

The Cabinet

**17th April 2019 at 3.30pm
at the Sandwell Council House, Oldbury**

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

Apologies: Councillors Khatun and Ahmed.

In attendance: Councillors E M Giles, P Hughes, Rollins and
Underhill;
Deb Ward (Sandwell Safeguarding Adults Board
Operations Manager).

43/19 **Declaration of Interest**

Councillor Underhill declared a disclosable pecuniary interest in the matter referred to at Minute No. 45/19 (Schools Workforce Training and Development Support and Governance Support Services) on the basis she was a Board member for Sandwell Inspired Partnership Services (SIPS) Education Ltd. Councillor Underhill subsequently left the room during consideration of this matter.

44/19 **Minutes**

Resolved that the minutes of the meeting held on 20th March 2019 be approved as a correct record.

The Cabinet – 17th April 2019

45/19

Schools Workforce Training and Development Support and Governance Support Services

Approval was sought to award a contract to Sandwell Inspired Partnership Services (SIPS) Education Ltd to provide the necessary support for maintained schools for workforce training and development support for Newly Qualified Teachers (NQTs) and governance. The contract would ensure that schools received the necessary support needed to ensure that children had the best possible start in life and a high-quality education throughout their school careers.

In accordance with the Council's Procurement and Contract Procedure Rules, SIPS Education Ltd provided both value for money and quality of service.

The cost of the contract had reduced from £150,000 to £100,000 per annum and would run for three years with an option to extend for a further year. This represented a significant saving to the Council.

Resolved:-

- (1) that the contract for Schools Workforce Training and Development Support for Newly Qualified Teachers (NQTs) and Governance be awarded to SIPS Education Ltd for the sum of £300,000, for three years with the option to extend the contract to four years for an additional £100,000 (from 1st June 2019 to 31st May 2022/23);
- (2) that the Director – Law and Governance and Monitoring Officer sign any necessary agreement to enable Resolution (1) above to take effect.

46/19

Sandwell Children's Trust – Delegation of Reserved Matters

Approval was sought to amend the Scheme of Delegation to Officers (Executive Functions) so as to authorise the Council's chief financial officer (Section 151 Officer) and the Director of Children's Services, to approve a number of reserved matters which were key responsibilities of the Council as owner of the Sandwell Children's Trust. Reserved matters required Council approval before the Trust could progress these matters.

Resolved that the Director - Law and Governance and Monitoring Officer amend the Scheme of Delegation to Officers (Executive Functions) so as to include the following delegation to the Council's Chief Financial Officer (Section 151 Officer) and the Director of Children's Services:-

Sandwell Children's Trust – Reserved Matters

- (i) enter into any future borrowing, credit facility or investment arrangement (other than trade credit in the ordinary course of business) that has not been approved in the Business Plan; (Articles of Association ref. 9.2.3);
- (ii) deal with any future surpluses of the Sandwell Children's Trust, other than those surpluses which are agreed, pursuant to the Services Delivery Contract, shall be retained by the Sandwell Children's Trust (Articles of Association ref. 9.2.4);
- (iii) amend the Sandwell Children's Trust's bank mandates (Articles of Association ref. 9.2.5);
- (iv) acquire or dispose of any assets of the Sandwell Children's Trust with an aggregate value not exceeding £250,000 (two hundred and fifty thousand pounds) (Articles of Association ref. 9.2.8);
- (v) approve or amend the Business Plan (Articles of Association ref. 9.2.13);

The Cabinet – 17th April 2019

- (vi) enter into any new third-party contracts (which the Sandwell Children's Trust proposes to enter into outside the scope of the Services Delivery Contract for the provision of services by third parties to the Sandwell Children's Trust) with a capital value greater than £250,000 (two hundred and fifty thousand pounds) or revenue value greater than £250,000 (two hundred and fifty thousand pounds) (Articles of Association ref. 9.2.15);
- (vii) enter into any new third-party contracts (which the Sandwell Children's Trust proposes to enter into outside the scope of the Services Delivery Contract for the provision of services by the Sandwell Children's Trust to third parties) with either a capital value greater than £250,000 (two hundred and fifty thousand pounds) or revenue value greater than £250,000 (two hundred and fifty thousand pounds) (Articles of Association ref. 9.2.16).

