

**The Cabinet**

**26<sup>th</sup> July, 2017 at 3.30 pm  
at the Sandwell Council House, Oldbury**

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

**Apology:** Councillor Carmichael.

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

127/17 **Minutes**

**Resolved** that the minutes of the meetings held on 14<sup>th</sup> and  
28<sup>th</sup> June 2017 be confirmed as a correct record.

**Strategic Items**

128/17 **Remedial Panel Replacement to High Rise Buildings**

The Leader of the Council, in the absence of the Cabinet Member for Housing, reported that in the aftermath of the tragic fire at Grenfell Tower, the Council had appointed a contractor to carry out urgent work to remove existing aluminium composite material (ACM) panels from four high rise blocks within Sandwell. Approval was now sought to use Lovell Partnerships as they currently had a contract in place with the Council to carry out other capital works to the housing stock and had been chosen as the preferred contractor to source the new solid aluminium panels from their supply chain. The contract would be monitored to ensure compliance.

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Due to the urgent nature of the requirement to manufacture the panels and protect the buildings from prolonged exposure to the weather, it had not been possible to invite tenders on this occasion. An exemption to the Council's Procurement and Contract Procedure Rules was therefore sought.

The anticipated value of the contract to manufacture the new solid aluminium panels was £285,000.

In accordance the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the Chair of the Budget and Corporate Scrutiny Management Board was informed that it had not been possible to give 28 clear days' notice due to the urgent nature of the proposed works.

In response to questions raised by the Chair of the Safer Neighbourhoods and Active Communities Scrutiny Board, the Leader of the Council reported that as soon as the Council became aware of the need to test ACM, details of all high-rise refurbishment projects undertaken had been reviewed and identified that these panels had been used around balconies and windows on these four blocks. Although the panelling complied with current building regulations, due to recent events and advice from the Government, it was proposed to remove them quickly.

The Chair of the Budget and Corporate Scrutiny Management Board expressed concern that if the costs of these works would need to be met from within the Housing Revenue Account, it would damage the Council's ability to carry out much-needed capital improvements to existing stock and reduce the Council's ability to develop new properties to add to the Council stock.

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

- the Council had not made representations to the Government regarding recovery of costs as it was pending the final cost once the works had been completed;
- of the 55 high rise blocks in Sandwell, only four required changes as they had cladding around part of the building and not covered in total. The Council has carried out its own safety tests on the panels concerned and could not get them to combust, but would be replacing them. However, like all other public bodies, the Council had not been made aware of what the tests the Government had carried out and could not

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replicate them. The panels, whilst being removed, were still within the Building Regulations that the Government had yet to change and the replacement cost should be met by Government, as they have previously indicated;

- the Council had developed policies and procedures around fire prevention that had been a high priority area of work for over 25 years. Over that period, the Council had worked closely with other local authorities and the West Midlands Fire Service to develop best practice and ensure the right approach to fire safety was adopted. In recent weeks, West Midlands Fire Service had visited all high-rise blocks in Sandwell to undertake fire safety audits and no issues had arisen from that. The Council was also commissioning an independent audit of high rise risk assessments, procedures and policies to help identify where further improvement might be made.

The Leader reaffirmed that he would welcome working with the Neighbourhoods and Communities Scrutiny Board to investigate any aspect of this matter to add value to the Council's approach.

### **Resolved:-**

- (1) that the Interim Director - Neighbourhoods award the contract to Lovell Partnerships to source the manufacture of solid aluminium panels from their supply chain to four high-rise blocks within Sandwell;
- (2) that in connection with Resolution (1) above, the Director – Monitoring Officer enter into an appropriate contract with Lovell Partnerships;
- (3) that any necessary exemption be made to the Council's Procurement and Contract Procedure Rules to enable the course of action referred to in Resolution (1) above to proceed.

