

Time	4.15 pm	Public Meeting?	YES	Type of meeting	Executive
Venue	Council Chamber - 4th Floor - Civic Centre, St Peter's Square, Wolverhampton, WV1 1SH				

Membership

Chair Cllr Stephen Simkins (Lab)

Labour

Cllr Obaida Ahmed
Cllr Ian Brookfield
Cllr Paula Brookfield
Cllr Chris Burden
Cllr Steve Evans
Cllr Bhupinder Gakhal
Cllr Jasbir Jaspal
Cllr Linda Leach
Cllr Beverley Momenabadi

Quorum for this meeting is three voting members.

Information for the Public

If you have any queries about this meeting, please contact the Democratic Services team:

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Some items are discussed in private because of their confidential or commercial nature. These reports are not available to the public.

Agenda

Part 1 – items open to the press and public

Item No. *Title*

MEETING BUSINESS ITEMS

- 1 **Apologies for absence**
- 2 **Declarations of interest**
- 3 **Minutes of the previous meeting** (Pages 3 - 6)
[To approve the minutes of the previous meeting as a correct record]

DECISION ITEMS (AMBER - DELEGATED TO THE CABINET)

- 4 **Procurement - Award of Contracts for Works, Goods and Services** (Pages 7 - 26)
[To approve the award of contracts for works, goods and services]
- 5 **Policy to Enable Cost Recovery of Enforcement Action in Licensing** (Pages 27 - 42)
[To approve a policy to enable cost recovery of enforcement action in Licensing]
- 6 **External Funding Update - UK Shared Prosperity Fund** (Pages 43 - 50)
[To approve delegate authority for Wolverhampton's local allocation of the UK Shared Prosperity Fund to meet the city's priorities]
- 7 **Council Commitment to become Cornerstone Employer - promoting Council Careers in Schools** (Pages 51 - 58)
[To approve that the Council to become a member of the Cornerstone employer scheme led by the Black Country Consortium which provides volunteers from business to promote careers education in schools and colleges]
- 8 **Exclusion of press and public**
[To pass the following resolution:

That in accordance with Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following item of business as it involves the likely disclosure of exempt information on the grounds shown below]

Part 2 - exempt items, closed to press and public

- 9 **Procurement - Award of Contracts for Works, Goods and Services** (Pages 59 - 74)
[To approve the award of contracts for works, goods and services]
- Information relating to the financial or business affairs of any particular person (including the authority holding that information) Para (3)

CITY OF WOLVERHAMPTON COUNCIL	Cabinet (Resources) Panel Minutes - 19 October 2022
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Attendance

Members of the Cabinet (Resources) Panel

Cllr Stephen Simkins (Chair)
Cllr Obaida Ahmed
Cllr Ian Brookfield
Cllr Paula Brookfield
Cllr Chris Burden
Cllr Steve Evans
Cllr Bhupinder Gakhal
Cllr Jasbir Jaspal
Cllr Linda Leach

Employees

Tim Johnson	Chief Executive
Mark Taylor	Deputy Chief Executive
Emma Bennett	Executive Director of Families
Charlotte Johns	Director of Strategy
Claire Nye	Director of Finance
David Pattison	Chief Operating Officer
John Roseblade	Director of City Housing and Environment
Becky Wilkinson	Director of Adult Social Services
Jaswinder Kaur	Democratic Services Manager
Dereck Francis	Democratic Services Officer

Part 1 – items open to the press and public

Item No. Title

- 1 **Apologies for absence**
Apologies for absence were submitted on behalf of Councillor Beverley Momenabadi.
- 2 **Declarations of interest**
No declarations of interests were made.
- 3 **Minutes of the previous meeting**
Resolved:
That the minutes of the previous meeting held on 7 September 2022 be approved as a correct record and signed by the Chair.

4 **Procurement - Award of Contracts for Works, Goods and Services**

Councillor Obaida Ahmed presented the report seeking delegated authority to the Cabinet Member for City Environment and Climate Change, in consultation with Directors, to award contracts on the latest procurement activity from the City Environment and Climate Change portfolio. She informed Cabinet that in line with the Council's commitment to the Wolverhampton Pound, and maximising the value of spend to local businesses, the procurement report evidenced that this requirement is considered when any procurement activity takes place.

Cabinet noted that the contracts were of particular significance and interest to the development of the city. The contract for the demolition of 1-7A Cleveland Street would enable the future development of the Bell Place Box Space project, a state of the art food hub for that part of the city centre. The contract for Bilston markets would see the markets transformed with enhancements, raising its profile locally and securing its future. The contract for professional services for Wednesfield Towns Fund project development would provide for high street enhancements.

Cabinet placed on record its thanks to the Towns Fund Board for its support, through the Towns Fund Allocation, for the schemes in Bilston and Wednesfield.

Resolved:

1. That authority be delegated to the Cabinet Member for City Environment and Climate Change, in consultation with the Director of Communications and Visitor Experience, to approve the award of a contract for Demolition of 1-7A Cleveland Street when the evaluation process is complete.
2. That authority be delegated to the Cabinet Member for City Environment and Climate Change, in consultation with the Director of City Housing and Environment to approve the award of a contract for Bilston Markets when the evaluation process is complete.
3. That authority be delegated to the Cabinet Member for City Environment and Climate Change, in consultation with the Director of City Housing and Environment, to approve the award of a contract for Professional Services for Wednesfield Towns Fund project development when the evaluation process is complete.

5 **Exclusion of press and public**

Resolved:

That in accordance with Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business as they involve the likely disclosure of exempt information relating to the financial or business affairs of any particular person (including the authority holding that information).

Part 2 - exempt items, closed to press and public

The Chair reported that as stated previously the meeting was in confidential session as the information included in the report could, if released into the public domain, prejudice the financial position of the Council or its partners. As such all present are under a legal duty of confidentiality and must not disclose any confidential

information - to do so would not only be a breach of the Council's codes (for councillors and employees) but also a breach of the legal duty of confidentiality.

6 **Procurement - Award of Contracts for Works, Goods and Services**

Councillor Obaida Ahmed presented for approval the report on the award of contracts for works, goods and services. The report also included, for information, exemptions to contract procedure rules approved by the Head of Procurement and Director of Finance from 1 to 31 August 2022.

Cabinet welcomed the contract to procure four battery electric precinct compact sweepers, which would further support the Council's climate change agenda.

Resolved:

1. That the contract for Wednesbury to Brierley Hill Extension Full Business Case on behalf of Black Country Transport be awarded to Amey Consulting of Chancery Exchange, 10 Furnival Street, London, United Kingdom, EC4A 1AB for a duration of one year from 31 October 2022 to 30 October 2023 for a total contract value of £670,000.
2. That the contract for Provision of Voluntary and Community Services be varied:
 - With Wolverhampton Voluntary Sector Council of 16 Temple Street, Wolverhampton, WV2 4AN for Lot 1 Infrastructure Support from 1 November 2022 to 31 March 2023 with a variation value of £50,000.
 - With Jobchange 2007 of 10 Red Lion Street, Wolverhampton, WV1 4HL for Lot 2 Job Brokerage from 1 November 2022 to 31 March 2023 with a variation value of £50,000.
 - With Wolverhampton Voluntary Sector Council of 16 Temple Street, Wolverhampton, WV2 4AN for Lot 3 Structured and Supported Volunteering from 1 November 2022 to 31 March 2023 with a variation value of £30,000.
 - With Access to Business of The Curve, 81 Tempest Street, Wolverhampton WV2 1AA for Lot 4 Self-employment Advice from 1 November 2022 to 31 March 2023 with a variation value of £34,500.
 - With Jobchange 2007 of 10 Red Lion Street, Wolverhampton, WV1 4HL for Lot 5 Information Advice and Guidance from 1 November 2022 to 31 March 2023 with a variation value of £25,000.
 - With Citizens Advice Bureau Wolverhampton of 26 Snow Hill, Wolverhampton, WV2 4AD for Lot 6 Welfare Support Service from 1 November 2022 to 31 March 2023 with a variation value of £132,500.
3. That the contract for Supply of Four Battery Electric Precinct Compact Sweepers be awarded to Bunce (Ashbury) Limited, Ashbury, Swindon, SN6 8LW for a total contract value of £704,000.

4. That the exemptions to the Contract Procedure Rules approved by the Head of Procurement and Director of Finance from 1 to 31 August 2022 be noted.

7 **Acquisition and Redevelopment of 251-253 Tettenhall Road**

Councillor Bhupinder Gakhal presented the report on a proposal for the acquisition and redevelopment of 251-253 Tettenhall Road Wolverhampton, a two storey detached dwelling.

