which could meet additional demand. Additional capacity could be achieved by encouraging existing and any new providers to offer funded places flexibly.
10. To monitor the termly take-up of 30 hours for 3 and 4 year olds against the places available, prioritising the wards where the take up exceeds number of places - Bristnall, Great Barr with Yew Tree and Wednesbury South and, where the number of surplus places was minimal - West Bromwich Central. Some neighbouring wards currently had capacity which could meet additional demand. Additional capacity could be achieved by encouraging existing and any new providers to offer funded places flexibly.
11. To prioritise the following wards which had been identified as having multi-childcare need, in order to reduce the barriers to accessing childcare - Bristnall, Cradley Heath, and Old Hill Friar Park, Great Barr with Yew Tree, Great Bridge, Langley, Newton, Princes End, Wednesbury North, Wednesbury South and West Bromwich Central.

The 2018/2019 Childcare Sufficiency Report had been developed based on the February 2018 Early Years and Childcare Statutory Guidance.

The Cabinet – 25th July 2018

The supply of childcare places had been assessed against the potential demand for places and the findings had been formulated into the above 11 recommendations. The 11 recommendations would be used to formulate a Childcare Strategic Action Plan for 2018/2019 which would be monitored termly to assess the progress being made against the actions.

The Chair of the Children's Services and Education Scrutiny Board reported that the Board had recently considered the report and as part of their findings, was gathering information from a review of community centres and how many childcare places were required by parents who were returning to education/training.

Resolved:-

- (1) that the 11 recommendations detailed within the Sandwell Childcare Sufficiency report 2018/2019, as set out in Appendix A, be approved;
- (2) that the Director - Education, Skills and Employment develops and implements a Childcare Strategic Action Plan for 2018/2019, based on the 11 recommendations detailed within the Childcare Sufficiency Report, in order to meet the Council's obligations under the Childcare Act 2006, to be monitored by the Early Years Strategic Group, and that progress is reported termly to the Director of Education, Skills and Employment.

105/18

Care Home Fees – Older People 2018/19 (Key Decision Ref. No. SMBC05/07/2018)

The Cabinet Member for Social Care sought approval to proposed fees for older peoples' care homes, in accordance with the agreed model, to be effective from 1st April 2018.

The Council was responsible for the commissioning, contracting and payment of residential care home placements (residential and nursing) for older people who met the access criteria and did not have assets in excess of the limits set by the Government. Individuals were charged for their care depending on their individual financial circumstances in accordance with the rules set out by the Government.

The Cabinet – 25th July 2018

The Council purchased placements in care homes for older people at standard rates set by the Council. There were four categories of standard rate - Residential, Residential Dementia, Nursing Homes and Dementia Nursing. In addition to placements made at standard rate, the Council had a significant number of agreements with homes for specific individuals where payments made were in excess of standard rate either via a negotiated fee, usually for individuals with specific needs, or where a third-party contribution had been agreed.

On 19th April 2017, the Cabinet had approved the use of the proposed costing model to form the basis of discussion and fee setting for Care Home Fees for Older People in future years (see Minute No. 87/17). It was now proposed to make this effective from 1st April 2018.

Resolved that the fees for older peoples' care homes, detailed below, calculated in accordance with the agreed model, are implemented with effect from 1st April 2018 and that the Executive Director - Adult Social Care, Health and Wellbeing communicate this to the relevant providers and implement the fee increase.

Revised Fees for 2018/19:

	Residential	Dementia Residential	Nursing	Dementia Nursing
	£ /week	£ /week	£ /week	£ /week
2017/18 Fees	407.52	458.68	563.71	570.94
Increase in SMBC Fees	13.63	15.34	11.59	11.79
Change in 2018/19 NHS RNC	Na	na	3.11	3.11
Proposed 2018/19 fee including RNC contribution*	421.15	474.02	578.41	585.84
Movement in Fees	13.63	15.34	14.70	14.90

* The NHS Registered Nursing Care (RNC) contribution towards the costs of a place in a care home are set nationally by NHS England, this figure is included in the stated fee level at the 2018-19 rate.

The Cabinet – 25th July 2018

106/18

Sandwell Residential Education Centres: Charges for the period 1st August 2019 – 31st July 2020 (Key Decision Ref. No. SMBC01/09/2018)

The Cabinet Member for Children's Service sought approval to implement charges in relation to residential centres in Sandwell in line with the Residential Education Centres Business Plan in order to provide a sustainable, accessible service.

A 2% increase for 2018/19 charges had been approved by Cabinet but, because of pressures on school budgets, was not implemented to enable the centres to retain goodwill and a strong customer base. The Centres had successfully managed a four-year transition from a £520,000 budget to zero, whilst retaining high levels of Sandwell pupil attendance.

The proposed charges aimed to help to even out demand for the service throughout the year, with a potential increase of 4.6% in term-time income, and take account of sector charges and seasonality.

The proposed low-season charges remained unchanged, and below charges previously approved, but for a shorter period of the year - December and January. This would allow lower-cost access, and also reflected low season across the residential centre sector.

The proposed charges introduced a mid-season price band, in the autumn and spring terms but excluding December and January. These represented a slight increase on currently approved charges broadly in line with inflation.

The proposed high-season charges were from April to July when demand was highest.

School holiday and weekend charges, to generate additional income and support school courses, would continue to be set at a rate determined by the Service Manager and Centre Heads.

The new charges would be effective from 1st August 2019.

The Cabinet – 25th July 2018

Resolved:-

- (1) that Minute No. 120/16 of the Cabinet held on 27th July 2016, relating to implementing a 2% increase in the level of the charge to Sandwell schools for Sandwell Residential Education Centres, be not proceeded with;
- (2) that the Director - Education, Skills and Employment implements term-time charges for Sandwell Residential Education Centres for the period 1st August 2019 – 31st July 2020 as set out in Appendix B.

107/18 **Re-commissioning Sandwell Stop Smoking Service (Key Decision Ref. No. 10/05/2018)**

The Cabinet Member for Public Health and Protection reported that Public Health currently contracted for the Stop Smoking Service and the contract for this service would end on 31st March 2019.

There was a need to 'correct size' the stop smoking service target for the number of smokers to be treated annually in view of the actual number achieved in the last 3 years compared to target.