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### **Cycle Infrastructure Programme 2017/18 and 2018/19 (Key Decision Ref. No. SMBC16160)**

The Cabinet Members for Regeneration and Economic Investment and Highways and Environment reported that the Government's Cycling and Walking Investment Strategy, published in April 2017, aimed to make cycling and walking the natural choices for shorter or part of longer journeys. The strategy sought to double the 2013 number of journeys, or part journeys, made by cycle by 2025 and recognised that achieving this would require a sustained investment in cycling infrastructure by Central Government, Local Transport Authorities and third parties.

The West Midlands Cycling Charter was adopted in September 2015 to outline key principles among partners to deliver a required step change in cycling across the West Midlands. A detailed action plan was outlined and was currently being delivered with the target of increasing levels of cycling to 5% of all trips by 2023.

From these core principles, three actions had been identified to support a change for cycling including development of a West Midlands wide cycle hire scheme, development of a West Midlands cycle brand and building the Strategic Cycle Network.

During 2016/17, towpath upgrades had been carried out on the Birmingham Canal between the borough boundary and Galton Bridge and on the Tame Valley canal between Chatsworth Avenue and Hill Farm Bridge. A further section of the A4123 Cycle Route was completed in the vicinity of Ormiston Academy and the River Tame pathway between Great Bridge town centre and Dudley Port railway station was upgraded as a shared pedestrian/cyclist route. Work also began on linking the pedestrian/cycle footbridge on the A41 at West Bromwich with Hateley Heath and three pedestrian crossings on the A41 between West Bromwich and Great Bridge were upgraded to toucan standard to assist cyclists.

The proposed programme of projects for 2017/18 included the completion of the works on All Saints Way, a link between Blackheath town centre and Rowley Regis railway station via Avenue Road and a link between Bromford Road and Dudley Road, Oldbury which was a continuation of the West Bromwich to Oldbury route. These projects were funded from the Integrated Transport Block allocated to the Council by the West Midlands Combined Authority (WMCA).

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In addition to these, the WMCA Managing Short Trips programme would fund works on the Birmingham Canal between Galton Bridge, Sandwell and Dudley Railway Station and Albion Road.

Approval was now sought to a programme of cycle infrastructure works for 2017/18 as detailed.

In response to question raised by the Chair of the Budget and Corporate Scrutiny Management Board and the Chair of the Economy Skills Transport and Environment Scrutiny Board, members were minded to refer the report to the Economy Skills Transport and Environment Scrutiny Board for a thorough review to ensure equity, connectivity and value for money was obtained.

**Resolved** that the Economy Skills Transport and Environment Scrutiny Board be requested to consider the Cycle Infrastructure Programme 2017/18 and 2018/19 and that a further report incorporating the Scrutiny Board's findings be submitted to a future meeting of the Cabinet.

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### **Extension of Contract for School Health Nursing Service (Key Decision Ref. No. SMBC16154)**

The Cabinet Member for Public Health and Protection sought approval to extend the contract with Birmingham Community Health Care NHS Foundation Trust for the provision of a School Health Nursing service which served the population of children attending state-funded educational provision in Sandwell, regardless of area of residence, as well as children in alternative provision or educated at home. It provided both a universal service and specific support for children with long term medical conditions and vulnerable children.

The contract commenced on 1<sup>st</sup> April 2014 and was due to expire on 31<sup>st</sup> March 2018. During the contract period, there had been two permitted variations to include emotional health and well-being support and to meet additional capacity requirements.

The Department of Health had published guidance on a new commissioning model for the Healthy Child Programme with a focus on developing an integrated model of services for 0-19 year olds.

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The original procurement process for the school nursing service made provision for an option for the service to be extended to 31<sup>st</sup> March 2019. It was therefore proposed that the current contract was extended for a further year to 31<sup>st</sup> March 2019 to align the end date for the timescale for future commissioning against any new 0 - 19 service model from April 2019.

The value of the proposed extension period was £2,143,943.