Resolved:

1. That the proposal to negotiate with the current property owner the surrender of the existing lease in relation to 251-253 Tettenhall Road be approved.
2. That the virement of funds for the acquisition of the freehold interest of 251-253 Tettenhall Road as detailed in section 1.3 of the report be approved.
3. That authority be delegated to the Cabinet Member for City Assets and Housing, in consultation with the Deputy Director of Assets, to approve the negotiated terms for the lease surrender and acquisition of 251-253 Tettenhall Road through an Individual Executive Decision Notice.
4. That the future freehold disposal of 251-253 Tettenhall Road via the open market disposal methods of either auction or informal tender upon terms and conditions to be agreed, be approved.
5. That authority be delegated to the Cabinet Member for City Assets and Housing, in consultation with the Deputy Director of Assets, to approve the terms of a future disposal through an Individual Executive Decision Notice.
6. That the current condition and reasons why continued use of 251-253 Tettenhall Road as temporary accommodation (TA) is not appropriate or desirable be noted.
7. That the agreement of the current property owner to negotiate the surrender of the lease and the sale of the property to the Council be noted.

CITY OF WOLVERHAMPTON COUNCIL	Cabinet (Resources) Panel 16 November 2022
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Report title	Procurement – Award of Contracts for Works, Goods and Services	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Obaida Ahmed Resources and Digital City	
Key decision	Yes	
In forward plan	Yes	
Wards affected	All Wards	
Accountable Director	Claire Nye, Director of Finance	
Originating service	Procurement	
Accountable employee	John Thompson	Head of Procurement
	Tel	01902 554503
	Email	John.Thompson@wolverhampton.gov.uk
Report to be/has been considered by	Directorate Leadership Team	

Recommendations for decision:

The Cabinet (Resources) Panel is recommended to:

1. Delegate authority to the Cabinet Member for City Environment and Climate Change, in consultation with the Director of City Housing and Environment, to approve the award of a contract for A461 Outline Business Case when the evaluation process is complete.
2. Delegate authority to the Cabinet Member for City Environment and Climate Change, in consultation with the Director of City Housing and Environment, to approve the award of a contract for Black Country Urban Traffic Control Communications when the evaluation process is complete.
3. Delegate authority to the Cabinet Member for Environment and Climate Change, in consultation with the Director of City Housing and Environment, to approve the award of a contract for Contingency Residual Waste Disposal when the evaluation process is complete.

4. Delegate authority to the Cabinet Member for City Environment and Climate Change in consultation with the Director of City Housing and Environment, to approve the award of a contract for the Refurbishment of East Park when the evaluation process is complete.
5. Delegate authority to the Cabinet Member for City Assets and Housing, in consultation with the Deputy Director of City Assets, to approve the award of a contract for Lifts Maintenance when the evaluation process is complete.

1.0 Councillor Steve Evans, Cabinet Member for City Environment and Climate Change
1.1 Delegated Authority to Award a Contract – A461 Outline Business Case

Ref no:	CWC22111
Council Plan aim	Climate Conscious
Originating service	City Housing and Environment on behalf of Black Country Transport (BCT)
Accountable officer	Stuart Everton, Black Country Director of Transport (01902) 554097
Leadership Team approval	4 October 2022
Accountable Lead Cabinet Member	Councillor Steve Evans, Cabinet Member for City Environment and Climate Change (01902) 861498
Date Lead Cabinet Member briefed	7 October 2022
Procurement advisor	Alison Porter, Procurement Manager (01902) 555065

1.2 Background

- 1.3 City of Wolverhampton Council (CWC) are procuring consultants on behalf of Black Country Transport (BCT) as per the Collaboration Agreement signed 30 March 2021. BCT are undertaking this project on behalf of, and in collaboration with, Dudley (DMBC) and Sandwell Metropolitan Borough Councils (SMBC). The commission is to develop two Outline Business Cases (OBCs) for the A461 Walk, Cycle and Bus Corridor – Dudley and Sandwell sections, building upon the existing Strategic Outline Business Cases (SOBCs). The OBCs will be accompanied by preliminary designs and other elements as outlined in the consultant specification.
- 1.4 Transforming Cities Fund 2 (TCF2) and City Region Sustainable Transport Settlement (CRSTS) are the main funding sources for this project. The full CRSTS allocation for these two schemes combined is £25 million. £1 million of this allocation is being requested for early draw-down to fund further development of the scheme. This will be approved at the time that the West Midlands Combined Authority (WMCA) formally approve the SOBC which is currently undergoing appraisal. Once the approval is received, the grant agreement for the £1.0 million can be signed and formally accepted by CWC as the budget holder.

Proposed Contract Award	
Contract duration	12 months
Contract Commencement date	1 December 2022
Total value	£500,000

1.5 Procurement Process

- 1.6 The intended procurement will be a framework further competition using ESPO Consultancy Services (661_21) Framework Lot 5 Highways, Traffic and Transport. The intended procurement procedure will be in accordance with Public Contract Regulations 2015.
- 1.7 This route to market has been decided to ensure CWC are getting the best possible value for money. Using the mini-competition route will also give CWC the opportunity to utilise other companies who have not worked with CWC before. This will support the diversification of trusted consultants, as well as engage a second set of consultants working on this project to quality check the work that has previously been undertaken, suggesting any amendments or additions that may have been missed or add value.
- 1.8 Using the ESPO Framework enables us to ensure that those we are inviting to bid on the procurement had sufficient skills and experience to deliver the work. This is an extensive piece of work, and therefore we need to be satisfied that anyone who may win this procurement will be able to undertake the work as required, and within a reasonable timeframe.
- 1.9 The framework we are using has 47 suppliers that could choose to bid on this work, a number of whom have local officers and staff within the Wolverhampton and WMCA area. All 47 suppliers have been notified of the upcoming work, and therefore the opportunity to gain value for money is very high, giving us the best opportunity to make the most out of the Wolverhampton Pound.
- 1.10 The work we are procuring requires a multi-disciplinary team to be able to produce all of the elements required, as we are procuring professional services to produce business cases, designs, and undertake scheme traffic modelling. The ESPO Framework that we are using contains many multi-disciplinary teams who have proven experience of similar projects.
- 1.11 It was considered that due to the number of the suppliers on the framework, using the ESPO Framework was most appropriate for this work, as it enabled us to ensure that our opportunity remained open to a large amount of potential bidders, while ensuring that those bidders have the skills and experience to undertake the work appropriately.

- 1.12 In addition, we have a requirement to demonstrate spend against the budgets by March 2023, which may not have been possible with the timescales of a fully open procurement, particularly as an open procurement may have required two stages due to the complexity of the work. Should that procurement had failed, we would risk claw-back of the funding having not spent against it. In the event of claw-back, we would then have to utilise valuable time and resources sourcing the funding from elsewhere, instead of undertaking the work required to deliver our projects. Also, if we fail to undertake the development work by March 2023, we risk securing additional funding to deliver the capital works over the next 2 to 3 years.
- 1.13 The evaluation scoring balance will 40% Price, 50% Quality and 10% Social Value. Any amendments to the procurement procedure will be reported in an Individual Executive Decision Notice (IEDN) to the relevant Cabinet Member in consultation with the relevant Director in accordance with the delegation within this report.
- 1.14 The evaluation team will comprise:

Name	Job Title	Organisation (if not WCC)
Roxanne Warrilow	BCT Project Manager	
Talvinder Sandhu	Transportation Planning Team Leader	Sandwell Metropolitan Borough Council
Neil Lissimore	Principal Engineer	Dudley Metropolitan Borough Council

1.15 Evaluation of alternative options

- 1.16 The first alternative option is to not procure consultants and to undertake the work in-house. However, the consultants on the framework are multi-disciplinary teams containing various team members with differing skills to undertake all work provided. In-house, we would not have the suitable diversity of skillset to undertake the technical modelling, appraisal and forecasting work required. Additionally, we do not have the capacity to undertake the design work and the written analysis to the required standard. It is likely the OBCs produced in-house would not be sufficient to meet the requirements of the funder and they would not be approved, meaning a procurement would have to be undertaken eventually to fill in any gaps. This would likely take as long as procuring consultants to undertake the whole process.
- 1.17 The other option is to do nothing and stop work on the project. This would render existing work abortive, and risk claw-back of previous spend. In addition, the funding allocation to the project would be reallocated elsewhere, potentially outside of the Black Country. This corridor is a priority area for investment and improvement and the work is required to ensure the changes are delivered as needed.

1.18 Reasons for decisions

- 1.19 Procuring consultants to undertake the work is the best way to ensure that we progress on timeline and within budget, making progress towards our end goal of delivering interventions on the ground by 2027.
- 1.20 A mini competition will ensure we are appointing the consultant with the best quality vs. price comparison ensuring best value for the Council.

1.21 Financial Implications

- 1.22 The Transport capital programme includes approved capital budgets of £520,000 for the A461 scheme in both Dudley and Sandwell.

1.23 Legal Implications

- 1.24 The procurement will be a framework direct award in accordance with the Public Contract Regulations 2015 and Council's Contract Procedure Rules.

