

Minutes of the Meeting of Sandwell Metropolitan Borough Council

21st July, 2015 at 6.00 pm
at the Sandwell Council House, Oldbury

Present: The Mayor (Councillor B Price);
The Deputy Mayor (Councillor Webb);

Councillors Ahmed, Allcock, Allen, Ashman, Bawa, Carmichael, Cherrington, Cooper, Costigan, Crompton, S Crompton, Dr T Crompton, K Davies, P Davies, Y Davies, Dhallu, Downing, Edis, Edwards, Eling, Frazer, Frear, Garrett, Gavan, Giles, Gill, Goult, Hackett, Haque, Hartwell, Hevican, L Horton, R Horton, D Hosell, S Hosell, P M Hughes, P Hughes, Hussain, Jarvis, I Jones, O Jones, S Jones, Khatun, Lewis, Lloyd, Marshall, Meehan, Melia, Phillips, Piper, Preece, R Price, Rouf, Rowley, Sandars, Sidhu, Taylor, Tipper, Tranter, Trow and Underhill.

Apologies: Councillors S Davies, Hadley, Dr Jaron, Moore, Shackleton and Tagger.

65/15 **Councillor Malcolm Bridges**

The Council stood in silent tribute to mark the passing of Councillor Malcolm Bridges.

Councillor Bridges was elected to the Council in 1999 serving Bristnall ward until 2008 and re-elected in 2010 serving the Blackheath ward.

During his two terms of office Councillor Bridges was Town Lead Chair for Smethwick and Oldbury, Vice Chair of the Rowley Regis Town Service Improvement Board and also served on numerous Committees.

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Tributes were paid to the memory of Councillor Bridges by Councillors Frear and R Price.

Members joined the Mayor in extending their condolences to Councillor Bridges' family.

66/15 **Minutes**

Resolved that the minutes of the Annual Meeting of the Council, held on 26th May 2015, be confirmed as a correct record.

67/15 **Mayor's Announcements**

On behalf of the Council, the Mayor took the opportunity to congratulate Councillor Allcock on his recent election to the Council as a member for the Newton Ward.

Details of Mayoral engagements since the last meeting of the Council were circulated to members.

In particular, the Mayor referred to Sandwell Youth Orchestra's Spring Spectacular performance at West Bromwich Town Hall. The Mayor praised both teachers and parents for their efforts in making the performance a success.

The Mayor also referred to the ceremony which had taken place on 3rd July in the Civic Square in Oldbury where a national one minute's silence had been observed in tribute to all victims of the shooting of innocent holiday makers and local people by terrorists in Tunisia in June.

The Council stood in silent tribute to Adrian Evans, a long-standing and well known employee of the Council, and members of his family who were tragically killed in the terrorist attack.

The Mayor invited the Leader to speak on behalf of the Council.

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The Leader said that the ceremony was a very difficult and emotional occasion for many people, especially the members of the family who attended but it had not only been time to remember the victims but had given an opportunity for people across the Borough and from neighbouring boroughs to come together to show solidarity.

The Leader confirmed that the Council would approach the family with regard to a memorial in Sandwell.

68/15 **Petitions Under Standing Order No. 5**

No petitions were received under Standing Order No. 5.

69/15 **Questions Under Standing Order No. 6**

No questions were received under Standing Order No. 6.

70/15 **Regional Devolution – A Combined Authority for the West Midlands (Key Decision Ref. No. L010)**

The Council was updated on the progress of the work to pursue the potential to create a Combined Authority through the stages of proposing, negotiating, securing and delivering a devolution deal for the region and to approve, in principle, the creation of a Combined Authority for the West Midlands based on an 'Economic plus' model. Such a model would require regional devolution at the right scale and an accompanying deal with Government which contained the necessary freedoms and flexibilities to deliver accelerated growth and reform.

A strong Combined Authority would be able to bring together key decision making powers into a single body, exercising appropriate strategic transport and economic development and regeneration functions. It would provide a visible, stable and statutory body which could act as the accountable body to attract further funding to the West Midlands to support economic growth, alongside additional powers which might be devolved from Government.

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To date the seven West Midlands Metropolitan and City Councils of Sandwell, Birmingham, Coventry, Dudley, Solihull, Walsall and Wolverhampton, together with a number of district and county councils and local enterprise partnerships from across the region, had been involved at various stages in exploratory conversations about the implications of a Combined Authority for a growth and reform strategy across the West Midlands.

Through the creation of a Combined Authority, the Government was pledging to devolve more powers and resources at a large scale in order to improve economic growth and productivity.