In response to a question raised by the Chair of the Health and Adult Social Care Scrutiny Board, the Cabinet Member for Public Health and Protection confirmed that the proposed new model that would be developed would be different to what the Council currently had. Letting the contract for four years would allow the authority to assess the success of the new model and to make any necessary changes when the Council retendered.

### **Resolved:-**

- (1) that the Director – Public Health extend the contract with Birmingham Community Health Care NHS Foundation Trust for the provision of a School Health Nursing service from 1<sup>st</sup> April 2018 to 31<sup>st</sup> March 2019, at a cost of £2,143,943;
- (2) that the Director - Monitoring Officer execute any agreement and documents necessary to bring the proposal referred to in Resolution (1) above into effect.

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### **The Provision of Manned Guarding and Key Holding Services (Key Decision Ref. No. SMBC16159)**

The Cabinet Member for Core Council Services sought approval to undertake a further competition exercise for manned guarding and key holding services through the Eastern Shires Purchasing Organisation (ESPO). The current service, which was due to expire on 30<sup>th</sup> September 2017, provided security services to the principal areas of Facilities Management, One Stop Shop, Markets and Libraries. There was also the ability to procure ad-hoc guarding for events and urgent securing of premises.

Based on current requirements, annual expenditure was estimated at £245,000.

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The procurement of this service had been historically difficult due to the large number of companies in the market and the volume of documentation that a tender exercise generated which placed a significant burden on time and resources of the evaluation team.

It was therefore felt that the ESPO framework agreement would be suitable as it followed a fully European Union compliant procurement process and allowed participants to conduct a further competition exercise between six pre-selected and approved security contractors.

The ESPO Framework expired at the end of September 2018 but individual contracts may be let beyond this period. It was therefore proposed that an initial eighteen-month contract was established and another competition exercise conducted in 2019.

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

- the contract stipulated that officers were paid at least the national living wage which was the industry norm. The Council did not specify a minimum hourly rate which officers were expected to be paid. The officers employed on the Sandwell contract had guaranteed hourly working weeks;
- all officers currently employed on the Sandwell account were subject to Transfer of Undertakings for Protection of Employees (TUPE) and would be given the opportunity to transfer to whoever the new contractor may be. All had been given notice by their employer in accordance with TUPE regulations and currently, there were some long serving officers who had transferred each time the Council switched contractor.

### **Resolved:-**

- (1) that the Council undertake a further competition exercise for manned guarding and key holding services through the Eastern Shires Purchasing Organisation for the period 1<sup>st</sup> October 2017 to 31<sup>st</sup> March 2019;
- (2) that subject to Resolution (1) above, the Executive Director - Resources award the Framework in line with

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Eastern Shires Purchasing Organisations call off arrangements.

### Business Items

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#### **Recommendations from the Budget and Corporate Scrutiny Management Board regarding the Council's Financial Outturn 2016/2017**

The Chair of the Budget and Corporate Scrutiny Board reported that the Board met on 22<sup>nd</sup> June and 7<sup>th</sup> July, 2017, following a referral from the Cabinet of the Council's financial outturn for 2016/2017 for each service area, the Housing Revenue Account, the Council's capital programme outturn and the Treasury Management outturn (see Minute No. 95/17). The Board also received commentary in relation to the 2016/2017 revenue collection performance for the major income streams of the Council, including Council Tax, Non-Domestic Rates, Housing Rents and General Debtors.

The Board discussed each Directorate's outturn report and made observations, comments and recommendations of which details were now submitted.

#### **Resolved:-**

- (1) that the recommendations from the Budget and Corporate Scrutiny Management Board be approved as follows:-
  - (a) that the Cabinet be requested to quantify the support the Council is providing through its officers to the West Midlands Combined Authority;
  - (b) that the Cabinet be requested to ensure that all Directors consider the approach to succession planning and planned leavers that is being utilised successfully within the Resources directorate;

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- (c) that the Cabinet be requested to consider lobbying Her Majesty's Revenue and Customs to request reassurance that, in delegating children's social care functions to a new Trust, Sandwell Metropolitan Borough Council should not incur greater costs through the value added tax and Corporation Tax regime than would be the case were it to continue providing services in house;
- (2) that the additional recommendations and actions arising from the Budget and Corporate Scrutiny Management Board's consideration of the Council's Financial Outturn 2016/2017 be noted.