1.25 Equalities implications

- 1.26 The commission has no direct equalities impacts as it is development work only. The schemes will take due consideration of accessibility issues. Cycling and walking, which is a focus of the scheme, offers opportunities to several low income and marginalised groups to improve their mobility. While currently a large proportion of cyclists are white men, there is considerable evidence that shows that improved infrastructure increases the rates of cycling among women and ethnic minority communities. The ESPO Consultancy Services Framework (reference 664_21) Lot 5 Highways, Traffic and Transport also requires suppliers contracted within their Frameworks to comply with applicable Equality Legislation.

1.27 All other implications

- 1.28 There are no other implications associated with this report.

1.29 Recommendation

- 1.30 Cabinet (Resources) Panel is recommended to delegate authority to the Cabinet Member for City Environment and Climate Change, in consultation with the Director of City Housing and Environment, to approve the award of a contract for A461 Outline Business Case when the evaluation process is complete. This is subject to future funding being secured by way of grants.

2.0 Councillor Steve Evans, Cabinet Member for City Environment and Climate Change

2.1 Delegated Authority to Award a Contract - Black Country Urban Traffic Control (UTC) Communications Contract

Ref no:	CWC22159
Council Plan aim	Driven by Digital
Originating service	Transportation
Accountable officer	John Charles, UTC Team Leader (01902) 555795
Leadership Team approval	4 October 2022
Accountable Lead Cabinet Member	Councillor Steve Evans, Cabinet Member for City Environment and Climate Change (01902) 861498
Date Lead Cabinet Member briefed	7 Oct 2022
Procurement advisor	Barry Greenwood, Procurement Manager, (01902) 551463

2.2 Background

2.3 During the contract period backhaul circuits have been introduced to manage a range of Intelligent Transport System assets across the Black Country (BC), on behalf of the four highway authorities. It is business critical to ensure the continued operation of the communications to these assets to maintain the efficient operation of the highway network and the delivery of CWC Statutory Network Management Duty.

2.4 Throughout the next contract period it is hoped that the Wolverhampton will complete a review of communications and implement its own fibre and 5G network which will facilitate a transition away from the reliance on BT backhails. Unfortunately, other BC authorities do not have this option and their reliance on BT circuits will continue in the future, Wolverhampton will continue to manage this contract on behalf off the other Councils.

Proposed Contract Award	
Contract duration	Three Years
Contract Commencement date	1 January 2023

Total value	£309,620*
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*Please note this is the combined value for all BC Councils utilising this agreement.

2.5 Procurement Process

2.6 The intended procurement procedure will be in accordance with Public Contract Regulations 2015.

2.7 Crown Commercial Services Network Services 2 framework will be used for the procurement process. The Wolverhampton Pound was considered for this opportunity but due to the specialist nature of the requirement and the robust technical contractual terms, it was determined that utilising the framework agreement would be the best route to market.

2.8 The evaluation scoring balance will be 100% on price. Any amendments to the procurement procedure will be reported in an Individual Executive Decision Notice (IEDN) to the relevant Cabinet Member in consultation with the relevant Director in accordance with the delegation within this report.

2.9 The evaluation team will comprise:

Name	Job Title	Organisation (if not WCC)
John Charles	Highway Network Manager	CWC
Andrew Evans	Professional Lead UTC	CWC

2.10 Evaluation of alternative options

2.11 For CWC, we are seeking to migrate the communication infrastructure to CWC owned fibre as part of the roll out of citywide fibre project. It is hoped that this will be completed during the term of this contract.

2.12 Other authorities have no viable alternative at the current time and as such will continue to require the communication infrastructure for the foreseeable future.

2.13 Reason for decisions

2.14 It is business critical to ensure the continued operation of the backhaul circuits to maintain the efficient operation of the highway network and the delivery of CWC's Statutory Network Management Duty.

2.15 Financial Implications

- 2.16 Dudley Council, Sandwell Metropolitan Borough Council, and Walsall Council have confirmed their intention to continue with the proposed arrangements to continue the business need.
- 2.17 In CWC's case the city-wide fibre roll-out allows the number of circuits procured through this arrangement to be significantly reduced, from 21 to 7, and in financial terms from £81,405 to £29,056. It is hoped that during the term of this contract that the remaining Wolverhampton circuits will be ceased, however Wolverhampton will continue to manage the contract on behalf of the other authorities.
- 2.18 The total cost of the contract for per year is shown in the table below:

CWC					
Term 3 Years					
Service	Upfront	Year 1	Year 2	Year 3	TCO
Managed Service	£7,154	£12,102	£12,102	£12,102	£43,460
Ethernet Connect United Kingdom (ECUK)	£0.00	£88,719	£88,719	£88,719	£266,157
Total	£7,154	£100,821	£100,821	£100,821	£309,620

- 2.19 The contract is funded from the UTC revenue service budget; income is also received through the UTC SLA, with the other Black Country Authorities. The breakdown by authority per annum is shown in the table below:

	CWC	DMBC	WMBC	SMBC	Total
Number of Backhauls	7	11	11	5	34
Upfront (Year 1 only)	£1,066	£3,096	£516	£2,475	£7,154
Managed Service/ ECUK Year 1	£29,055	£24,664	£34,894	£12,207	£100,821
Year 2	£29,055	£24,664	£34,894	£12,207	£100,821
Year 3	£29,055	£24,664	£34,894	£12,207	£100,821
Total	£88,231	£77,088	£105,198	£39,096	£309,620

2.20 Legal implications

- 2.21 The procurement will be an above threshold procedure in accordance with the Public Contract Regulations 2015 and CWC's Contract Procedure Rules.

2.22 Equalities implications

2.23 Whilst there are no direct equalities implications in the award of the particular contract, the procurement process will enable equalities considerations to be considered prior to entering a contract.

2.24 All other implications

2.25 There are no other implications associated with this report.

2.26 Recommendation

2.27 Cabinet (Resources) Panel is recommended to delegate authority to the Cabinet Member for City Environment and Climate Change, in consultation with the Director of City Housing and Environment, to approve the award of a contract for Black Country Urban Traffic Control Communications when the evaluation process is complete.

3.0 Councillor Steve Evans, Cabinet Member for City Environment and Climate Change

3.1 Delegated Authority to Award a Contract – Contingency Residual Waste Disposal Services

Ref no:	CWC22153
Council Plan aim	Climate Conscious
Originating service	Waste Services
Accountable officer	Anna Spinks, Energy from Waste Programme Manager
Leadership Team approval	4 October 2022
Accountable Lead Cabinet Member	Councillor Steve Evans, Cabinet Member for City Environment and Climate Change (01902) 861498
Date Lead Cabinet Member briefed	16 September 2022
Procurement advisor	Karen Boden, Procurement Manager (01902) 555136

3.2 Background

3.3 This contract is required to provide contingency disposal for residual waste in case of interruption to operation of the plant.

Proposed Contract Award	
Contract Duration	1 year (1 + 1)
Contract Commencement date	12 February 2023
Annual Value	£10,000,000
Total value (with extension)	£20,000,000

3.4 Procurement Process

3.5 The intended procurement procedure will be an above threshold open tender in accordance with Public Contract Regulations 2015. This route to market has been

decided because it is the most appropriate and cost-effective method for the type of contract needed and to ensure it is awarded within the project timeline while still providing opportunities for local companies to bid supporting the Wolverhampton Pound.

- 3.6 The evaluation scoring balance will be 70% Price, 30% quality. Any amendments to the procurement procedure will be reported in an Individual Executive Decision Notice (IEDN) to the relevant Cabinet Member in consultation with the relevant Director in accordance with the delegation within this report.
- 3.7 The evaluation team will comprise:

Name	Job Title
Steve Woodward	Head of Environmental Services
Anna Spinks	EFW Programme Manager
Jeremy Bannister	Waste Manager
Kate Jespers	Operations Manager
Matthew Leadbeater	Project Manager

3.8 Evaluation of alternative options

- 3.9 Alternative options for continued waste disposal have been considered as part of the wider EFW Project that is managing the current EFW contract end. This market exercise is deemed to be the most appropriate route to provide the services required within the timeframe required.

3.10 Reason for decisions

- 3.11 This contract is required to provide a contingency disposal solution in case of interruption to the operation of the EFW plant.

3.12 Legal implications

- 3.13 The procurement will be an above threshold procedure in accordance with the Public Contract Regulations 2015 and CWC's Contract Procedure Rules.

- 3.14 CWC also has a statutory duty to undertake waste collection and disposal.

3.15 Financial Implications

- 3.16 The ad hoc use of this contract as a short-term contingency will be accommodated within the current waste disposal budgets held within waste services. In the event that costs exceed the available budget then we would look to seek approval to use the Budget Contingency Reserve to fund any gap.

3.17 If this becomes a longer term solution, then any cost pressures will be considered and built into the budget setting process.

3.18 Equalities implications

3.19 Following consultation with our Equality, Diversity and Inclusion team, they are satisfied that there are no direct equalities implications associated with this contract, as it relates to disposal of residual waste only.

3.20 The successful contractor will be required to have a clear policy/statement on their commitment to equality of opportunity.