The level of smoking in Sandwell was higher than the regional and national averages, as well as being concentrated in vulnerable groups (such as people with mental health problems, members of some ethnic minority groups and people in lower social economic groups). It was important to engage all options of support to help smokers quit and get closer to the national average. Engaging all options of support to help smokers quit would also help in reducing health inequalities in our population.

The combined impacts of the change in the landscape relating to electronic cigarettes, the expected reduction in funding for public health services, the higher than average level of smoking, and the concentration of smoking in certain groups of our population necessitated the need to refine the service delivery and payment model.

Approval was therefore sought to adopt the identified change in service targeting with reduction in annual budget allocated to the commissioned Stop Smoking Service and to commence the

The Cabinet – 25th July 2018

commissioning process with a contract award with effect from 1st April 2019.

The Chair of Economy, Skills, Transport and Environment Scrutiny Board enquired as to how the digital self-help offer would be monitored and if these targets were achievable. The Cabinet Member for Public Health and Protection responded that the target would be based on those quitting smoking through the traditional route and key demographic data including locality, gender and age would be monitored.

Resolved:

- (1) that the re-commissioning of the Sandwell Stop Smoking Service with 'correct-sized' target and budget and remodelled payment structure be approved;
- (2) that the Executive Director - Adult Social Care, Health and Wellbeing commences a procurement process and enters into a contract with the successful bidder for the provision of Stop Smoking Service, to commence on 1st April 2019 for a period of 2 years, with the option to extend for up to 1 year at a budget of £450,000 per annum;
- (3) that in connection with Resolution (2) above, the Executive Director – Resources enters into a contract with the successful bidder on terms to be agreed by the Executive Director - Adult Social Care Health and Wellbeing for the provision of Stop Smoking Service;
- (4) that any necessary exemptions be made to the Council's Procurement and Contract Procedure Rules 2018/19 to allow a contract for a Stop Smoking Service to be awarded to a successful tenderer.

The Cabinet – 25th July 2018

108/18

Re-procurement of a Local Healthwatch Service for Sandwell (Key Decision Ref. No. SMBC013/07/2018)

The Cabinet Member for Social Care sought approval for the Council to commence the re- procurement of a Local Healthwatch Service in Sandwell. This would ensure that the Council continued to meet its statutory responsibility to have in place a Local Healthwatch service in accordance with Part 14 of the Local Government and Public Involvement in Health Act 2007 (and Part 6 of the NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012.

This process included a review of the current specification to take account of both Healthwatch England's guidance on the re-procurement and contracting of Local Healthwatch services and the views of key stakeholders.

Approval was sought to enter into a contract with the successful tenderer for a period of three years with the option to extend this on terms to be agreed by the Executive Director - Adult Social Care, Health and Wellbeing.

The Chair of the Children's Service and Education Scrutiny Board enquired whether any tender submitted would be subject to the TUPE process and whether there was any potential benefit in a joint tender with other Black Country authorities. In response, the Cabinet Member for Social Care reported that an allowance within the tender had been made for the TUPE process, and with regard to the necessity of time, it wasn't feasible at the present time to enter a joint tender due to entering into the process soon, however, future options would be considered.

Resolved:

- (1) that the re-procurement of a Local Healthwatch Service in Sandwell be approved;
- (2) that the Executive Director- Adult Social Care Health and Wellbeing enters into a contract for a Local Healthwatch Service in Sandwell;

The Cabinet – 25th July 2018

- (3) that in connection with resolution (2) above, the Director - Monitoring Officer enters into a contract with the successful tenderer for a period of three years with the option to extend this by two periods of one years each on terms to be agreed by the Executive Director – Adult Social Care, Health and Wellbeing;
- (4) that any necessary exemptions be made to the Council's Procurement and Contract Procedure Rules to allow a contract to be awarded to the successful tenderer for Local Healthwatch Service in Sandwell;
- (5) that in connection with resolution (2) above, the Executive Director - Resources offer a lease to the successful tenderer for the office accommodation at Walker Grange, Tipton on terms to be agreed by the Director - Regeneration and Growth.

109/18

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

The Cabinet Member for Housing sought approval for 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.

This Act represented the biggest change in homelessness management for 15 years and required: -

- a significant change in culture to embrace the ethos of the Act;
- an increase in emphasis on early intervention and prevention of homelessness;

The Cabinet – 25th July 2018

- an increase in resources due to the anticipated 30% increase in workload resulting from an increase in the number of approaches and cases remaining with officers for longer periods;
- an increase in the use of the Private Rented Sector to offer a comprehensive re-housing service.

There was now a requirement to undertake a thorough assessment of the clients' housing and support needs, following which a Personal Housing Plan would be agreed. This would provide a holistic approach to tackling all the client's needs. However, should the client not engage with officers to complete the identified actions, the homeless duty could be discharged.

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.

The Chair of the Children's Services and Education Scrutiny Board requested further information on:-

- (1) the purpose of the review of the Multi Agency Safeguarding Hub (MASH) officer post within Sandwell Children's Trust;
- (2) whether, given the expected number of cases, if one Complex Case Officer could sufficiently deal with all enquiries;
- (3) whether guidance and support offered to children leaving care had any separate help from the Trust.

In response, the Cabinet Member for Housing confirmed that efforts would be made to complement the work undertaken within the MASH by the MASH Officer. The review would include how the post was resourced and how to enhance close working with the Trust including improving information sharing.

Given the volume of complex cases and the needs of some individuals who approached the authority as homeless, which was around 20 at any one time, one officer would not be able to cover all the work and another would be recruited.

With regards to the third question, the Cabinet Member responded that a Youth Hub model was being developed and work being undertaken with the Trust to develop protocols that would support the needs of children leaving care.

The Cabinet – 25th July 2018

The Chair of the Safer Neighbourhoods and Active Communities Scrutiny Board welcomed the extension of the Prevention Duty to 56 days and queried whether the fixed term contracts would be continuously renewed or otherwise following the two-year period. Additionally, he stated that the number of roles, was 38, not 44; excluding apprentices. The Cabinet Member stated that financially, it was not possible to commit to beyond that time however, the process would be reviewed every six months. In addition, apprentices would receive full training in their role.