The process to establish a Combined Authority had three main steps:-

- a review of existing governance arrangements for the delivery of economic development, regeneration and transport. This must lead to the conclusion that there was a case for changing these arrangements based upon real improvements;
- drawing up and consulting on a scheme for the new body upon which the authorities were required to engage to secure support amongst stakeholders. All constituent councils were required to approve the scheme for submission to the Secretary of State for Communities and Local Government;
- the Secretary of State would consider the scheme and undertake a formal consultation. If satisfied with the proposals, a draft order would be laid before both Houses of Parliament for adoption by affirmative resolution.

The first main step, a review of strategic governance, would determine:-

- whether the area covered by the local authorities participating in the combined authority could properly be seen as constituting a functional economic market area for the purpose under consideration in the review; and
- whether the existing governance arrangements for strategic economic development, regeneration and transport were effective or would benefit from changes.

The most effective way to deliver on the three main steps would be to establish a Shadow Combined Authority Board to drive forward its development of the Combined Authority at pace.

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The timing of the establishment of the Shadow Board was yet to be determined but in order to ensure the Council was in a position to respond quickly, approval was sought to the establishment of a Shadow Board at the appropriate time and to authorise the Leader and Chief Executive to agree all matters required to progress the development of the Shadow Board, including the Council's representation on that Board.

The ongoing commitment of the Council to a combined authority would be assessed at each of the following three key stages of development and reserved to the Council for determination:-

- (a) approval to take the findings of the governance review, including the conclusion of the preferred option of a Combined Authority and scheme, and to undertake engagement with stakeholders;
- (b) the second approval around September 2015, following consultation on the governance review and the preferred option and scheme, and ahead of any submission to Government;
- (c) the third and final opportunity around April 2016 when final approval would be required to become a constituent member of a potential Combined Authority.

The proposals were considered by Cabinet on 15th July, 2015 and recommended to the Council for approval.

The Leader confirmed that the terms of reference were yet to be finalised and would be reported back to a future meeting of Council, including the reporting mechanism and issues which would be focussed on.

In response to concerns expressed that there was often reference made to "Super Councils", the Leader confirmed that the seven authorities involved would remain as individual councils, retaining their own leader and civic mayors. There was a need to ensure that a message was relayed to the public to confirm the aims of the Combined Authority and the opportunity to collaborate closely with other Councils.

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In response to a question regarding the suggestion that there would be a “Metro Mayor”, the Leader informed members that, until the authority was in a position to know what powers it would have, it was not possible to comment on the possibility of a “Metro Mayor”. The Leader confirmed that there was a requirement for accountability and his preference was for a Cabinet/Scrutiny model, however, the proposal was in the very early stages of the process.

With regard to the £50,000 contribution from each authority and £250,000 thereafter, the Leader confirmed that resources would need to be made available as the deal would devolve resources down to the authority in the longer term.

With regard to a suggestion that a referendum should be held for the residents of Sandwell to make the decision, the Leader confirmed that the power had been given to members by the residents of Sandwell through the local election and it was not necessary to hold a referendum on every single issue that arose.

Resolved:-

- (1) that the continued pursuit of the Council's interest in the creation of a Combined Authority for the West Midlands be endorsed;
- (2) that, in order to progress the Council's interests in the creation of a Combined Authority, the establishment of a Combined Authority Shadow Board be approved and that the Leader of the Council and the Chief Executive be authorised to agree all matters appropriate to their respective positions, that are required to progress the development of a Shadow Board, including the Council's representation on that Board;
- (3) that, upon the establishment of the Shadow Board referred to in resolution (2) above, and where those powers are not already vested in the Leader as the Executive Leader of the Council, the authority of the Council be vested in the Leader of the Council to determine and commit the Council to joint decisions required to be made by the Shadow Board as necessary to secure the delivery of a combined authority, subject to resolution (4) below and to those

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final decisions in each of the three main stages (findings of, and engagement on, the governance review, including the conclusion of the preferred option of a Combined Authority and Scheme, submission to Government and final approval to become a constituent member of a potential Combined Authority), being reserved to the Council;

- (4) that in relation to resolution (3) above, any key decisions required to secure the delivery of a combined authority which are not reserved to full Council, be considered and determined by the Cabinet;
- (5) that the Leader of the Council and the Chief Executive be authorised to agree the content of the strategic governance review for the West Midlands, the role of the Combined Authority and the draft scheme for the establishment of the Combined Authority as the basis for ongoing discussions and for the purposes of undertaking engagement with stakeholders;
- (6) that, subject to resolution (5) above, to undertake engagement for a Combined Authority; including the hosting of Sandwell based engagement events;
- (7) that should it prove necessary, in order to meet the timescales for the submission of proposals to the Secretary of State, the Chief Executive, in consultation with the Mayor, be authorised to call an extraordinary meeting of the Council for the purpose of receiving the final version of the strategic governance review and determining if, in principle, the Council should become a constituent member of the Combined Authority.