3.21 All other implications

3.22 There are no other implications associated with this report.

3.23 Recommendation

3.24 Cabinet (Resources) Panel is recommended to delegate authority to the Cabinet Member for Environment and Climate Change, in consultation with the Director of City Housing and Environment, to approve the award of a contract for Contingency Residual Waste Disposal when the evaluation process is complete.

4.0 Councillor Steve Evans, Cabinet Member for City Environment and Climate Change

4.1 Delegated Authority to Award a Contract – East Park Refurbishment

Ref no:	CWC22147
Council Plan aim	A vibrant, green city we can all be proud of with Healthy, inclusive communities and strong families where children grow up well and achieve their full potential
Originating service	City Housing & Environment
Accountable officer	Ola Ona, Design Engineering Manager (01902) 555434
Leadership Team approval	19 April 2022
Accountable Lead Cabinet Member	Councillor Steve Evans, Cabinet Member for City Environment and Climate Change (01902) 861498
Date Lead Cabinet Member briefed	12 November 2021
Procurement advisor	Florence Ahiente, Procurement Manager

4.2 Background

- 4.3 This contract is for the provision of a play area with a splash pad at East Park. The current condition of the paddling pool plant and associated pipe work above ground is not fit for purpose.
- 4.4 Consultations were held with the residents between December 2021 and January 2022, and it was established that the key priority should be to refurbish the existing pool area, by converting it to a play area with a splash pad.
- 4.5 The pool plant together with the associated pipe work has been fully isolated from the pool, with all the pipework drained and the valves shut down. The electrical supply is no longer functional due to its age, and the amount of damp in the plant room.
- 4.6 The 40-year-old sand filters have also failed and need to be changed, but due to the inaccessibility to the plant space the sand filters cannot be removed. Additionally, due to the way the building housing the plant was built around the plant, the filter has never been changed. This has had a direct impact on the ability of the plant to effectively dose the system. This means that the water could contain dangerously high levels of bacteria

from urine, dog faeces and so on. Due to these reasons and the clear risks to Health & Safety the East Park paddling pool was condemned and decommissioned in 2018.

Proposed Contract Award	
Contract duration	25 weeks
Contract Commencement date	22 February 2023
Total value	£500,000

4.7 Procurement Process

4.8 The intended procurement route is the open procedure in accordance with Public Contract Regulations 2015. This route has been chosen to support the Wolverhampton pound by enabling local suppliers to bid for the opportunity.

4.9 The evaluation scoring balance will be 60% price, 30% quality and 10% Social Value.

4.10 Any amendments to the procurement procedure will be reported in an Individual Executive Decision Notice (IEDN) to the relevant Cabinet Member in consultation with the relevant Director in accordance with the delegation within this report.

4.11 The evaluation team will comprise:

Name	Job Title
Ola Ona	Design Engineering Manager
Peter Johnson	Parks, Landscapes & Countryside Manager
Bally Meetca	Mechanical Engineer

4.12 Evaluation of alternative options

4.13 The first alternative option would be to do nothing, which would constitute reputational damage to CWC, who has already committed to providing this facility for the community.

4.14 The second alternative option would have been to use a framework, which has not been considered as it was felt this would not attract interest from the wider market, small and medium sized enterprises (SME's) and local suppliers.

4.15 Reasons for decisions

4.16 This contract for refurbishment is required to offer a better park and recreational area for the local community, supporting key priorities within the Council Plan, such as healthy,

inclusive communities. Additionally, the contract will also support the local economy and ensure CWC obtains value for money.

4.17 Financial Implications

4.18 The Capital Programme 2022-2023 to 2026-2027 Quarter Two Review report which is on the agenda for Cabinet on 16 November 2022 seeks approval for the creation of the East Park Improvement Project. Should this approval not be granted then either alternative funding will need to be identified or the contract would need to be reviewed.

4.19 Legal implications

4.20 The procurement will be an above threshold procedure in accordance with the Public Contract Regulations 2015 and Council's Contract Procedure Rules.

4.21 Equalities implications

4.22 The issues affecting East Park have been high on CWC's agenda for some time and this has been expedited following consultation with residents. The new play equipment will be for young people- 0-15 age group, families, and local residents. Equalities will be considered as part of the tender process and the equalities team will be consulted to ensure the contract meets CWC's equalities obligations.

4.23 All other implications

4.24 There are no other implications applicable to this report.

4.25 Recommendation

4.26 Cabinet (Resources) Panel is recommended to delegate authority to the Cabinet Member for City Environment and Climate Change in consultation with the Director of City Housing and Environment, to approve the award of a contract for the Refurbishment of East Park when the evaluation process is complete.

5.0 Councillor Bhupinder Gakhal, Cabinet Member for City Assets and Housing
5.1 Delegated Authority to Award a Contract – Lifts Maintenance

Ref no:	CWC22048
Council Plan aim	Our Assets
Originating service	City Assets
Accountable officer	Richard E Jones, Maintenance Programme Manager (01902) 555448
Leadership Team approval	02 Nov 2022
Accountable Lead Cabinet Member	Councillor Bhupinder Gakhal, Cabinet Member for City Assets and Housing
Date Lead Cabinet Member briefed	09 Nov 2022
Procurement advisor	Anna Du-Mont, Procurement Manager (01902) 551099

5.2 Background

5.3 CWC has a statutory responsibility to ensure that all passenger lifts present in CWC buildings are tested and inspected on a regular basis. This ensures that all CWC buildings which have passenger lifts are inspected, tested, and regularly maintained in accordance with the relevant legislation to reduce the risk of harm to employees and the public.

5.4 This contract is in accordance with CWC’s statutory duties under Lifting Operations and Lifting Equipment Regulations, which are designed to prevent harm. It is the responsibility of the Facilities Management Maintenance Team to ensure that the buildings are fully compliant, along with all the necessary lift Maintenance work being completed in safe and timely manner.

Proposed Contract Award	
Contract duration	Six years (4+2)
Contract Commencement date	1 January 2023
Annual value	£170,000
Total value	£1.02 million

5.5 Procurement Process

- 5.6 The intended procurement procedure will be an open tender procedure in accordance with Public Contract Regulations 2015. This route to market has been decided as it will support the Wolverhampton Pound enabling local suppliers to bid for the opportunity.
- 5.7 The evaluation scoring balance will be 70% quality and 30% price. Any amendments to the procurement procedure will be reported in an Individual Executive Decision Notice (IEDN) to the relevant Cabinet Member in consultation with the relevant Director in accordance with the delegation within this report.
- 5.8 The evaluation team will comprise:

Name	Job Title
Richard E Jones	Maintenance Programme Manager
John Sherrard	Building Engineering Manager
Ian Thomas	Senior Mechanical Engineer
Balbinder Meetca	Building Service Engineer (Mechanical)

5.9 Evaluation of alternative options

- 5.10 The alternative option would be to not retender this service. However, this option is not preferred as it would result in CWC being non-compliant with its statutory duty to ensure lifts are maintained, and also potentially create unsafe conditions for staff and the public to operate in.
- 5.11 In terms of the potential in house option, this type of service contract is very specialist. It is a critical safety and compliance service area. Our estate of lifts has a very wide base of manufactures, which further complicates the maintenance and repair of the equipment. We don't have the specialist knowledge or experience to be able to repair our passage lift plant with our current engineering resource.

5.12 Reason for decisions

- 5.13 Procuring a contractor to conduct CWC's lift maintenance service has been decided as the most suitable route as it ensure that CWC can meet its statutory duty as well as ensure the lifts offered across CWC assets are well maintained and operational.

5.14 Financial Implications

5.15 This contract will be funded from existing approved Repairs and Maintenance and Corporate Asset Management, Capital, and Revenue budgets. The maximum annual contract value of £170,000 for each of the four years, allows for additional works to be awarded subject to further budget approvals as required.

5.16 Legal implications

5.17 The procurement will be an above threshold procedure in accordance with the Public Contract Regulations 2015 and CWC's Contract Procedure Rules.

5.18 Equalities implications

5.19 The service will work with the Equalities team to ensure equalities implications are considered in the contract by ensuring that the appointed contractor understands and implements their responsibilities fully.

5.20 All other implications

5.21 There are no other implications applicable to this report.

5.22 Recommendation

5.23 Cabinet (Resources) Panel is recommended to delegate authority to the Cabinet Member for City Assets and Housing, in consultation with the Deputy Director of City Assets, to approve the award of a contract for Lifts Maintenance when the evaluation process is complete.

6.0 Finance implications

6.1 All financial implications are included within the relevant section of the report.
[RP/07112022/J]

7.0 Legal implications

7.1 All legal implications are included within the relevant section of the report.
[SZ/25102022/P]

8.0 Equalities implications

8.1 The relevance to equalities and progress in terms of equality analysis will vary for each proposal included in this report. Accountable officers have and will ensure that evidence is collected and used to demonstrate compliance with CWC's legal obligations under the Equality Act 2010.