The Chair of the Economy, Skills, Transport and Environment Scrutiny Board raised a query regarding the role of Housing First, having heard about it at the West Midlands Combined Authority Level, but unaware of the Council's involvement and asked if a report could be produced on the issue. Further questions were raised in relation to the 2017/18 allocation in spend, difference in 2018/19 to be spent and the future sustainability of the team post-2020. In response, the West Midlands Combined Authority had been successful in obtaining £9.6m as part of the Housing First Pilot and an officer dedicated to this pilot would ensure the success of the programme. A further paper on Housing First would be submitted in due course. Officers from the Private Rented Sector Team and Housing Choice had worked together and held a number of workshops regarding the Homelessness Reduction Act.

Regarding the allocation of funds, the Cabinet Member stated that in 2017/18, this had been spent on prevention measures including money advice and family mediation, and that going forward, further prevention measures would be pursued. Post-2020, the Cabinet Member stated that there would be a team for homelessness, however, there was no guarantee from the Department of Housing on a sustainable future.

Whilst the Cabinet was minded to approve the proposals, the Leader of the Council requested that, following consultation, a further report be submitted to Cabinet to approve the future structure of the Housing Choice Service.

The Cabinet – 25th July 2018

Resolved:

- (1) that the revised structure for Housing Choice, Homes and Communities, as set out in Appendix C, be approved as a basis for consultation with employees and Trade Unions and all relevant stakeholders;
- (2) that following consultation referred to resolution (1) above, a further report be submitted to Cabinet to approve the structure for the Housing Choice Service.

110/18

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.

Business Excellence was a new service area created within the 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 direction of the Neighbourhoods Directorate going forward was to deliver transformational change on a scale not experienced in the directorate previously. The development of a transformational programme consisting of “make or buy” reviews, diagnostic evaluations of service performance, redesign of processes, development of new operating models and the delivery of key business projects would lead to service improvement and efficiencies.

The Cabinet – 25th July 2018

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. This approach had been trialled where administrative employees from Business Excellence had been temporarily located within Asset Management and Maintenance 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.

In response to questions raised by the Chair of the Safer Neighbourhoods and Active Communities Scrutiny Board, the Cabinet Member for Neighbourhoods and Communities stated that the Team going forward would directly support the implementation of policy options that would deliver monetary savings for the Council. Initially posts to be recruited would be ringfenced within Business Excellence, however, any posts not recruited through the Business Excellence selection process would be subject to Council recruitment and selection processes. The restructure would provide a platform to support the Sandwell Locals to review, analyse and transform their processes and improve their services.

Whilst the Cabinet were minded to approve the proposals, the Leader of the Council requested that, following consultation, a further report be submitted to the Cabinet to approve the future structure of the Business Excellence Service.

Resolved :-

- (1) that the revised structure for Business Excellence Service, Neighbourhoods Directorate, as shown in Appendix D, be approved as a basis for consultation with employees and Trade Unions and all relevant stakeholders;
- (2) that following consultation referred to Resolution (1) above, a further report be submitted to the Cabinet to approve the structure for the Business Excellence Service.

The Cabinet – 25th July 2018

111/18 **Capacity Plan – Award of Contracts for Bed and Community Based Provision (Key Decision Ref. No. 13/07/2018)**

The Cabinet Member for Social Care sought approval to award a contract(s) to successful bidders following a procurement process for the provision of a short term fast response domiciliary care service as a result of only two tenders being received.

Approval was also sought to award a contract(s) to successful bidders following a compliant procurement process for the provision of Enhanced Assessment Beds and a Complex Dementia Nursing service.

Resolved:-

- (1) that the Executive Director - Adult Social Care, Health and Wellbeing award a contract(s) to successful bidders following a procurement process for the provision of a short term fast response domiciliary care service as a result of only 2 tenders being received;
- (2) that the Executive Director of Adult Social Care, Health and Wellbeing, in consultation with the Cabinet Member for Adult Social Care, award a contract(s) to successful bidders following a compliant procurement process for the provision of Enhanced Assessment Beds and a Complex Dementia Nursing service;
- (3) that any necessary exemptions be made to the Council's Procurement and Contract Procedure Rules 2018-2019 to enable the course of action referred to in Resolution (1) and (2) above to proceed.

112/18 **Supply, Lay and Maintain Flooring to Council Properties (Key Decision Ref. No. 07/06/2018)**

The Cabinet Member for Housing sought approval to award the contract for the supply, laying and maintenance of flooring to Council properties for a contract period of three years, from 1st August 2018 to 31st July 2021.

The anticipated value of the contract was £450,000 (£150,000 per annum) for a period of three years.

The Cabinet – 25th July 2018

Resolved:-

- (1) that the Director – Housing and Communities award the contract to supply, lay and maintain flooring to Council properties to Hill Interior Contracts Limited for a contract period of three years, from 1st August 2018 to 31st July 2021;
- (2) that in connection with Resolution (1) above, the Director – Monitoring Officer enter into an appropriate contract with Hill Interior Contracts Limited.

113/18 **Recommendations Arising from Land and Asset Management Committee at its meeting on 14 June 2018**

The Chair of Land and Asset Management Committee presented the recommendations arising from the Committee and sought approval for the following:

Eli Fletcher Building, 85 Oak Road, West Bromwich – to declare 85 Oak Road, West Bromwich B70 8HP surplus to the requirements of the Council and to dispose of the freehold interest on the open market on terms and conditions to be agreed by the Director of Regeneration and Growth;

Land at Windmill Lane, Smethwick – to appropriate the freehold interest in 4007.6 m² of Council owned land at Windmill Lane, Smethwick from the Housing Revenue Account to Education, Skills and Employment. The land would be used as a key stage 2 site for St Matthew's CE Primary School to support the school's expansion from 1 to 2 forms of entry;

Land off Crocketts Lane, Smethwick - to dispose of the freehold interest in Council owned land off Crocketts Lane, Smethwick;

Land at Kelvin Way, West Bromwich – to dispose of the freehold reversionary interest in a parcel of Council owned land off Kelvin Way to Envira Limited or if terms were not agreed, to effect a subsequent sale of the land on the open market subject to the existing lease.