47/19

Sandwell Safeguarding Children's Board Transition to Sandwell Children's Safeguarding Partnership – Presentation of the Multi-agency Safeguarding Arrangements

Cabinet gave consideration to proposals for the Multi-agency Safeguarding Arrangements (MASA).

Responsibility for the new MASA rested with the three Statutory Safeguarding Partners, i.e. the Council, the Police and Crime Commissioner's Office and the Clinical Commissioning Group. The Sandwell Children's Trust had been identified as the fourth Safeguarding Partner due to its relationship with the Council. The Children's Trust was an independent organisation set up to run children's services. In Sandwell, the organisation had taken the form of a company owned by the Council.

The Cabinet – 17th April 2019

The four safeguarding partners were responsible for:

- the coordination of safeguarding services including how to work together and with other relevant agencies;
- to act as a strategic leadership group in supporting and engaging others;
- implementing local and national learning including from serious child safeguarding incidents.

The Statutory Safeguarding Partners had collaborated to develop the new multi-agency safeguarding arrangements, which were compliant with the key legislative changes relating to the safety and welfare of children. Sandwell was one of the first areas in the West Midlands to complete this activity and publish its MASA.

The Cabinet Member for Children's Services placed on record his appreciation to the former Chair of the Safeguarding Board, Audrey Williamson, for her work and support.

It was noted that the role of the Children's Services and Education Scrutiny Board in reviewing and contributing towards the business plan for the Board would be strengthened under the new arrangements and therefore the timeliness of reports to scrutiny was critical. Clarity would be provided on the role of scrutiny during the implementation stage.

In response to a question raised by the Chair of the Children's Services and Education Scrutiny Board, the Chief Executive confirmed that, whilst dialogue was still ongoing, as the sole funder of the Sandwell Children's Trust, there would only be one financial contribution from both the Council and the Trust.

Resolved

- (1) that the implications for the Council of the transition from Sandwell Safeguarding Children's Board to Sandwell Children's Safeguarding Partnership are noted;
- (2) that the Sandwell Children's Safeguarding Partnership Multi-agency Safeguarding Arrangements be endorsed.

The Cabinet – 17th April 2019

48/19 **Approval of the Supporting Families Against Youth Crime Bid**

Approval was sought to proceed with the implementation of the Supporting Families Against Youth Crime bid.

The bid had been submitted in December 2018 and subsequently approved by the Ministry of Housing, Communities and Local Government in February 2019. Funding of £372,520 had been granted to the Council to implement the programme.

The emphasis of the fund was on supporting the early intervention and prevention theme of the Government's Serious Violence Strategy.

The bid gave the opportunity to trial new ways of working in a preventative approach at a key transition point for children and young people and their families.

The approach would be subject to on-going review and evaluation.

The Sandwell bid noted that the highest levels of youth crime in the borough were in West Bromwich and Smethwick. The bid therefore sought to focus on:-

- children and families in West Bromwich and Smethwick;
- children in transition from years 6 to 7;
- working closely with key secondary schools and associated feeder primary schools.

The Chair of the Children's Services and Education Scrutiny Board welcomed any monies coming into Sandwell and noted the intention to engage with schools to implement the scheme. Clarification was however sought on funding beyond 31st March 2020 and whether the Council was working on an exit strategy. The Chair of the Budget and Corporate Scrutiny Management Board also enquired as to whether a project management plan was in place which would provide reassurance regarding the delivery timescales. In response, the Cabinet Member for Children's Services confirmed that-

The Cabinet – 17th April 2019

- a) whilst the Government had announced funding late, the Council was confident that delivery would start in June and whilst there were no guarantees about future funding, the Council had designed the programme to develop the skills of staff to ensure lasting benefits.
- b) as part of the original bid, the Council was required to submit an action plan in a format required by the Ministry of Housing, Communities and Local Government. Since being confirmed as a successful bid, that Plan had been duly revised and updated and a copy would be given to the Chair.