9.0 All other implications

9.1 All other implications are included within the relevant section of the report.

10.0 Schedule of background papers

10.1 All background papers are included within the relevant section of the report.

CITY OF WOLVERHAMPTON COUNCIL	Cabinet (Resources) Panel 16 November 2022
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Report title	Policy to enable cost recovery of Enforcement Action in Licensing	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Steve Evans City Environment and Climate Change	
Key decision	Yes	
In forward plan	Yes	
Wards affected	All Wards	
Accountable Director	John Roseblade, Director City Housing and Environment	
Originating service	Commercial Regulation	
Accountable employee	Chris Howell	Commercial Regulation Manager
	Tel	01902 554554
	Email	Chris.howell@wolverhampton.gov.uk
Report to be/has been considered by	City Housing and Environment Leadership Team	25 October 2022

Recommendations for decision:

Cabinet (Resources) Panel is recommended to:

1. Approve the Commercial Regulation Cost Recovery policy, for implementation from 1 April 2023.
2. Delegate authority to the Cabinet Member for City Environment and Climate Change, in consultation with the Director of City Housing and Environment, to approve the addition of discretionary services within Commercial Regulation that will utilise the cost recovery method outlined in the Commercial Regulation Cost Recovery policy.

Recommendation for noting:

Cabinet (Resources) Panel is asked to note:

1. The application fees for various licences, permits, registrations and consents, and discretionary charges within the Commercial Regulation services shall be reviewed each year in accordance with the policy.

1.0 Purpose

- 1.1 To seek authorisation to adopt the Commercial Regulation Cost Recovery, at Appendix 1, a policy of cost recovery ensuring transparency for all fees, charges and costs levied by Commercial Regulation services.
- 1.2 To inform Cabinet (Resources) Panel of the rationale behind the cost breakdown in the Commercial Regulation Cost Recovery policy to assist their decision in approving the policy for implementation.

2.0 Background

- 2.1 As part of the Council's services to the public, Commercial Regulation Services are responsible for protecting people's health, safety and wellbeing as well as the environment and amenities. They are responsible for promoting economic growth and employment opportunities. In doing so, a cost is incurred by the Council. Where the service the Council provides is discretionary, a charge can be levied so that the authority can recover the costs of providing services, or improvements to services, that they might not otherwise have been able to justify providing or have been able to provide. Court costs can also be recovered where the defendant has been found in breach of the law.

3.0 Proposed cost recovery

- 3.1 It is recommended that the hourly charge basis for all cost recovery and fee setting shall include the additional costs outlined below:

Direct Costs	Indirect Costs
Salary	Premises and Office Costs
On-costs (Superannuation and National Insurance)	Central Function Costs (i.e., HR and Finance)
	Governance and Management Costs

An example for a Grade 7 Officer is shown below

Grade	Cost	Cost per hour*
7	Salary, Superannuation, and NI per hour	£56.15
	Service Recharge costs per hour (Indirect Costs)	£21.25
	Total Cost per hour	£77.40

3.2 A review has been undertaken of the Direct and Indirect Costs across Commercial Regulation. The resulting hourly rates for Officers Grade 4 to Grade 9 across all services were then simplified into an average for each salary Grade and rounded down. This summary of hourly rates for Grades 4 to 9 can therefore be applied, where legislation permits, to licences, permits, registrations and consents, and discretionary charges across Commercial Regulation, simply and effectively.

Grade	Example Roles	Cost per hour*
4	Licensing Officer, Business Support Officer (Admin)	£46.00
5	Compliance Officer, Senior Licensing Officer	£55.00
6	District Officer, Legal Executive	£66.00
7	Senior Environmental Health, Trading Standards Officer, Section Leader, Senior Legal Executive	£77.00
8	Service Lead, Solicitor	£84.00
9	Licensing Manager, Lead Lawyer	£92.00

3.3 In order to ensure Council services accurately provide value for money, the exercise outlined in 3.2 shall be carried out on an annual basis and a revised Commercial Regulation Cost Recovery policy document published.

4.0 Evaluation of alternative options

4.1 The alternative option is to not implement the policy. This would result in the Council not recovering contributions to costs. The setting of fees and discretionary services could be adjudged to be arbitrary and lacking in transparency. This option has been rejected as the impact on the services will result in a disparity between the revenue and the Council resource time spent delivering.

5.0 Reasons for decision

5.1 The adoption of this policy sets out the Council's principle of being fair and equal. The setting of fees and discretionary service charges together with court cost recovery is clearly shown with the policy.

5.2 The policy enables greater confidence in the service through open and transparent costings.

6.0 Financial implications

6.1 There are no direct financial implications with the recommendations of this report. However, this policy would result in the generation of fees and charges which will be subject to separate annual reports to review fees and charges in line with the constitution.

[LD/14102022/J]

7.0 Legal implications

7.1 For costs incurred by legal proceedings, The Civic Procedure Rules 1998 establish that usually the loser pays the winner's costs in Civil matters. For criminal matters, Section 64 of the Magistrates Court Act 1980 allows a party to ask the Court to award costs against another at the conclusion of a trial.

7.2 For general charging of costs, Section 93 of the Local Government Act 2003 (LGA 2003) gives relevant authorities the power to charge for discretionary services. These are defined as those services authorised by statute that a local authority is not required to provide but may do so voluntarily (Section 93(1)(a), LGA 2003).

7.3 Legal authority for general charging of costs (giving the local authority capacity to act) can come from Section 111 of the Local Government Act 1972 authorising the provision of a service to facilitate the discharge of a specific function (using Section 93 to do so). Otherwise, the Localism Act 2011 confers a power on local authorities to charge the individual for providing a service under the general power of competence if:

- a) The service is not one that is required to be provided under an existing statute (Section 3(2)(a))
- b) The individual has agreed to the service being provided (Section 3(2)(b))
- c) There is no conflict between charging powers provided in Section 93 of the LGA 2003 and the general power to charge provided in the Localism Act 2011.

[DA/20/10/2022/2]

8.0 Equalities implications

8.1 An initial Equalities Analysis has been completed. This indicates a full equality analysis is not required.

9.0 All other implications

9.1 There are no other implications arising from this report.

10.0 Schedule of background papers

10.1 None

11.0 Appendices

11.1 Appendix 1: Commercial Regulation Cost Recovery – draft policy

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Commercial Regulation

Cost Recovery Policy - Draft

2023-2024



Our mission. Working as one to serve our city

Contents

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1.0 Background

As part of the Council's services to the public, Commercial Regulation Services are responsible for protecting people's health, safety and wellbeing, as well as the environment and amenities. They are responsible for promoting economic growth and employment opportunities. In doing so, a cost is incurred by the Council. Where the service the Council provides is discretionary, a charge can be levied so that the authority can recover the costs of providing services. Court costs can also be recovered where the defendant has been found to be in breach of the law.

The fees for licences, permits, registrations and consents are set by the Council, unless the fee is set in statute. The calculation of the fees varies by legislation for licences, permits, registrations and consents, but essentially contains an element of administrative cost, compliance cost and where permitted, an enforcement cost. The Provision of Services Regulations 2009 requires that any charges set by the Council must be set on a cost-recovery basis.

Regulators' Code

The Regulators' Code 2014¹ was laid before Parliament in accordance with section 23 of the Legislative and Regulatory Reform Act 2006 ("the Act"). Regulators whose functions are specified by order under section 24(2) of the Act must have regard to the code when developing policies and operational procedures that guide their regulatory activities.

The Regulators' Code provides a flexible, principles-based framework for regulatory delivery that supports and enables regulators to design their service and enforcement policies in a manner that best suits the needs of businesses and other regulated entities. The principles are:

- a) understand and minimise negative economic impacts of their regulatory activities;
- b) minimising the costs of compliance for those they regulate;
- c) improve confidence in compliance for those they regulate, by providing greater certainty;
- d) encourage and promote compliance.

2.0 Legal Justification for Recovery of Costs

For costs incurred by legal proceedings, The Civil Procedure Rules 1998 establish that the loser pays the winner's costs in civil matters.² For criminal matters, Section 64 of the Magistrates Court Act 1980³ allows a party to ask the court to award costs against another at the conclusion of a trial.

For general charging of costs, Section 93 of the Local Government Act 2003 (LGA 2003) gives relevant authorities the power to charge for discretionary services.⁴ These are defined as those services authorised by statute that a local authority is not required to provide but may do so voluntarily (Section 93(1)(a), LGA 2003).

Legal authority for general charging of costs (giving the local authority capacity to act) can come from Section 111 of the Local Government Act 1972 authorising the provision of a service to facilitate the discharge of a specific function (using Section 93 to do so).⁵ Otherwise, the Localism Act 2011 confers a power on local authorities to charge the individual for providing a service under the general power of competence if:

- a) the service is not one that is required to be provided under an existing statute (Section 3(2)(a));
- b) the individual has agreed to the service being provided (Section 3(2)(b));
- c) there is no conflict between charging powers provided in Section 93 of the LGA 2003 and the general power to charge provided in the Localism Act 2011.⁶

3.0 Proposed Cost Recovery

The Council's charging power is intended to allow it to recover the cost of providing services or improvements to services that it may otherwise not have been able to provide. The Council's recovery of costs are designed to facilitate:

- a) ensuring the amelioration of the safety of the public;
- b) minimise negative economic impacts of regulatory activities, minimising the costs of compliance;
- c) improving confidence in compliance, by providing greater certainty; and
- d) ensuring that Council services provide value for money to the public purse.

