



Department for Levelling Up,  
Housing & Communities

Kim Bromley-Derry CBE DL  
Interim Chief Executive  
Sandwell Metropolitan Borough Council  
*By email*

**Max Soule**  
*Deputy Director, Local Government  
Stewardship*

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22 March 2022

Dear Mr Bromley-Derry,

### **SANDWELL METROPOLITAN BOROUGH COUNCIL: INTERVENTION**

I am writing to inform you that the Secretary of State for Levelling Up, Housing and Communities has nominated you as Managing Director Commissioner for the purposes of the Directions he has made today under section 15(5) and (6) of the Local Government Act 1999 in relation to Sandwell Metropolitan Borough Council. I enclose the formal nomination document.

You are nominated as Managing Director Commissioner for the period from 22 March 2022 to 22 March 2024. The Secretary of State has also nominated Jim Taylor as Assistant Commissioner and expects that you will work closely with him to deliver improvement at the Council.

As Managing Director Commissioner, you will have the roles and responsibilities set out in the Directions, a copy of which I enclose along with a copy of an Explanatory Memorandum. Under the Directions, you are accountable to the Secretary of State in that you have been nominated by him and can have your nomination withdrawn by him. I have also enclosed terms of engagement that you will need to sign and return.

Your existing responsibilities as Interim Chief Executive of the Council will need to be reviewed to ensure that no conflicts of interest arise, and that appropriate delegations or arrangements are in place in relation to your statutory roles. I envisage that you will work with the Council as they consider their Constitution and what amendments are necessary. I would be grateful if you could provide an update on this work as soon as is practicable. The Secretary of State expects that you will oversee the recruitment of a permanent Chief Executive for the Council in due course, and that this process will be complete within 18 months of this appointment.

You will be entitled to a fee for each day you act as Managing Director Commissioner. You will also be entitled to reasonable expenses. Under the terms of the Directions, it is the Council's responsibility to meet these costs and the Secretary of State has set these fees for you at £1,200 per day. Fees are payable up to a maximum of 180 days per annum for each year. These limits should not be exceeded without prior approval of the Secretary of State. As to reasonable expenses, we would expect these to be in accordance with the rules for senior officers set out in the Council's staff handbook. You will make sure that any payments from the Council in relation to your existing responsibilities are consistent with the principle that you are only paid once for your activities and are consistent with the Seven Principles of Public Life.

I also understand that you will continue to carry out a limited role with McLaren Construction Group, in addition to your 180 days per annum at the Council. I do not anticipate any issues with

this arrangement, but you will need to ensure that no actual or perceived conflicts of interest arise and update the Department on this as appropriate.

In your role as a public appointee, it may be necessary to disclose information on your remuneration as part of annual accounts and you will be required to consent to the disclosure of this information. By accepting this appointment, you will be indicating your consent to this.

You will wish to note that the Secretary of State has asked you to provide him with regular progress reports on a six-monthly basis or at such other times as you and he might agree, with the first report expected as soon as is practical and within the next three months.

The Secretary of State was pleased to note that the Council has started to look at moving to whole council elections to be held in Sandwell every four years. This is another matter on which you should work closely with the Council and the Secretary of State is expecting updates. The Secretary of State is clear that moving to whole council elections will be an important step in the Council's recovery.

The Secretary of State has also asked that you work closely with Emma Taylor, Chief Executive of Sandwell Children's Trust, and Mark Gurrey, the Department for Education's children's services adviser, and Chair of the Council's improvement board for children's services. This will ensure that the improvements overseen to date through the Department for Education's statutory intervention continue to be made.

Your appointment has the status of an office holder and not of an employee. Nothing in this letter shall be construed as, or taken to create, a contract of service or contract for services between yourself and the Department for Levelling Up, Housing and Communities (DLUHC), the Crown, or the Council.

In addition to the administrative support you will be provided by the Council, the Department has made arrangements for a civil servant to be appointed as your Chief of Staff, and further resource could be made available during the intervention as required.

Should you have any queries or issues either now or during the Directions period please contact me in the first instance.

I would like to take this opportunity to thank you for assisting in this intervention. We are very grateful for your commitment to taking up this challenge to improve the performance of Sandwell Metropolitan Borough Council so that it effectively serves and protects the people of the area.

Yours sincerely,

**MAX SOULE**

**NOMINATION UNDER THE LOCAL GOVERNMENT ACT 1999 (DIRECTIONS UNDER SECTION 15(5) AND (6) OF THE LOCAL GOVERNMENT ACT 1999 TO SANDWELL METROPOLITAN BOROUGH COUNCIL, 2022)**

The Secretary of State for Levelling Up, Housing and Communities, in exercise of his powers under section 15 of the Local Government Act 1999 and in accordance with the Directions to Sandwell Metropolitan Borough Council dated 22 March 2022 nominates Kim Bromley-Derry CBE DL as Managing Director Commissioner to act jointly or severally with the Assistant Commissioner for the period beginning on the date of the Directions and ending on 22 March 2024 or such earlier time as the Secretary of State determines.