Resolved that, subject to the outcome of a financial appraisal of the bid by the Financial Reporting and Systems Team, the Executive Director - Resources, in consultation with the Leader, approve the implementation of the Supporting Families and Youth Crime bid.

49/19

Award of Contract for the Delivery of Bulk Materials for Council Properties Across Sandwell

Approval was sought to award a contract for the delivery of bulk materials to multiple locations, including Roway Lane Supplies Section, to facilitate repairs to Council properties.

The anticipated value of the contract was £1.6 million at £400,000 per annum for a period of four years. In accordance with the Council's Procurement and Contract Procedure Rules, Darlaston Builders Merchants Ltd had been found to be the most economically advantageous.

Resolved:-

- (1) that the Director – Housing and Communities award the contract for the delivery of bulk materials for Council properties across multiple locations in Sandwell to Darlaston Builders Merchants Ltd;

The Cabinet – 17th April 2019

- (2) that in connection with Resolution (1) above, the Director – Law and Governance and Monitoring Officer enter into an appropriate contract with Darlaston Builders Merchants Ltd;
- (3) that any necessary exemptions to the Council's Procurement and Contract Procedure Rules be made to enable the Director - Homes and Communities to award the contract referred to in Resolution (1) above.

50/19

Local Transport Settlement 2019/20 and Associated Programme of Works

The Cabinet noted the local transport resources allocated to the Council for 2019/20. The Integrated Transport and Maintenance block funding allocations were the principal sources of funding available to local highway authorities for minor highway works, and highway and bridge maintenance (including street lighting) on the principal road network.

Approval was sought to the allocation of funds to specific categories of projects.

The allocation to the West Midlands metropolitan area for the forthcoming year was £30.730m. Of this sum, £17.618m had been allocated for Integrated Transport and £13.112m for local Highway Maintenance Block funding.

Nationally the amount of Integrated Transport Block (ITB) funding allocated to local authorities had been fixed at £258m per annum since 2015/16 and would remain at this level until 2020/21. This followed a decision to “top slice” £200m annually from the national pot which was allocated to the Local Growth Fund (LGF). Local Enterprise Partnerships bid for these funds through their growth deal negotiations on a competitive basis whereas ITB was allocated to local authorities by formula.

The Cabinet – 17th April 2019

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

Major schemes (those over £5m) were not included in the Local Transport Settlement as these were separately funded from a number of sources including Local Growth Fund (via Local Enterprise Partnerships), Transforming Cities Fund (via Combined Authorities) or the DfT's Large Local Majors Fund (schemes over £50m).

It was noted that the 'Vulnerable Users' category within the proposed programmed of works included funding for measures to assist walking, cycling and facilities for the disabled. Details of individual schemes would be reported to the Cabinet Member for Highways and Environment and/or the Cabinet Member for Regeneration and Economic Development for approval as necessary. The 'Named Schemes Over £250k' category was intended to fund larger projects such as junction improvements and details of such schemes would be reported individually as appropriate.

It was noted that the annual figure for Integrated Transport Block was around 34% less than that allocated in 2013/14. A key challenge across the WMCA area was the ability to provide initial development funding to undertake feasibility and strategic business case preparation for schemes emerging through the Movement for Growth 10 Year Delivery Plan. In order to facilitate this, the West Midlands Combined Authority (WMCA) Board had approved a proposal to ring fence 15% of integrated transport budget allocations to support development and delivery activity. This ring fence had been applied to individual Local Authority and TfWM allocations from 2017/18 through to 2020/21. For Sandwell this translated to a figure of £220k.

The Cabinet – 17th April 2019

The historically low ITB allocations, combined with the major scheme development ring fence, presented an ongoing challenge to developing an effective programme of works. The minor works programme presented sought to mitigate the impact on the 'safety schemes' and 'vulnerable users' categories. The consequence of this was that the Authority would continue to have very limited resources with which to carry out larger schemes such as junction capacity improvements in the £250k plus bracket, which had been a regular feature of the ITB programme in the years prior to April 2015.