Fees

For the various licences, permits, registrations and consents that are administered within Commercial Regulation, once the policy is agreed, the fees will be updated annually in accordance with the constitution and the costs for the services to provide them.

Discretionary Service Charges

Services within Commercial Regulation shall continue to provide advice and services free of charge where legislation and statutory guidance dictates. Only enhanced services that are offered above and beyond that already provided, shall attract the discretionary charge.

Cost Recovery

Court costs cover aspects of the preparation for, and participation in legal action. As the need to incur costs will have come about because of the defendant's breach, it is therefore "just and reasonable" that such costs are borne by the defendant rather than the public purse. The award of costs, however, is ultimately within the discretion of the Court.

The hourly charge basis for all cost recovery and fee setting shall include the additional costs outlined in figure 1:

Direct Costs	Indirect Costs
Salary	Premises and Office Costs
On-costs (Superannuation and National Insurance)	Central Function Costs (i.e., HR and Finance)
	Governance and Management Costs

Figure 1

4.0 Cost Breakdown

Including the additional indirect costs identified in figure 1, 73% of the hourly cost for an Officer comes from direct costs for pay, including National Insurance and pension costs. Additional indirect costs comprise 27% of the hourly rate and make up the rest of the hourly cost.

The indirect costs are made up of premises and office costs, central functions, and governance and management.

The final element of the hourly cost for an Officer comes from direct costs. This is made up of salary, National Insurance (NI) and superannuation. This is calculated on a cost recovery practice based on actual hours worked by the Officer taking into account annual leave, bank holidays and administrative time.

Indicatively, in a case where an Officer has spent 37 hours on the case, the costs would be worked out as follows:

Pay, superannuation, and NI per hour	£
Service recharge costs per hour	£
Total cost per hour	£
Cost per hour multiplied by hours worked (37 hours)	£
	= £ total cost

The types of roles the cost recovery scheme shall be applicable to are set out in figure 2:

Grade	Example Roles
4	Licensing Officer, Business Support Officer (Admin)
5	Compliance Officer, Senior Licensing Officer
6	District Officer, Legal Executive
7	Senior Environmental Health, Trading Standards Officer, Section Leader, Senior Legal Executive
8	Service Lead, Solicitor
9	Licensing Manager, Lead Lawyer

Figure 2

5.0 Operational

Through assessing and including indirect costs in an Officer's hourly rate, the rate charged will more accurately reflect the cost of the Officer's time. This would allow the Council to meet the guidance as given by HM Treasury⁷ and would be legally justifiable under the statutes outlined in Section 2 of this report.

The applicable costs will be assessed annually in arrears, revising indirect costs and taking agreed pay increases and inflation into account.

6.0 References

1 The Regulator's Code 2014

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/913510/14-705-regulators-code.pdf

2 The Civil Procedure Rules 1998

<http://www.legislation.gov.uk/uksi/1998/3132/contents/made>

3 Magistrates' Courts Act 1980

<https://www.legislation.gov.uk/ukpga/1980/43/contents>

4 The Local Government Act 2003

<https://www.legislation.gov.uk/ukpga/2003/26/contents>

5 Local Government Act 1972

<https://www.legislation.gov.uk/ukpga/1972/70/contents>

6 Localism Act 2011

<https://www.legislation.gov.uk/ukpga/2011/20/contents>

7 HM Treasury, Managing public money, A6.1A

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1089622/MPM_Spring_21_with_annexes_040322__1_.pdf

7.0 Further References

The Black Country Regulators Operating Framework 2021

<https://www.wolverhampton.gov.uk/sites/default/files/2021-11/Black%20Country%20Regulators%20Operating%20Framework.pdf>

The Statement of Licensing Policy 2020

<https://www.wolverhampton.gov.uk/sites/default/files/2020-04/Statement%20of%20Licensing%20Policy%20final.pdf>

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CITY OF WOLVERHAMPTON COUNCIL	Cabinet (Resources) Panel 16 November 2022
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Report title	External Funding Update – UK Shared Prosperity Fund	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Obaida Ahmed Resources and Digital City	
Key decision	Yes	
In forward plan	Yes	
Wards affected	All Wards	
Accountable Director	Charlotte Johns, Director of Strategy	
Originating service	External Funding and Digital Projects	
Accountable employee	Heather Clark	Head of External Funding
	Tel	01902 555614
	Email	Heather.Clark2@wolverhampton.gov.uk
Report to be/has been considered by	Regeneration Leadership Team	17 October 2022
	Strategic Executive Board	25 October 2022

Recommendations for decision:

The Cabinet (Resources) Panel is recommended to:

1. Delegate authority to the Cabinet Member for Resources and Digital City, in consultation with Director of Strategy and Director of Finance to:
 - a. Enter into a three-year Memorandum of Understanding and annual Grant Funding Agreements with West Midlands Combined Authority as lead authority, and accept grant allocation for our allocation for the UK Shared Prosperity Fund and Multiply.
 - b. Approve further changes to the proposed UK Shared Prosperity Fund local funding split based on ongoing discussions with the West Midlands Combined Authority.
 - c. Approve the establishment and spend of supplementary revenue and capital budgets in line with the funding agreement.
 - d. Approve payment of grants for delivery of local activity where appropriate and associated agreements.

1.0 Purpose

- 1.1 To provide an update on the approach to the local allocation of UK Shared Prosperity Fund (UK SPF) and seek delegated approvals relating to Wolverhampton's local allocation of the Fund to meet the City's priorities.

2.0 Background

- 2.1 The securing of external grants is important to funding the delivery of the Council's key priorities as set out in Our City: Our Plan and the Five-Year Financial Strategy.
- 2.2 The UK Shared Prosperity Fund (UK SPF) is replacing EU funding, in particular European Regional Development Fund (ERDF) and European Social Fund (ESF) which the Council and City have benefited significantly from and was an important source of revenue funding supporting key priorities.
- 2.3 UK SPF aims to increase life chances and build pride in place across the UK, by empowering places to invest in local priorities across three priority areas: communities and place, local business and people and skills. Interventions should lead to significant, visible and tangible improvements to the places where people work and live, supporting town centres, high streets, cultural assets and green spaces that have deteriorated over time. Nationally, funding available amounts to £2.6 billion by March 2025. A mixture of both revenue and capital funding will be available to invest in local priority projects.
- 2.4 The Fund will initially focus on communities and place and local business interventions in 2022-2023 and 2023-2024. Investment to support people and skills will follow from 2024-2025, however there is flexibility to fund voluntary sector organisations delivering people and skills provision, where there is a risk to their capacity due to the end of EU funds. Prior to 2024-2025, funding will be available for Multiply, aiming to increase the levels of functional numeracy in the adult population across the UK.
- 2.5 For Wolverhampton, funding will be allocated to and distributed by the West Midlands Combined Authority (WMCA). The West Midlands receive a conditional allocation via a funding formula based on 70% population and 30% needs (productivity, household income and skills). As lead, WMCA have produced an Investment Plan setting out high level measurable outcomes that reflect local needs and opportunities informing the interventions. Places are able to choose from investment across three investment priorities of communities and place, local business and people and skills.
- 2.6 WMCA have agreed circa 50% of the regional allocation be assigned to supporting business priority and circa 50% to be locally determined by individual local authorities to spend across priority areas according to local need. This allocation will need to cover locally determined investment in communities and place and people and skills (from 2024/2025) including flexibility for Voluntary Community Sector (VCS) organisations at risk from the loss of EU funding.

3.0 UK Shared Prosperity Fund

3.1 Wolverhampton’s allocation based on the Government’s methodology of 70% population and 30% need is circa £3.759 million, although there is ongoing discussions with the WMCA to lobby for an increased focus on need in regional allocations. In addition, Wolverhampton will benefit from £1.4 million Multiply funding, a proportion of which will be allocated to the Council. Funding can be allocated by direct delivery, procurement, commissioning or grants. Wolverhampton are proposing the following:

3.2 **Communities and Place:** a provisional ask of £2.02 million has been identified for this investment priority as outlined below. Due to the significant reduction in resources previously received through EU funding, other local priorities will be funded through existing WMCA resources including Adult Education Budget including digital inclusion – support to get residents online and improve digital skills and Multiply including financial literacy support. This priority also includes an allocation for Voluntary Community Sector (VCS) to protect VCS capacity where at risk from the end of ESF which has been moved under this priority at the recommendation of WMCA.