The Cabinet – 25th July 2018

Resolved:-

- (1) In respect of the Eli Fletcher Building, 85 Oak Road, West Bromwich:-**
 - (a) to declare 85 Oak Road, West Bromwich. B70 8HP surplus to the requirements of the Council;
 - (b) in connection with Resolution (1a) above, the Director – Monitoring Officer dispose of the freehold interest in the property, shown for identification purposes edged bold on Plan SAM/35160/001, on the open market for the best price and other uses on terms and conditions to be agreed by the Director – Regeneration and Growth;

- (2) In respect of land at Windmill Lane, Smethwick:-**
 - (a) to declare that the land at Windmill Lane, shown for identification purposes edged bold on Plan SAM/53500/006, is no longer required for purposes for which it is currently held, and be used to support the extension of St Matthew's CE Primary School;
 - (b) to approve the appropriation from Housing Revenue Account to Education Skills and Employment;

- (3) In respect of land off Crocketts Lane, Smethwick:-**
 - (a) to declare approximately 898 m² of land off Crocketts Lane, Smethwick, shown for identification purposes only edged black on Plan No SAM/13240/020, surplus to the requirements of the Council;
 - (b) that in connection with Resolution (3a) above, the Director – Monitoring Officer dispose of the freehold interest in the site to Bassi Builders Limited to accommodate a comprehensive redevelopment and otherwise on terms and conditions to be agreed by the Director – Regeneration and Growth;

The Cabinet – 25th July 2018

- (c) that in connection with Resolution (3a) above and in the event that disposal of land referred to in (3b) above does not, for whatever reason, proceed to Bassi Builders Limited, the Director – Monitoring Officer dispose of the freehold interest in the land on the open market and otherwise on terms and conditions agreed by the Director – Regeneration and Growth;
 - (d) that in connection with Resolution (3a) above, the Director – Monitoring Officer enter into or execute under seal if necessary, any other related documentation in connection with the disposal of the land referred to in (3b) and/or (3c) above on terms and conditions to be agreed by the Director – Regeneration and Growth;
- (4) **In respect of land at Kelvin Way, West Bromwich:-**
- (a) the Director – Monitoring Officer dispose of the freehold reversionary interest in approximately 0.781 hectares (1.931 acres) of land off Kelvin Way, West Bromwich, shown for identification purposes only edged black on Plan No Sam/27260/015 attached, to the existing tenant Envira Limited on terms and conditions to be agreed by the Director - Regeneration and Growth;
 - (b) in the event that the terms for disposal of land referred to in (4a) above does not, for whatever reason, proceed to Envira Limited, the Director – Monitoring Officer dispose of the freehold interest in the land on the open market and otherwise on terms and conditions to be agreed by the Director – Regeneration and Growth;
 - (c) the Director – Monitoring Officer enter into or execute under seal, if necessary any other related documentation in connection with the disposal of the site on terms and conditions to be agreed by the Director - Regeneration and Growth.

The Cabinet – 25th July 2018

Business Items

114/18 Friends of Ingestre Orangery - Grant Offer

The Cabinet Member for Culture and Core Council Services sought approval to the offer of a grant of £150,000 from Sandwell Council towards the combined overall costs of capital works and the initial three years of activities programme in support of the regeneration of Ingestre Orangery.

The Council was aware that Friends of Ingestre Orangery had recently provided a range of updated documentation to the Heritage Lottery Fund for confirmation to be given for 'permission to start'. It was recognised that this documentation may include variations to information previously provided to the Council in respect of e.g. capital costs, income, and activities plans.

The Council's grant offer was conditional on the submission of copies of this documentation and on Friends of Ingestre Orangery providing satisfactory evidence of:-

- a viable updated Project Programme including capital works and activities;
- an updated Project Cost Plan and balanced budget including confirmed funding;
- a revised Cashflow Forecast including any provision required and confirmed for loan finance or underwriting;
- confirmation of the Heritage Lottery Fund's endorsement of the terms of the lease now agreed with Sandwell Council;
- confirmation of the Heritage Lottery Fund's 'permission to start' following receipt of acceptance of this offer and of the required documentation, the Council anticipated that grant would be released in two instalments. An initial instalment of £100,000 would be payable within 30 days of receipt of satisfactory documentation.

Friends of Ingestre Orangery were currently commissioning further detailed consultancy work on an intended 'Interpretation Strategy and Activities Programme'. As previously indicated to Friends of Ingestre Orangery, the Council particularly wished to ensure the optimum benefit of the project for children and young people, including children from Sandwell attending courses at Ingestre Hall.

The Cabinet – 25th July 2018

The second instalment of £50,000 would be payable following receipt of the conclusions of the consultancy work and the evidence of their intention that the project would provide a continuing benefit to young people.

The Leader of the Council noted the amount of time and resources that had been invested into the project and described it as a win-win for the borough and a means by which to secure a sustainable future.

Resolved:-

- (1) that a grant sum of £150,000 match funding be approved to Friends of Ingestre Orangerie in support of a Sustainable Restoration Project of Ingestre Orangerie with the Council's grant supporting the overall project costs of £1,546,986 with a confirmed award from Heritage Lottery Fund of £1,018,500 along with additional awards of £100k from the European LEADER Fund;
- (2) that in connection with Resolution (1) above, the documentation requested, which forms part of the conditional offer, be formally assessed by the Council's Strategic Finance Team;
- (3) that in connection with Resolution (1) and (2) and subject to a satisfactory appraisal and review to be undertaken by the Council's Strategic Finance Team, the Executive Director - Resources, in consultation with the Cabinet Member for Culture and Core Council Services, take the necessary decisions to transfer such funds to Friends of Ingestre Orangerie, from central resources, on timescales to be agreed.

115/18

Amendments to the Pensions Policy Statement

The Cabinet Member for Culture and Core Council Services sought approval to amend the Pensions Policy Statement so as to include the introduction of a Shared Cost Salary Sacrifice AVC scheme needed, as per Regulation 17 of the Local Government Pension Scheme Regulations 2013.

The Cabinet – 25th July 2018

The new Shared Cost Salary Sacrifice Additional Voluntary Contribution (AVC) Scheme offered an additional advantage over the current scheme, in that the employee would pay lower National Insurance contributions. In addition, the Council would benefit from a reduction in employer National Insurance contributions.