Resolved:-

- (1) that details of the allocation of resources, as confirmed by the West Midlands Combined Authority in February 2019 for Integrated Transport and Local Highway Maintenance Block funding, are noted;
- (2) that the following programme of minor works, highways, bridges and street lighting maintenance works for 2019/20 be approved:

Minor Works Programme	Funds 2019/20 £'000s
Major Schemes Development (Ring Fenced)	220
Local Area Safety Schemes	115
Local Safety Schemes	150
Safer Routes to School	125
Vulnerable Users	250
Demand Management	100
Traffic Calming	100
Major Route Signing	60
Named Schemes Over £250k.	357
Total	1477

Maintenance Programme	Funds 2019/20 £'000s
Carriageway Maintenance – Needs Formula	1936
Carriageway Maintenance – Incentive Fund	542
Carriageway Maintenance – Challenge Fund	0
Carriageway Maintenance – Pothole Action Fund	161
Bridges – Needs Formula	516
Street Lighting – Needs Formula	130
Total	3285

51/19

Cycle Infrastructure Programme 2019/20

The Cabinet received details on the progress made on delivering cycle infrastructure to support the West Midlands Strategic Transport Plan-Movement for Growth during 2018/19.

The Government's Cycling and Walking Investment Strategy had been published in April 2017 with the aim of doubling the 2013 number of journeys, or part journeys, made by cycle by 2025. The Government anticipated that Local Cycling and Walking Infrastructure Plans (LCWIPs) would be the principal vehicle for targeting this investment.

The West Midlands Combined Authority had developed an LCWIP that identified and enabled a plan to develop strategic cycling and walking networks throughout the West Midlands up to 2028.

To complement this, the Council had commissioned work to develop a Sandwell LCWIP that will support the development of local cycling and walking networks throughout the borough till 2029. The LCWIP would replace the Sandwell Cycling Strategy.

The Cycle Network consisted of three tiers - the National Cycle Network (NCN); the Metropolitan Cycle Network, as identified in the West Midlands Strategic Transport Plan – Movement for Growth, and a local Sandwell Network identified in the Sandwell Cycling Strategy. Sandwell's network was included in the Black Country Core Strategy (BCCS), the Sandwell Site Allocations and Delivery Plan (SAD) and the West Bromwich Area Action Plan (WBAAP). Investment in cycle infrastructure was targeted at delivering this network.

During 2018/19, the off-road pedestrian and cycle routes along the West Midland Metro Line 1 from Black Lake to The Hawthorns at Bilhay Lane were improved by providing Toucan upgrades to the three pedestrian crossing facilities on the A41 Black Country New Road and Dudley Street in the Greets Green area of West Bromwich.

The Cabinet – 17th April 2019

To complement towpath improvement works along the Tame Valley Canal undertaken by the Canal and River Trust as part of the Managing Short Trips (MST) programme, a segregated pedestrian and cycle route from the canal access point on Navigation Lane to Tame Bridge railway station via Walsall Road had been created.

As part of the MST programme, which had been funded by the Black Country Local Enterprise Partnership (LEP) and delivered by the Canal and River Trust in partnership with the West Midlands Combined Authority, towpath resurfacing works had been carried out on the Birmingham Canal between West Bromwich Street, Oldbury and to the borough boundary with Dudley, which had significantly improved cycle and pedestrian access to Dudley Port and Tipton railway stations. These improvements, in addition to the towpath improvements along Tame Valley Canal between Hill Farm Bridge and Navigation Lane during 2018/19, had supported the Council's aspirations to improve cycling and pedestrian access to Sandwell's railway stations.

The proposed Sandwell programme of projects for 2019/20 included improved links into Wednesbury Town Centre, by providing Toucan upgrades to the two pedestrian crossing facilities on High Bullen. Cycle access between north Wednesbury and Wednesbury Town Centre was severed by High Bullen where traffic was heavy and there were no cycle crossing facilities. The provisional 2019/20 programme included proposals to form a segregated pedestrian and cycle route and Toucan upgrades in this area. To complement the MST towpath improvements along the Tame Valley Canal and Birmingham Canal, enhancing access points by making minor improvements such as providing dropped kerbs, improving ramped access points, signage upgrades and wayfinding were proposed.