71/15

Changes to Statutory Dismissal Procedures for Heads of Paid Service, Monitoring Officers and Chief Finance Officers

The Local Authorities (Standing Order) (England)(Amendment) Regulations 2015 introduced new arrangements for dealing with disciplinary cases involving a council's three statutory officers - the Head of Paid Service, Monitoring Officer and Chief Finance Officer.

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The Government issued the new regulations on 25th March, 2015 to come into force on 11th May 2015.

Prior to the new Regulations, before one of these officers could be dismissed the council had to appoint a designated independent person to carry out an investigation into the circumstances. The Council could only take disciplinary action in accordance with the designated independent person's report and recommendation.

The 2015 Regulations simplified and localised the disciplinary process for statutory officers of a council. The designated independent person was removed and the decision would be taken transparently by full council, who must consider any advice, views or recommendations from an independent panel. The conclusions of any investigation into the proposed dismissal and any representations from the officer concerned would be considered allowing councils to consider the disciplinary process that would deliver value for money for their local taxpayers, whilst retaining independent scrutiny.

In the case of disciplinary action against one of the statutory officers, the council would invite independent persons who had been appointed for the purposes of the members' conduct regime under section 28(7) of the Localism Act 2011 to form an independent panel. An independent panel would be formed by two or more independent persons and councils would issue invitations in accordance with the following priority order:

- an independent person who had been appointed by the council and who was a local government elector;
- any other independent person who had been appointed by the council; and
- an independent person who had been appointed by another council or councils.

Amendments to Council's Standing Orders and the Officer Employment Rules within the Constitution were required to take the necessary steps to implement the requirements of the new Regulations.

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Resolved that the Director - Governance be authorised to amend the Council's Standing Orders, including the Officer Employment Rules within Part 4 of the Council's Constitution, and take all necessary steps to secure the implementation of The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 in relation to changes to statutory dismissal procedures for heads of paid service, monitoring officers and chief finance officers.

72/15

Report of the Youth Employment Commission

The Youth Employment Commission was established by the Council at its annual meeting in May 2013 for a period of two years to work with public sector organisations, the business community, schools, colleges, young people's groups and organisations and other interested parties to develop an understanding of the reasons for the levels of unemployment, implications now and for the future and what could be done to improve the situation for young people looking for and entering into work.

On behalf of the Chair, the Vice Chair, Councillor Tipper, presented the Commission's final report setting out the work undertaken in the last two years.

Recommendations arising from the work of the Commission, as set out below, would be referred to the appropriate Cabinet Member to consider the approach the Council might wish to take further:-

- utilisation of the Sandwell Guarantee underspend to provide interim support to young people on the Talent Match waiting list and that Dudley, Walsall and Wolverhampton Councils be encouraged to support their own young people in a similar manner;
- updates on the work of the Black Country Skills Factory to be incorporated into the work programme of appropriate scrutiny boards of each local authority;
- each local authority in the Black Country requesting their scrutiny board to review the way in which their authority challenged schools and academies in relation to how they provided careers advice;

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- that relevant Directors in each Black Country authority contacted schools and academies in their borough to request that they published information and advice on careers for young people;
- that relevant Directors in each Black Country authority ensured that their websites published appropriate information on the careers advice that young people were entitled to receive under DFE statutory guidance;
- that each local authority in the Black Country undertook negotiations with landlords of empty retail premises in their area to request that they supported young people setting up new businesses by providing financial incentives, such as reduced rents and business rates for an introductory period;
- that the relevant Director for each Black Country authority requested that secondary schools and academies be requested to consider driving lessons for their students in order to provide them with a useful life skill;
- that the relevant Director for each Black Country authority requested the schools and academies within their borough investigate ways of engaging former students to share successful journeys from school to the world of work to provide inspiration and motivation to school children.

The Leader confirmed that work had already commenced to implement some of the recommendations of the Commission. Work experience placement target figures had been exceeded with 282 placements to date. The Leader also made reference to the Think Sandwell project team who had demonstrated that by working with employees locally and having a jobs guarantee young people could be given a start on the jobs ladder.

The Leader also commented on the proposed combined authority arrangement and the difference that could be achieved with seven local authorities working together.