Resolved that the Pensions Policy Statement be revised to enable the Council to introduce a Shared Cost Salary Sacrifice Additional Voluntary Contribution (AVC) Scheme, as set out in Appendix E.

116/18

Action Taken on a Matter of Urgency – Extension of Discount Period for Indoor Market Stall Fees

Details were submitted of an urgent action taken by the Director - Regeneration and Growth, in consultation with the Cabinet Member for Highways and Environment in relation to the discount period for Indoor Market stall fees.

The Indoor Market in West Bromwich had been suffering a decline in market traders over the last few years. The Cabinet Member for Highways and Environment supported a 25% discount on stall fees for the Indoor Market in West Bromwich for a six-month period to provide an incentive to attract more market traders and to prevent the loss of existing traders, whilst a strategic review was conducted to seek a sustainable solution. This period had now ceased.

The Council had undertaken a strategic review of the Indoor Market and the findings were being analysed to explore redevelopment proposals to provide a long -term and sustainable solution to the decline in stall lettings. This analysis was scheduled to be reported to Cabinet in November 2018 so that a decision could be taken on the future development of the Indoor Market.

To retain existing market traders whilst the development proposals were analysed, it was recommended that the 25% discount on stall fees was extended until 30th September 2018 when it could be reviewed. This extension would result in a potential cost of up to £60,000 based on current stall letting levels. However, removing the discount may result in the loss of market traders which may amount to a similar or greater loss in market rents.

The Cabinet – 25th July 2018

The matter was urgent and could not be delayed until the next Cabinet meeting as the discount period had ended and market traders were invoiced for stall fees monthly.

117/18

Action Taken on Matter of Urgency – Lions of the Great War Memorial

Details were submitted of an urgent action taken by the Executive Director - Resources and the Executive Director - Neighbourhoods in consultation with the Leader of the Council, in relation to the Lions of the Great War monument, High Street, Smethwick.

In March 2018, the Council was contacted by the Guru Nanak Gurdwara (GNG), High Street, Smethwick, with a proposal to commemorate the centenary of the end of the First World War by creating a statue of a WW1 Sikh warrior.

The Lions of the Great War monument would symbolise and commemorate the tremendous contribution and sacrifice made by Indian and south Asian soldiers who fought in the British armed forces during the Great War and in other conflicts.

The GNG pledged £30,000 to construct a 10ft bronze statue, and appointed local artist Luke Perry to undertake the commission. This sum covered the cost of designing and building the statue but excluded foundations, plinth and inscriptions.

The statue was to be sited on Council-owned open space, forming part of the adopted highway, between High Street and Tollhouse Way, Smethwick, opposite Rolfe Street station. The GNG requested the Council to contribute to the project by laying out a paved public space as a setting for the monument.

The Council had agreed to create a high quality public realm as a setting for the monument. This work would include excavation and earthmoving; sub-base and paving; seating and planters; protective measures; granite plinth and inscriptions; foundation design and installation of the statue.

The project was formally launched in June 2018. Installation would be completed by October 2018 in order that the monument could be unveiled in time for the centenary of Armistice Day, marking the end of the Great War, on 11th November 2018.

The Cabinet – 25th July 2018

The matter was urgent due to instructing contractors to commence work and be completed by October 2018.

The total cost of the works was estimated at £170,000. The work was to be undertaken through the Black Country framework contract 2016-19. Design of the public space was complete and work would need to begin on site at the beginning of July in order that deadlines were met.

(Meeting ended at 4.19 pm)

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

The Cabinet – 25th July 2018

Appendix A

In order to ensure that sufficient childcare places are available a detailed and comprehensive action plan will be developed to address the following 11 recommendations, these include actions that were not achieved in the childcare sufficiency action plan of 2017/18:

1. To continue to support childcare providers to deliver high quality, sustainable provision.
2. Aim to improve the quality of the providers which are judged by Ofsted as Requires Improvement or Inadequate by working intensively with them and in particular those that deliver early education funded places.
3. To increase the number of pre-schools in Tipton and Wednesbury; as well as the number of childminders in Wednesbury to provide more choice and flexibility.
4. To encourage the take up of Childcare Element of Tax Credit in Wednesbury as this town has the lowest take up.
5. To work with schools and existing providers in Wednesbury South ward to address the need for more holiday provisions.
6. To encourage new and existing childcare providers in Friar Park, Langley, Wednesbury North, Wednesbury South and West Bromwich Central wards to deliver childcare for children whose parents work irregular working hour's pattern.
7. To work with the schools that has no access to out of school care: Jubilee Park (before and after school) in Great Bridge ward and St Martins (after school) in Tipton Green ward.
8. To increase the take up of the free early learning for 2 year olds using a wide range of direct and indirect marketing. Specifically targeting the following wards which has a low take up of the entitlement: Abbey; Blackheath; Cradley Heath and Old Hill; Friar Park; Great Barr and with Yew Tree; Greets Green and Lyng; Hateley Heath; Langley; Newton; Princes End; St Pauls; Smethwick; Soho and Victoria; Tividale; Wednesbury North and Wednesbury South.
9. To monitor the termly take up of the 15 hours for 3 and 4 year olds against the places available, prioritising the wards where the take up exceeds number of places: Bristnall, Cradley Heath and Old Hill, Great Barr with Yew Tree, Langley, Wednesbury South and West Bromwich Central. Currently some neighbouring wards have capacity which could meet additional demand. Additional capacity could be achieved by encouraging existing and any new providers to offer funded places flexibly.
10. To monitor the termly take up of 30 hours for 3 and 4 year olds against the places available, prioritising the wards where the take up exceeds number of places: Bristnall, Great Barr with Yew Tree and Wednesbury South and where the surplus places is minimal West Bromwich Central. Currently some neighbouring wards have capacity which could meet additional demand. Additional capacity could be achieved by encouraging existing and any new providers to offer funded places flexibly.

The Cabinet – 25th July 2018

11. To prioritise the following wards which have been identified as having multi-childcare need, in order to reduce the barriers to accessing childcare: Bristnall, Cradley Heath, Friar Park, Great Barr with Yew Tree, Great Bridge, Langley, Wednesbury North, Wednesbury South and West Bromwich Central.