It was proposed that links between the West Midlands Bikeshare docking stations were improved, including the provision of signs and wayfinding between locations.

Approval was now sought to the 2019/20 programme of infrastructure schemes.

The Cabinet – 17th April 2019

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

- The 'Measures to Encourage Cycling' programme specifically related to delivering cycle capital infrastructure improvements within Sandwell. Sandwell MBC hosted regular 'Sandwell Cycle Forum' meetings, however, The Cycle Forum had now moved to an online platform via the Sandwell Walk and Cycle Facebook page.
- Many of the cycle schemes being delivered as part of 'Measures to Encourage Cycling' included infrastructure improvements to encourage cycling to schools. These included cycle lane improvements, implementation of safe crossing points such as Toucan crossings, cycle parking at transport hubs and improved cycle signage. Cycle hire would also be available in future at locations in close proximity to schools in Sandwell as part of the West Midlands Bike Hire scheme; 'Bikeshare'. Sandwell also offered Bikeability cycle training at schools;
- A lot of investment was being undertaken in Wednesbury;
- The Cycling Strategy would be considered at the Economy, Skills, Transport and Environment Scrutiny Board for pre-decision scrutiny.

Resolved

- (1) that details on the progress made on delivering cycle infrastructure to support the West Midlands Strategic Transport Plan-Movement for Growth during 2017/18 be received;
- (2) that the programme of cycle infrastructure works for 2019/20 be approved, subject to consultation and to the approval of detailed proposals by the Cabinet Member for Highways and Environment.

Sandwell Safeguarding Adults Board Annual Report 2017/2018

The Operations Manager for Sandwell Safeguarding Adults Board presented the Annual Report for the Board for 2017/2018 for approval.

The local Sandwell Safeguarding Adults Board had a responsibility to ensure that all agencies worked together to safeguard and promote the welfare and wellbeing of adults with support needs. It co-ordinated and quality assured the activities of member agencies. The Safeguarding Adults Board required representatives from the local authority, the NHS and the Police. The Board was responsible for developing shared plans for safeguarding and working with local people to enable adults with support needs/adults at risk, whether or not they were known to local services, to work in partnership to stay safe.

The Care Act 2014 required that Sandwell Safeguarding Adults Board produced an Annual Report. This was a summary and representation of the work of all partners within the Borough covering the period April 2017 – March 2018.

The percentage of concerns progressing to enquiry during 2017-18 was 21%, which was a small increase from 2016-17 where the conversion rate was 18%. There were 545 section 42 enquiries concluded in 2017-18. The most prevalent type of abuse was reported as neglect or acts of omission with 248 cases which was a small increase from 2016-17 which reported 230 cases.

There was a higher percentage of referrals received in respect of women overall however in the 18-64 age range the prevalence was higher for men. The ethnicity data continued to highlight the trend in Sandwell of the largest number of referrals being for an adult with White British background (85%) although this was a 1% drop on the previous year. This continued to be an area of concern as this would not appear to be reflective of the population. SSAB would continue to seek assurance on this matter and raise awareness.

Resolved that the Sandwell Safeguarding Adults Board Annual Report 2017-2018 and executive summary be approved.

The Cabinet – 17th April 2019

53/19 **Approval to Award Contract for Technology Hardware**

Approval was sought to award a contract for the provision of technology hardware (e.g. laptops, desktops, servers, etc) for a period of three years from 1st May 2019 to 30th April 2022 up to a maximum value of £3,000,000.

In accordance with the Council's Procurement and Contract Procedure Rules, XMA had submitted the most economically advantageous tender.

Resolved:-

- (1) that the Executive Director – Resources award a contract to provide technology hardware to the Council to XMA Limited for a three-year period from 1st May 2019 to 30th April 2022;
- (2) that in connection with Resolution (1) above, the Director - Law and Governance and Monitoring Officer enter into, or execute under seal, any documentation in relation to the award of the framework contracts and/or other agreements with XMA Limited, as may be deemed necessary.