	2022/23 £000's	2023/24 £000's	2024/25 £000's	Total £000's
Community interventions aligned with key local priorities including financial resilience, digital inclusion, net zero and place based activities including VCS flexibility where capacity at risk from the end of ESF	375	462	385	1,222
Vibrant High Streets: improvements to high streets and local arts, cultural, heritage & creative activities that stimulate footfall	60	240	300	600
Improvements to local green spaces as match to a larger Heritage Lottery Bid.			200	200
TOTAL	435	702	885	2,022

3.3 **Local Business:** although the majority of activity will be funded through the regional allocation, a provisional ask of £681,226 has been allocated from our local allocation as set out in the table below. The Council will be passported further funding from the regional allocation to fund business advisers and provide direct support for businesses to improve competitiveness, growth and productivity.

	2022/23 £000's	2023/24 £000's	2024/25 £000's	Total £000's
Start up support: grow and sustain businesses /start up support targeting areas of high deprivation and unemployment		150	200	350
iGNITE: establishment of enterprise hub including funding for expansion in 2024/25.	21	60	250	331
TOTAL	21	210	450	681

- 3.4 **People and Skills:** a provisional ask of £1.056 million has been identified to this investment priority which is only available from 2024/2025 except for VCS flexibility where capacity is put at risk from the end of ESF funding which has been moved under Communities and Place. Due to the significant reduction in resources previously received through EU funding, there is an ask for other local priorities to receive funding from existing WMCA resources including a contribution towards the cost of Wolves at Work employment support for unemployed targeting 18-24 and over 50s. WMCA are also making available £316,397 from Multiply to support financial literacy for those in work with Adult Education Budget being available to support unemployed residents.

	2022/23 £000's	2023/24 £000's	2024/25 £000's	Total £000's
VCS led employment programme			406	406
Intensive and wrap round one-to-one support for economically inactive residents			450	450
Support for residents not eligible for adult education budget			100	100
Specific vocational training for priority sectors			100	100
TOTAL UK SPF			1056	1056
Multiply – Financial Literacy	101	107	108	316

- 3.5 In addition, there will be additional funding from the ringfenced element of UK SPF for Programme Management resource to run the local UK SPF element.

4.0 Mitigating Risks and Issues

- 4.1 External funders require the Council to enter into a back-to-back three-year Memorandum of Understanding and annual Grant Funding Agreements for our local allocation outlining what the resource can be used for and rules and regulations relating to the funding source. There is a risk of clawback of grant if rules and regulations are not

followed. Therefore, it is proposed to create an External Funding Programme Manager as set out below to minimise risk of clawback using funding which has been allocated for administration costs. The annual nature of Grant Funding Agreements could present a further risk in relation to uncertainty of annual funding allocations.

- 4.2 Strong programme and project management is essential to maximise benefit from external funding. Four percent of the regional allocation is ringfenced for administration of the grant, and the City of Wolverhampton Council have been clear that this should be proportionately distributed across the region. WMCA have allocated one officer in each local authority to work with the WMCA team providing project management, monitoring and evaluation capability for local delivery activity. The proposed External Funding Programme Manager role will oversee delivery of the local element, ensure compliance and spend against profile and work with finance to submit claims and collate evidence to draw down the grant. However, there is a risk that our allocation will be insufficient to cover all the costs of project management, therefore where possible we will align expenditure with existing initiatives with existing project management.
- 4.3 There is likely to be an impact on other teams within the Council including delivery teams, finance in respect of reviewing and signing off claims, legal in relation to agreeing back-to-back agreements with WMCA and procurement relating to procuring activities. This reiterates the importance of the 4% administrative funding to the WMCA be appropriately distributed across the region.
- 4.4 UK SPF is set out in annual allocations with no carry forward of funds between financial years other than where a firm plan to spend is in place. This could potentially put at risk the grant in year 1 2022/2023, due to the probability of late approval and need to spend resources in the financial year. Since we are able to claim for spend from 1 April 2022, it is proposed we explore local priority areas where spend is underway that could be ultimately funded via UK SPF. The Leader of the Council and Mayor of the West Midlands have also written to government to seek great flexibility in carry over of funds to support a more strategic approach.
- 4.5 UK SPF resources can be allocated by procurement, grants or commissioning. Independent legal advice sought for the pre-runner to UK SPF, the Community Renewal Funding, suggested we could treat as a grant if delivery partners “designed” the content and below the threshold for services. The Council would act as an enabling body and receive no direct benefit from the provision undertaken/no direct services to the Council.

5.0 Evaluation of alternative options

- **Option one:** allocate local UK SPF allocation to align with city priorities in line with UK SPF intervention areas, outputs and outcomes tackling key challenges and enabling more support to be provided.
- **Option two:** not spend our allocation of UK SPF would result in a loss of external funding to the city and impact on our ability to address key challenges.

6.0 Reasons for decision(s)

6.1 Option one was chosen since external funding enables priority projects to proceed, at a faster pace and with greater impact on key challenges within the city.

7.0 Financial implications

- 7.1 The financial implications for local UK SPF allocations are outlined in the tables below. Activity will be fully funded by the Grant or supported by existing budgets. It should be noted there may be amendments to the proposed projects as detailed in this report, key project changes and any associated financial impact will be reported and approved through the Council's Individual Executive Decision Notice (IEDN) process in line with the delegation requested above. UK SPF does not require match funding.
- 7.2 The City of Wolverhampton Council will be required to enter into a back-to-back three-year Memorandum of Understanding and annual Grant Funding Agreements with the WMCA which outlines the project and also sets out rules and regulations that must be complied with.
- 7.3 It is anticipated that the profiled revenue and capital spend will be as per the table below. A more detailed budget breakdown will be provided in the IEDN.

Communities and Place	2022/23 £000's	2023/24 £000's	2024/25 £000's	Total £000's
Community interventions aligned with key local priorities including financial resilience, digital inclusion, net zero and place based activities				
Capital	50			50
Revenue	325	462	385	1,172
Vibrant High Streets: improvements to high streets and local arts, cultural, heritage & creative activities that stimulate footfall				
Capital	60	20	50	130
Revenue		220	250	470
Improvements to local green spaces as match to a larger Heritage Lottery Bid.				
Capital			200	200
TOTAL	435	702	885	2,022

Local Business	2022/23 £000's	2023/24 £000's	2024/25 £000's	Total £000's
Start up support: grow and sustain businesses /start up support targeting areas of high deprivation and unemployment				
Revenue		150	200	350
iGNITE: establishment of enterprise hub including funding for expansion in 2024/25.				
Capital			250	250
Revenue	21	60		81
TOTAL	21	210	450	681

People & Skills (revenue)			2024/25 £000's	Total £000's
VCS led employment programme			406	406
Intensive and wrap round one-to-one support for economically inactive residents			450	450
Support for residents not eligible for adult education budget			100	100
Specific vocational training for priority sectors			100	100
TOTAL UK SPF			1056	1056
Multiply – Financial Literacy	101	107	108	316

[LD/20092022/C]

8.0 Legal implications

- 8.1 The Council will be required to enter into a back-to-back three-year Memorandum of Understanding and annual Grant Funding Agreements with the WMCA for both UK SPF and Multiply which outlines the project and also sets out rules and regulations that must be complied with. Legal Services will review the Memorandum of Understanding and the Grant Funding Agreements to ensure that the Council is aware of its obligations to the WMCA.
- 8.2 Where delivery of the services are undertaken by external organisations, the Council will be required to comply with the Contract Procedure Rules and enter into agreements setting out the Suppliers responsibilities and ensuring compliance with the funder's rules and regulations to mitigate any risk to the Council.

[SZ/25102022/P]

9.0 Equalities implications

9.1 The Communities and Place priority within the UK SPF will include community interventions which meet the needs of diverse groups within Wolverhampton.

10.0 All other implications

10.1 UK SPF interventions will fund initiatives that add value to existing initiatives including climate change and environment, digital and Health and Wellbeing through net zero, digital inclusion, financial wellbeing and place-based initiatives being within the local priorities identified within the Communities and Place intervention. They will support the Wolverhampton Pound by procuring local organisations including VCS organisations to deliver funded provision.

10.2 Human Resources: an External Funding Programme Manager is proposed from 50% of the four percent allocation together with project support.