TERM TIME RESIDENTIAL PRICE LIST ACADEMIC YEAR 2019 / 20

SANDWELL SCHOOLS	Edgmond Hall		Frank Chapman		Ingestre Arts		Plas Gwynant	
	4 nights	2 nights	4 nights	2 nights	4 nights	2 nights	4 nights	2 nights
September 1 st to November 30 th	190	100	190	100	190	100	220	on request
December 1 st to January 31 st	180	95	180	95	180	95	210	on request
February 1 st to March 31 st	190	100	190	100	190	100	220	on request
April 1 st to July 31 st	210	110	210	110	210	N/A	240	on request

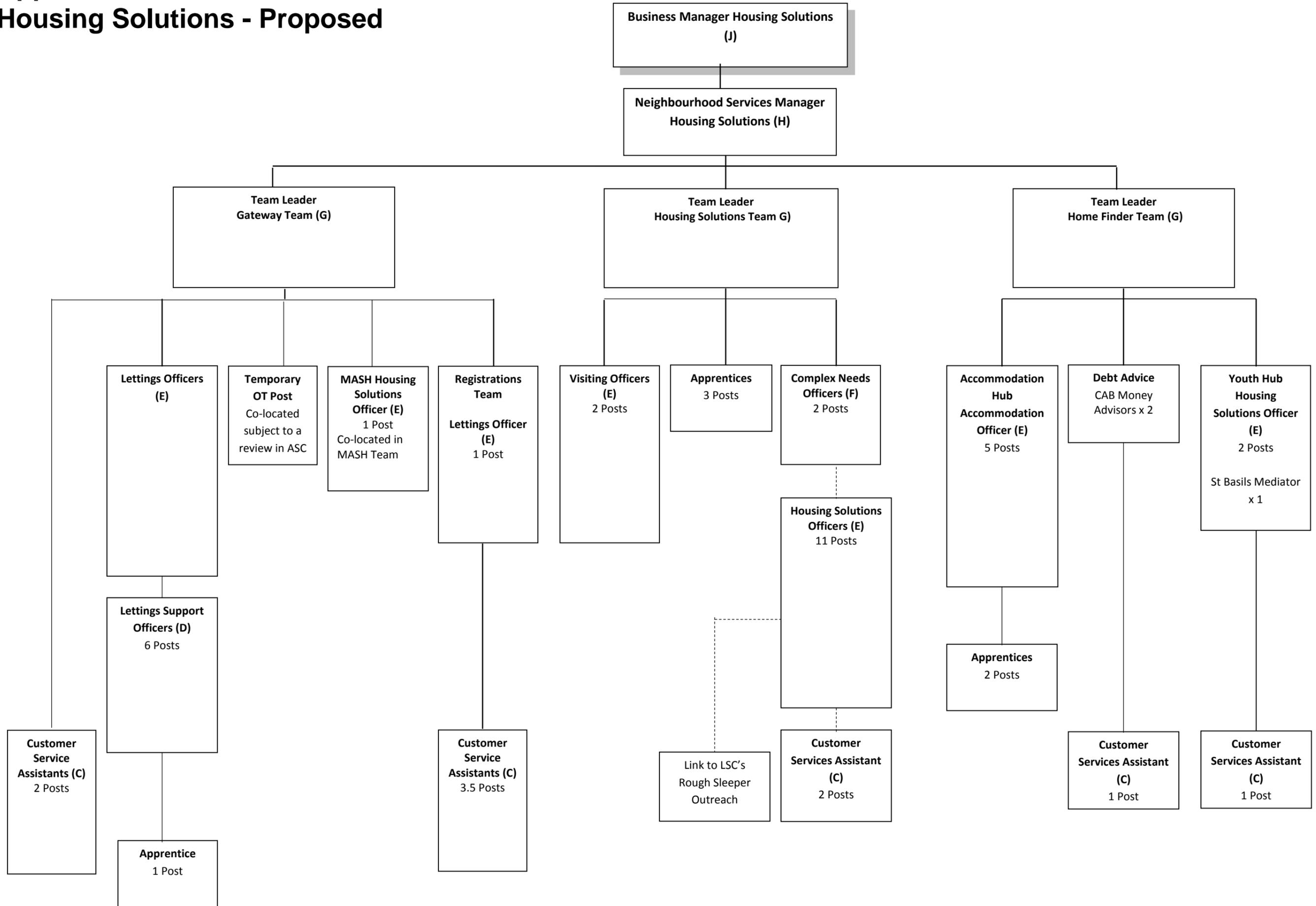
SANDWELL ACADEMIES	Edgmond Hall		Frank Chapman		Ingestre Arts		Plas Gwynant	
	4 nights	2 nights	4 nights	2 nights	4 nights	2 nights	4 nights	2 nights
September 1 st to November 30 th	220	120	220	120	220	120	250	on request
December 1 st to January 31 st	210	115	210	115	210	115	240	on request
February 1 st to March 31 st	220	120	220	120	220	120	250	on request
April 1 st to July 31 st	240	130	240	130	240	N/A	270	on request

NON-SANDWELL	Edgmond Hall		Frank Chapman		Ingestre Arts		Plas Gwynant	
	4 nights	2 nights	4 nights	2 nights	4 nights	2 nights	4 nights	2 nights
September 1 st to November 30 th	275	150	275	150	285	155	310	on request
December 1 st to January 31 st	265	140	265	140	275	145	297	on request
February 1 st to March 31 st	275	150	275	150	285	155	310	on request
April 1 st to July 31 st	290	165	290	165	300	N/A	340	on request

NOTES:

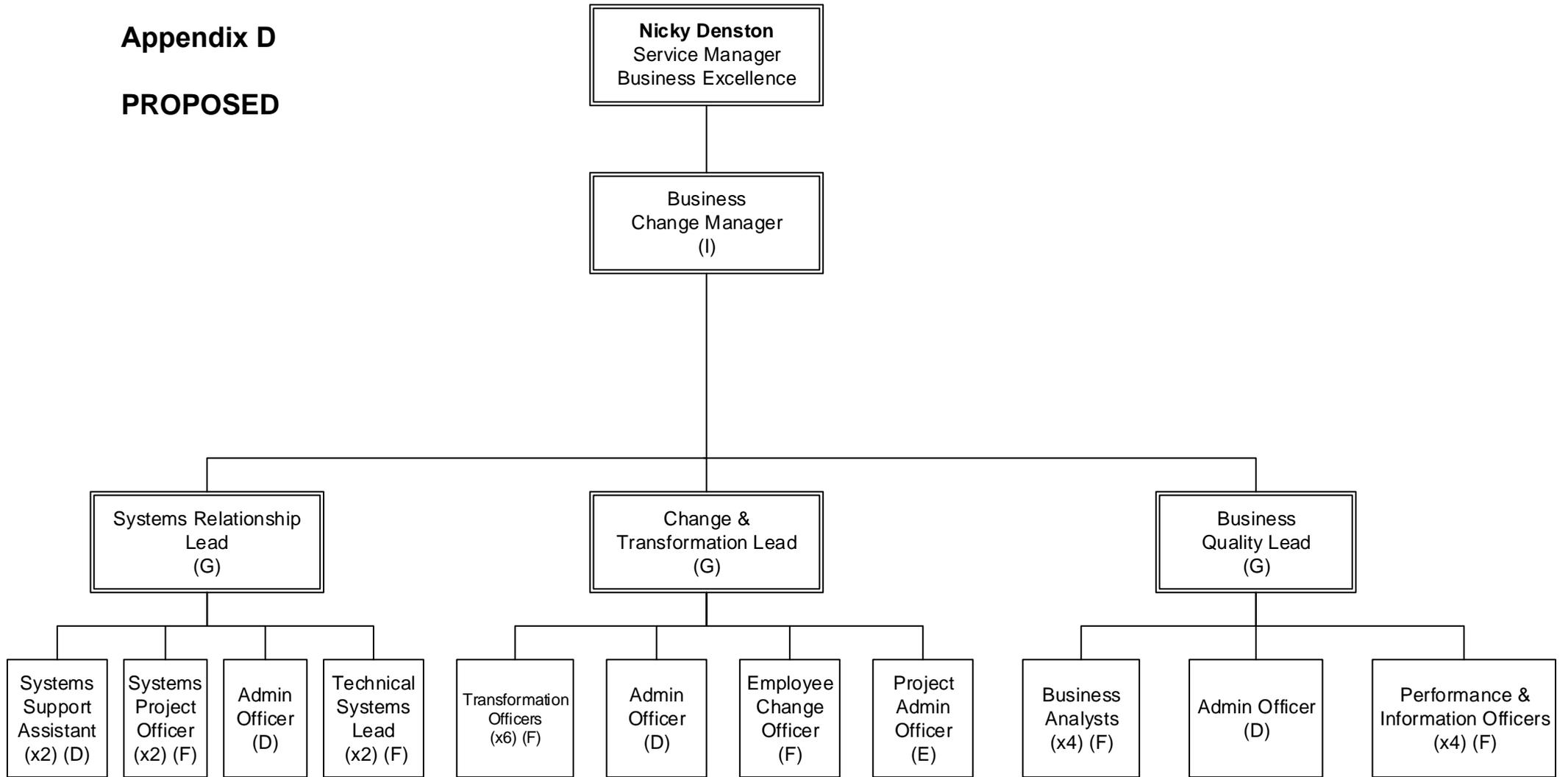
- Sandwell Looked After Children on term-time residential visits with their school attend free of charge.
- Potential revenue increase of 4.8% on term time programmes.

Appendix C Housing Solutions - Proposed



Appendix D

PROPOSED



Appendix E

Pensions Policy Statement

The Local Government Pension Scheme Regulations 2013

The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014

Under the above regulations which came into force on 1 April 2014, each employer must publish and keep under review a Statement of Policy on certain discretions contained in the Regulations.

This Statement of Policy is applicable to all employees of Sandwell Council who are eligible to be members of the Local Government Pension Scheme.

This policy will be reviewed annually. If the council decides to change its policy, it will publish a statement of the amended policy within one month of the date of its decision.

1. FLEXIBLE RETIREMENT - Regulations 30(6) and 30(8) of the 2013 Regulations.

EXPLANATION

An employer may decide to permit flexible retirement for employees aged 55* years or over who, with the agreement of the employer, reduce their working hours or grade and make an election to receive pension without having full retirement from that employment. If payment of pension occurs before normal retirement age, the payments are actuarially reduced in accordance with guidance issued by the Government actuary.

An employer may also decide whether in addition to the benefits the member has accrued prior to 1 April 2008 (which the member must draw) whether to permit the member to choose to draw:

- a) All, part or none of the pension benefits accrued after 31 March 2008 and before 1 April 2014 and/or
- b) All, part or none of the pension benefits accrued after 31 March 2014

Additionally, the employer may also decide whether to waive, in whole or in part any actuarial reduction which would otherwise be applied to the benefits taken on flexible retirement before normal pension age of the Local Government Pension Scheme.

* Age 50 for those LGPS members transferred from the Learning Skills Council.

POLICY

The Cabinet – 25th July 2018

The council will exercise its discretion to use some or all of the options available for flexible retirement. Each specific case will be judged equally and fairly on its own merits, having fully considered service delivery and financial costs in accordance with the written policy of Sandwell Council.

2. AWARDING ADDITIONAL PENSION – Regulation 31 of the 2013 Regulations.

EXPLANATION

An employer may decide to award a member additional annual pension of not more than £6,500 a year, payable from the same date as pension is payable under any other provisions of these regulations. Such an award would be made to an active scheme member or within six months of leaving to a member whose employment is terminated on the grounds of redundancy or business efficiency.

The £6,500 amount will be subject to index- linked increases each year.

POLICY

The council will exercise its discretion to use the facility to award additional pension. Each specific case will be judged equally and fairly on its own merits, having fully considered service delivery and financial costs.

3. SHARED COST ADDITIONAL PENSION CONTRIBUTIONS (SCAPC) - Regulations 16(2)(e) and 16(4)(d) of the 2013 Regulations.

EXPLANATION

An employer may decide to establish and maintain a Shared Cost Additional Pension Contributions (SCAPC) scheme. This is where an active scheme member wishes to purchase extra annual pension (currently up to £6,500) by making Additional Pension Contributions (APCs). The employer may *voluntarily* contribute towards the cost of purchasing that extra pension via a Shared Cost Additional Pension Contribution.