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### **Proposed Introduction of a Second CCTV Vehicle for Parking Enforcement**

The Cabinet Member for Highways and Environment reported that under the Road Traffic (Permitted Parking Area and Special Parking Area) (Metropolitan Borough of Sandwell) Order 2000, the Council had a duty to carry out enforcement activities relating to parking contraventions within the Borough. Use of CCTV vehicles would support and improve the efficiency of the parking enforcement service.

A CCTV vehicle was introduced in 2014 and had provided effective enforcement of Red Routes, bus stops and school entrance zig-zags. The vehicle was also seen as a deterrent to inconsiderate parking around schools. The CCTV enforcement vehicle aimed to ensure the safe and efficient operation of the road network through the detection of traffic regulation contraventions. The CCTV system supported and extended the parking enforcement process as follows:-

- to provide a deterrent to parking contraventions;
- to record the registration number, colour and type of vehicles;
- to initiate the issue of Penalty Charge Notices to the registered keeper of the vehicles;
- to record evidence of each contravention to ensure that representations and appeals could be fully answered;
- to enable timed and dated pictorial evidence to be produced for adjudication or as information to vehicle owners.

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Approval was now sought to provide a second fleet vehicle using the same CCTV equipment so that the service could be operated efficiently using the same enforcement system, processes and software that were already in place.

The second CCTV vehicle would have an initial outlay of £43,000 from Local Transport Plan capital funding with an estimated total first year revenue cost of £108,000 and a first-year income projection of approximately £60,000.

In response to questions raised by the Chair of the Budget and Corporate Scrutiny Management Board, the Cabinet Member for Highways and Environment confirmed that drivers would be needed for two shifts on weekdays plus weekend shifts. The first car would cover approximately 180,000 miles per year. The cars were deployed on a random rotational basis outside schools at start and finish times. All schools were visited and from time to time, the car would respond to problem schools on route. For the rest of the day and weekends, the cars would patrol red routes and bus stops. At weekends, the car also patrolled red routes around Albion home fixtures. The first car was self-financing. The second car was unlikely to generate the same income and was estimated to cost the Council £48,000 per year. A further car was unlikely to be cost effective and the deterrent value around schools may be lost through driver recognition of enforcement limitations.

### **Resolved:-**

- (1) that a second CCTV equipped Citroen Nemo vehicle be added to the Council's fleet contract arrangements, to be purchased at the outset using capital funding for Local Transport Plan safety schemes;
- (2) that in connection with Resolution (1) above, the second CCTV vehicle is used to extend and support parking enforcement through the monitoring and recording of non-compliance with Traffic Regulation Orders in accordance with current and revised operational guidance, regulation and legislation.

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### 134/17 **Darren Cooper Memorial Grant**

The Cabinet Member for Children's Services reported that following the death of former Council Leader, Councillor Darren Cooper, a memorial event organised by Sandwell Council was held in his honour at West Bromwich Town Hall. A theme of the tributes paid at the event was Councillor Cooper's dedication to supporting young people and helping them to get a better start in life.

Donations were collected at the event in Councillor Cooper's memory totalling £1,666. A Council account had subsequently been set up to hold these funds.

Approval was now sought to establish a Darren Cooper Memorial Grant in order to disperse these funds as one-off support payments of supplies of goods/items of up to £100 needed by young people in Sandwell engaged with the Council's apprentices team.

It was also proposed that the Council sponsored an award in memory of the former leader. The 'Darren Cooper Award' would be presented at the annual Sandwell College Business Awards event and would be given to an outstanding apprentice, identified by the Council's apprentices team.