54/19 **Perryfields High School – Provision of Temporary Accommodation**

Approval was sought to authorise the Director – Education, Skills and Employment to award a contract and agree terms for the purchase of temporary classroom accommodation for use at Perryfields High School Specialist Maths and Computing College (Perryfields High School), following a compliant competitive tender exercise.

The accommodation was urgently required to complete the temporary replacement of 28 general and specialist classrooms lost through the closure of the school's Jubilee Block in December 2018 due to issues with its general state of repair.

The Cabinet – 17th April 2019

In accordance with the Council's Procurement and Contract Procedures (Rule 15), the Executive Director – Resources and the Director – Education, Skills and Employment had approved an exemption to enable the urgent procurement of 12 temporary mobile classrooms, for an initial hire period of six months. The contract had been awarded to Portakabin at an estimated project cost of £249,785.50 (excluding VAT).

Following handover of the temporary classroom units in January (Phase 1), an assessment of the school's accommodation following closure of the Jubilee Block had determined that the school has a shortfall of eight classrooms to maintain its full published pupil capacity of 1,200. The school was finding it increasingly difficult and restrictive to deliver a full curriculum with the continuing shortfall in teaching accommodation.

To reduce the amount of time taken to procure the additional accommodation, in late March, an Urgent Action Report by the Executive Director of Children's Services had been approved by the Chair of the Children's Services Scrutiny Board, Cabinet Member for Children's Services and the Leader of the Council, to invite tenders from modular accommodation suppliers for the council to acquire eight classroom units. Only one company, Portakabin, was able to provide a quote since the other two companies were unable to source and supply sufficient units for occupation in time. The tight deadline for procurement had to be implemented to ensure that disruption to school was kept to a minimum.

The units would be retained at the school whilst a solution to the closure of Jubilee Block was found to reinstate the school's pupil capacity to 1,200 places, and then the accommodation would be available for use for decant purposes to support the future Schools Capital Programme.

In response to a question raised by the Chair of the Budget and Corporate Scrutiny Management Board in relation to Interserve recently going into administration, the Chief Executive clarified that as part of the dissolution of Interserve PLC, a pre-pack application was put in place to establish a new company Interserve Group Limited, who had assumed the ongoing liabilities.

The Cabinet – 17th April 2019

Sandwell Futures would continue to seek a resolution on behalf of the Council which will include a claim for any loss and expense to the Council.

Resolved:-

- (1) that details of the urgent action taken by the Executive Director – Education and the Executive Director – Resources, in consultation with the Leader of the Council and the Member for Children’s Services, to authorise the Director - Education, Skills and Employment to proceed to an invitation to tender for the purchase of 8 temporary mobile classroom units for installation at Perryfields High School, Oldbury be noted;
- (2) that the allocation of £800,000 from the Council’s Basic Need capital grant to purchase temporary classroom accommodation for use at Perryfields High School Specialist Maths and Computing College, Oldacre Road, Oldbury B68 0RG be approved;
- (3) that, in accordance with the Council’s Procurement and Contract Procedure Rules 2018-2019, the Director – Education, Skills and Employment award a contract, and agree terms, in conjunction with the Section 151 Officer and in consultation with the Cabinet Member for Children’s Services, for the purchase of the temporary classroom accommodation following completion of a compliant competitive tender exercise; and
- (4) the Director – Law and Governance and Monitoring Officer enter into a contract on terms agreed by the Director – Education, Skills and Employment, as required, to acquire the temporary classroom accommodation.

The Cabinet – 17th April 2019

Business Item

55/19 **Minutes of the Cabinet Petitions Committee on 28th February 2019**

The Cabinet noted the minutes of the Cabinet Petitions Committee held on 28th February 2019.

(Meeting ended at 4.05pm.)

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

Contact Officer: Suky Suthi-Nagra Democratic Services Unit 0121 569 3479
--