This discretion does not relate to cases where a member has a period of authorised unpaid leave of absence and elects, within 30 days of return to work, to pay a SCAPC to cover the amount of pension lost during that period of absence.

POLICY

Sandwell Council does not propose to introduce a Shared Cost Additional Pension scheme.

4. 'SWITCH ON THE 85 YEAR RULE' FOR EMPLOYEES AGED 55 TO 60 YEARS – Regulation 1(1) Schedule 2 of the 2014 Regulations

The Cabinet – 25th July 2018

EXPLANATION

There is no longer an automatic entitlement for employees in this age group, to receive unreduced pension, where their age plus length of pensionable service is 85 or more. An employer may decide whether, as the 85 year rule does not automatically apply to members who would otherwise be subject to it and who chose to voluntarily draw their benefits on or after age 55 and before age 60, (other than on flexible retirement) to switch the 85 year rule back on, for such members.

POLICY

The council will exercise its discretion to use the facility to 'switch on' the 85 year rule. Each specific case will be judged equally and fairly on its own merits, having fully considered service delivery and financial costs.

5. EARLY PAYMENT OF RETIREMENT BENEFITS WITH NO ACTUARIAL REDUCTION. – Regulation 30(5) of the 2013 Regulations.

EXPLANATION

Employees may retire from age 55* years and receive immediate payment of their pension benefits. However, the pension benefits payable will be subject to an actuarial reduction to allow for early payment unless Regulation 30(7) is applicable (redundancy or business efficiency termination of employment). An employer has the discretion, under a number of retirement scenarios, to waive actuarial reductions.

* Age 50 for those LGPS members transferred from the Learning Skills Council.

POLICY

The council will exercise its discretion to waive actuarial reduction. Each specific case will be judged equally and fairly on its own merits, having fully considered service delivery and financial costs.

The Cabinet – 25th July 2018

Your employer is not obliged by the regulations to publish a statement on the following discretions, but has chosen to do so:

6. SHARED COST ADDITIONAL VOLUNTARY CONTRIBUTIONS (SCAVC) – Regulation 17 of the 2013 Regulations

EXPLANATION

Employers may resolve to establish and maintain a Shared Cost Additional Voluntary Contribution (SCAVC) scheme. Who can join, how much the employer and employee jointly contribute, and the type of benefits provided must be considered.

POLICY

Sandwell Council will offer a HMRC approved Salary Sacrifice - Shared Cost Additional Voluntary Contribution scheme.

7. INWARD TRANSFER OF PENSION RIGHTS – Regulation 100(6) of the 2013 Regulations.

EXPLANATION

A person who becomes an active member of the Local Government Pension Scheme who has relevant pension rights from a previous employment may request West Midlands Pension Fund and the employer to accept a transfer value for some, or all, of their former rights before the expiry of 12 months, beginning with the date that they became an active member (or any such longer period as their employer and West Midlands Pension Fund may allow). This discretion allows the employer to extend the period in which an employee may request the transfer in of pension rights.

Both the employer and the Pension Fund administering authority have to agree to the acceptance of a late election. If one agrees, and the other does not, the late election cannot be accepted.

The Cabinet – 25th July 2018

POLICY

Sandwell Council will extend the period of 12 months beginning with the date that the employee became an active member – thereby allowing a member to transfer some or all of their rights from the relevant transfer in exceptional circumstances or where it was beyond the member's control. Any such requests must be made in writing to the Executive Director – Resources.

8. AGGREGATION OF BENEFITS FOR RE-EMPLOYED AND RE-JOINING DEFERRED MEMBERS – Regulations 22(7) and (8) of the 2013 Regulations

EXPLANATION

Employees who have previous Local Government Pension Scheme (LGPS) pension benefits in England and Wales will automatically have these aggregated with their new LGPS employment unless they elect, within 12 months of commencing membership of the LGPS in the new employment to retain separate benefits. Employers have discretion to extend this period of 12 months.

POLICY

The council will use its discretion to extend the period in which employees can elect for the non-aggregation of benefits in exceptional circumstances. Any such requests must be made in writing to the Executive Director – Resources.

9. CONTRIBUTIONS PAYABLE BY ACTIVE MEMBERS – Regulations 9 and 10 of the 2013 Regulations.

EXPLANATION

Employers may determine the contribution rate payable based on actual pensionable pay for scheme members. Where there has been a material change to a members pensionable pay in the course of a financial year, the employing authority may re-determine the contribution rate to be applied.

POLICY

Sandwell MBC will re-determine the contribution band on a monthly basis and adjust the contribution rate accordingly.

10. DEEMING ASSUMED PENSIONABLE PAY – Regulations 21(4) and 21(5) of the 2013 Regulations.

EXPLANATION

Employers may determine whether to include any 'regular lump sum payment' in the calculation of assumed pensionable pay. This is, in cases where an employees pay needs to be calculated, where their pay has been reduced due to certain absences in order that they are not unduly advantaged or disadvantaged.

POLICY

Sandwell Council will calculate assumed pensionable pay by using an average of the 12 weeks' pay preceding the absence.

The Cabinet – 25th July 2018

J Britton
Chief Executive
Sandwell Metropolitan Borough Council

The Local Government (Early Termination of Employment) (Discretionary Payments) Regulations 2006

Under the above regulations, which came into force on 1st October 2006, the Council must publish and keep under review a statement of policy in respect of certain discretions contained within the regulations which change and in some cases revoke previous discretionary payments. The statement of policy is applicable to all employees of Sandwell Council and reads accordingly

1. Power to increase statutory redundancy payments (Regulation 5)

The Council has the discretion to make payments in excess of the statutory weekly pay amounts.

POLICY

The Council will calculate redundancy payments based on each employee's contractual weekly earnings.

2. Discretionary Compensation (Regulation 6)

Where an employee is made redundant and is not able to benefit from augmentation to their service in the local government pension scheme then the Council under regulation 6 is able to compensate the number of statutory weeks paid for redundancy purposes.

POLICY

The Lump sum payments made under the discretionary payments regulations is up to a maximum of 60 weeks' pay (inclusive of statutory redundancy payments) and mirrors the calculation for statutory payments but compensated by 2.167 times.

J Britton
Chief Executive

The Cabinet – 25th July 2018