11.0 Schedule of background papers

11.1 None.

CITY OF WOLVERHAMPTON COUNCIL	Cabinet (Resources) Panel 16 November 2022
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Report title	Council Commitment to become Cornerstone Employer – promoting Council Careers in Schools	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Chris Burden Education, Skills and Work	
Key decision	Yes	
In forward plan	Yes	
Wards affected	All Wards	
Accountable Director	Richard Lawrence, Director of Regeneration Emma Bennett, Executive Director of Families	
Originating service	Skills	
Accountable employee	Sue Lindup Tel Email	Skills and Employability Manager 07766473146 Sue.lindup@wolverhampton.gov.uk
Report to be/has been considered by	Directorate Leadership Team Cabinet Member Briefing Education Leadership Team Strategic Executive Board	24 October 2022 1 November 2022 10 November 2022 10 November 2022

Recommendation for decision:

The Cabinet (Resources) Panel is recommended to:

1. Agree that the Council signs up to an agreement with Black Country Consortium to become a Cornerstone Employer.

1.0 Purpose

- 1.1 The purpose of the report is to provide an overview of the Council becoming a Cornerstone employer and the benefits to employers and young people in Wolverhampton.
- 1.2 Becoming a Cornerstone employer commits the Council's staff to attending schools and Colleges in Wolverhampton on a regular basis to promote the job roles that are available in the Council.
- 1.3 Becoming a Cornerstone employer commits a senior member of staff to attend the regular Cornerstone employer meetings and sharing the work that the Council, as a significant employer in the city, is undertaking in schools.

2.0 Background

- 2.1 Becoming a Cornerstone Employer fulfils Our City Our Plan priority to support more local people into more jobs and training. The Council employs a variety of roles ranging from accountants to social workers to catering assistants. This scheme enables staff from a range of disciplines to go into schools to talk about their roles and their career pathways.
- 2.2 The Cornerstone Employer scheme also fulfils our priority to support young people into jobs through the Wolves at Work 18-24 initiative ensuring that young people in schools are provided with a variety of careers experiences before they make important choices about their education and their pathways into work.
- 2.3 The Council already has an annual service level agreement in place with the Black Country Consortium to support the delivery of the Careers and Enterprise Company (CEC) enterprise advisors programme in Wolverhampton schools and College via the Black Country Careers Hub.
- 2.4 The Council has recently committed to a further year to deliver this initiative as part of new service level agreement until August 2023 and has employed an additional part time member of staff (Enterprise Co-ordinator) through additional funding from its Wolves at Work 18-24 initiative to provide added support to young people in our city.
- 2.5 Through this initiative, the Black Country Careers Hub and the Council work together in the city to ensure that the world of work is communicated to young people through schools and colleges.
- 2.6 The Black Country Consortium also works with a number of employers, called Cornerstone employers. Those employers invest in the successful and sustainable delivery of careers education for young people. They commit to join a leadership group, managed through the Black Country Careers Hub of local businesses to support schools, colleges and young people in their area.
- 2.7 Cornerstone Employers work with a cluster of secondary schools and colleges to support careers provision in the area and influence the work of the Black Country Careers Hub.

Their goal is to ensure all young people in an area have the opportunity they need to be prepared and inspired for the world of work.

- 2.8 A Cornerstone Employer can be a large or small business as long as they are:
- A. Experienced in engaging with education.
 - B. Dedicated to investing time and resources.
 - C. Committed to working with other Cornerstone employers.
 - D. Willing to galvanize their business networks.
 - E. Focused on sustainability and act as an Ambassador.
- 2.9 The Council would join a group of other employers who have committed to becoming a Cornerstone employer, they are Walsall Metropolitan Borough Council, Sandwell Metropolitan Borough Council, A F Blakemore, Wolverhampton NHS Trust, Thomas Dudley, Accord, KPMG, Wilmott Dixon.
- 3.0 Progress and Benefits to the Council and Young People**
- 3.1 Wolverhampton City Council has been invited to become a Cornerstone Employer on the basis of the good work that the Council has already committed to in our schools and as a large reputable employer in Wolverhampton.
- 3.2 The benefits of the Council becoming a Cornerstone employer are:
- A. Giving back to the community and supporting the growth of the local economy
 - B. Engaging and developing our current workforce through volunteering.
 - C. Developing a closer relationship with our schools and assisting with the delivering of the Gatsby Benchmarks for careers education.
 - D. Informing our young people about the different jobs and sectors within the Council.
 - E. A great opportunity to help our young people develop the skills required for our future workforce and building a talent pipeline.
- 3.3 The benefits to young people within Wolverhampton schools and College are:
- A. Great opportunity to meet employers/employees and volunteers from the Council.
 - B. Opportunity to gain a better understanding of the world of work.
 - C. Meeting people from different sectors and industries helps to challenge any stereotypical views about different careers.
 - D. Students are more motivated and inspired and so this helps to raise aspirations and attainment levels.

- E. Research shows that young people who have four or more encounters with employers whilst at school are less likely to be NEET and on average will go on to earn 18% more than their peers who did not.
- F. Ensuring that all young people in our city have the opportunities they need to be prepared and inspired for the world of work.

4.0 Evaluation of alternative options

- 4.1 **Option one** would be to make no change and not to attend our schools and college as an employer. This would not assist our young people in understanding the vast number of careers available within the Council.
- 4.2 **Option two** would be to continue as we are with our staff supporting other employers to attend schools and promote their careers with young people. This does assist young people in their career choices but would mean that they still are a bit aware of the vast number of careers available within the Council.
- 4.3 **Option three** would be the preferred option. It is proposed that service areas offer this as part of the staff 2 days of volunteering which is available for every employee to request from their manager. Co-ordination of volunteers in our schools will then be undertaken by funded staff in the Council who provide the Enterprise Advisor function for the Black Country Careers Hub.

5.0 Reasons for decision

- 5.1 The decision is to sign the Cornerstone Employer Agreement with the Black Country Consortium in order to deliver careers information about working in the Council to our schools and College in Wolverhampton.
- 5.2 The delivery of the Cornerstone Employer Agreement in schools and the College will be managed by the Skills Team in collaboration with the Organisational Development team in the Council.

6.0 Financial implications

- 6.1 The Skills Team and Organisational Development team will manage the Cornerstone employer scheme through existing resources which have already been made available.
[MH/21102022/D]

7.0 Legal implications

- 7.1 As part of its commitment to the scheme, the Council will be entering into an agreement to become a Cornerstone Employer. There is no minimum commitment expected from the Council as part of the term set out in the agreement. Legal Services have advised on the terms of the Agreement and its obligations on the Council.
[RR/19012022/Q]

8.0 Equalities implications

- 8.1 Wolverhampton currently has the highest unemployed claimant count for young people aged 18-24 in England with 2045 claimants in September 2022.
- 8.2 Wolverhampton Council's role as a Cornerstone Employer in our schools is an extension of our commitment to support young people into appropriate careers choices when they leave school and learning and move into the world of work.

9.0 All other implications

- 9.1 The Council will resource the Cornerstone Employer initiative through existing staff resources.
- 9.2 Employees who are interested in volunteering for the scheme will be encouraged to apply through the volunteering portal provided by the Organisational Development team.

10.0 Appendices

- 10.1 Appendix 1: Black Country Cornerstone Commitment

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The Black Country Careers Hub – commitment to support young people as a Cornerstone Employer

What is a Cornerstone Employer?

A Cornerstone Employer is a business that is invested in the successful and sustainable delivery of careers education for young people and commits to join a leadership group of local businesses to support the schools, colleges and young people in their area. The Cornerstone Employers work together with their networks and the wider business community to ensure all young people have the opportunities they need to be prepared and inspired for the world of work. Cornerstone Employers may be large or small businesses, at local or national level, but it is important that they are:

- **Experienced** in engaging with education and so can lead by example and share their experience with other businesses.
- **Dedicated** to investing time and resource to benefit schools, colleges and young people.
- **Committed** to working with other Cornerstone Employers in the local area.
- **Willing** to galvanise their business networks in the area, to collaboratively meet the needs of schools, colleges and young people.
- **Focused** on sustainability and act as an ambassador and champion for social mobility.

Careers Hubs

Careers Hubs are being set up to help transform careers education for young people around the country and are a central part of the government's Careers Strategy, published in December 2017. The Hubs comprise of local secondary schools and colleges working together with universities, training providers, employers and career professionals to provide the best practice standard for careers support, as set out by the eight Gatsby Benchmarks. All Careers Hubs will have access to support and funding to help them meet the Gatsby Benchmarks. This includes:

- A Hub Lead to help coordinate activity and build networks
- Access to bursaries for individual schools and colleges to train 'careers leaders'
- Central Hub Fund of equivalent to £1k per school or college
- Access to funding for schools and colleges to support employer encounters
- Support from a community of Cornerstone Employers

The Employer Commitment

- We commit to help young people in our community to reach their full potential by working in partnership with local schools, colleges, the Department for Education and The Careers & Enterprise Company, to help promote social mobility and support equal opportunity for all.
- We will work collaboratively to build on locally-led best practice including existing relationships between businesses and schools in the local area.
- We will fulfil the commitments we agree with the local team and attend regular roundtable meetings to discuss progress against these plans. This will include reviewing actions required to address the following themes locally:

Appendix 1

- Reach: more business connections with education
- Targeting: employers ensuring no young person is left behind
- Quality: innovative and meaningful encounters
- Sustainability: long term relationships with schools and colleges

Agreed by (please complete and return):

Name:

Date:

Organisation:

Job Title:

Email:

Main Cornerstone contact: Yes/No

Additional Cornerstone Contact at your organisation:

Name:

Date:

Organisation:

Job Title:

Email:

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