#### **Resolved:-**

- (1) that a Darren Cooper Memorial Grant be established to provide one-off support payments for young people engaged with the Council's apprentices team;
- (2) that in connection with Resolution (1) above, the Council sponsor a Darren Cooper Award;
- (3) that in connection with Resolution (1) above, requests for small grants would be made to the Council's apprenticeship team and a small committee of officers would be appointed to approve any requests;
- (4) that the Council commits £1,500 per year for 2018/19 and 2019/20 to continue the grant in memory of the former leader of the Council; Councillor Darren Cooper.

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### **Establishment of a Children's Services Cabinet Working Group**

The Cabinet Member for Children's Services sought approval to set up a Children's Services Cabinet Working Group to consider proposals in relation to the future role of education services and children's social care services (prior to the establishment of the Children's Social Care Trust).

Consideration was now given to the Terms of Reference for the Cabinet Group.

The overall strategic aim of the Cabinet Group was to make recommendations to Cabinet on the future strategic direction and shape of Children's Services with the underlying aim of generating efficiencies in support of the three-year budget strategy, whilst still achieving the desired outcomes for children and families in Sandwell.

The Cabinet Group would report to Cabinet in due course, outlining recommendations for a way forward from the two proposed review areas.

In response to questions raised by the Chair of the Economy, Skills, Transport and Environment Scrutiny Board, regarding joined up working between the Cabinet Group and the Chair of the Children's Services and Education Scrutiny Board, the Cabinet Member for Children's Services and the Leader clarified that as a Cabinet Group, membership of the Group would only consist of Cabinet Members. However, scrutiny had a key role and any recommendations arising from the Group would be subject to scrutiny. Both the Cabinet Member and the Leader would be meeting with the Chair of the Children's Services and Education Scrutiny Board to discuss key issues on a regular basis.

#### **Resolved:-**

- (1) that a Children's Services Cabinet Working Group be set up to consider proposals in relation to the future role of education services and children's social care services;

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- (2) that in connection with Resolution (1) above, membership of the Cabinet Group will include Councillors Hackett, Marshall and Shackleton, with appropriate officer support;
- (3) that the following remit of the Children's Services Cabinet Working Group be approved:-

The overall strategic aim of the Working Group is to make recommendations to Cabinet on the future strategic direction and shape of Children's Services with the underlying aim of generating efficiencies in support of the three-year budget strategy, whilst still achieving the desired outcomes for children and families in Sandwell.

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### **Decisions of the Black Country Executive Joint Committee held on 28<sup>th</sup> June, 2017**

The decisions of the Black Country Executive Joint Committee held on 28<sup>th</sup> June, 2017 were received.

The Chair of the Budget and Corporate Scrutiny Management raised a question relating to the Local Growth Fund of Securing Sandwell's Engineering Skills project. In response, the Leader confirmed that Sandwell College was seeking to ensure that the College would have a dedicated and revitalised "Engineering Centre" with updated equipment that would support more students towards a Level 3/4 qualification. The engineering training equipment in the newly required Sandwell Training Association premises would be transformed into the Engineering Centre by September 2017/18 academic year.

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### **Decisions of the Cabinet Member for Highways and Environment taken on 19<sup>th</sup> June and 13<sup>th</sup> July 2017**

The decisions of the Cabinet Member for Highways and Environment taken on 19<sup>th</sup> June and 13<sup>th</sup> July 2017 were noted.

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In response to a question raised by the Chair of the Budget and Corporate Scrutiny Management Board in relation to the proposed 20 mph zone at Old Park Estate, Wednesbury, the Cabinet Member confirmed that the contractor had been appointed and was awaiting the delivery of sign face and sign posts before commencing work in mid-August.

### **138/17 Minutes of the Cabinet Petitions Committee taken on 28<sup>th</sup> June, 2017**

The minutes of the Cabinet Petitions Committee taken on 28<sup>th</sup> June, 2017 were received.

(Meeting ended at 4.33 pm)

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