Resolved that the findings and recommendations of the Youth Employment Commission be referred to the appropriate cabinet members for consideration of the approach that the Council may wish to take.

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73/15

Annual Report of the Licensing Committee and Licensing
Panels for the 2014/15 Municipal Year

The Chair of the Licensing Committee, Councillor Allen, presented the annual report of the Licensing Committee and Licensing Panels for the 2014/2015 municipal year.

The report highlighted work undertaken in relation to the Council's functions under the Licensing Act 2003 and the Gambling Act 2005 which contributed to the licensing objectives of public safety, the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm. Particular reference was made to the following:-

- Licensing Panels considered 26 applications in relation to licences under the Licensing Act 2003/Gambling Act 2005 during the year which included the revocation of four premises licences and one suspension;
- during the year, 45 premises were subject to undercover test purchases organised by Trading Standards to detect the sale of alcohol to under age persons. Four of these premises received a caution and two received a fixed penalty notice. The 9% failure rate represented a steady improvement in Sandwell, compared to the last two financial years' failure rates of 10% and 14% respectively;
- a multi agency team project to tackle alcohol fraud, led by the Council's Trading Standards Team, had resulted in levels of counterfeit spirits being further reduced in Sandwell;
- an emerging problem was the increase in the supply and availability of illicit and illegal tobacco. An intelligence gathering exercise in July 2014 found nine shops out of nineteen sold illegal tobacco. This was followed up with two operations using sniffer dogs where over £77,000 worth of illegal tobacco was seized over two days;
- the licensing team conducted their first test purchase exercise in partnership with the Gambling Commission to test the effectiveness of underage gambling policies and procedures at gambling licensed premises. Of the five premises visited, three

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made no attempt to challenge the volunteer at any point. Advice had been given to all operators as a result.

During the year, the Licensing Committee had received specific training in relation to sex establishment licensing.

Resolved that the Licensing Committee and Licensing Panels Annual Report 2014/2015, be received.

74/15

Annual Report of the Licensing (Miscellaneous) Committee
2014/15

The Chair of the Licensing (Miscellaneous) Committee, Councillor Rouf, presented the annual report of the Licensing (Miscellaneous) Committee for 2014/2015.

The purpose of the Licensing (Miscellaneous) Committee was to determine matters in relation to a number of licensing functions, the majority of which were for applications or reviews of hackney carriage and private hire licences. The Committee worked in conjunction with the Taxi Licensing Office to ensure that all of the public safety duties and financial obligations of licence holders were complied with fully and within the parameters of the law.

The key benefits of the Committee were:-

- the protection of public health and safety;
- the establishment of professional and respected hackney carriage and private hire trades.

During 2014/15 the Committee had dealt with 128 matters regarding private hire and hackney carriage licences.

The Committee carried out its role with a view to ensuring that the public were kept safe from harm. In making its decisions, the Committee put this perspective at the forefront of its decision making.

There had been no policy changes during the year, however, there was a proposal to amend the criteria for licensing hackney carriages and private hire vehicles which would be considered during this municipal year.

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Resolved that the Licensing (Miscellaneous) Committee Annual Report for the 2014-2015 Municipal Year be received.

75/15 **Minutes and Policy/Strategic Recommendations of the Cabinet**

The Council received the minutes of the meetings of the Cabinet held on 1st April, 20th May, 3rd and 24th June, 2015.

In response to a question in relation to the financial outturn 2014/15, the Deputy Leader and Cabinet Member for Finance and Resources confirmed that the rolling medium term budget planning process ensured that the budgetary position was constantly monitored with rigorous processes in place. Planning ahead was key to ensuring that budget reductions were achieved in the most effective way whilst protecting frontline services. Every effort was being made to protect a broad range of services provided to the people of Sandwell which were constantly under threat by year-on-year government imposed budget reductions.

The Council considered the recommendations of the Cabinet on the following matters of strategic significance:-

75/15(a) **West Midlands Joint Committee – Revised Terms of Reference, Constitution and Standing Orders**

Resolved:-

- (1) that the revised Terms of Reference and Constitution of the West Midlands Joint Committee be approved;
- (2) that, in connection with resolution (1) above, the Director – Governance enter into such legal documents as are necessary to give effect to the revised Terms of Reference and Constitution of the West Midlands Joint Committee.

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75/15(b) **Planning Obligations Supplementary Planning Document
(Key Decision Ref. No. JE138)**

Resolved that the Planning Obligations Supplementary Planning Document 2015 be approved and adopted.

75/15(c) **Discretionary Housing Payments Policy Amendments
2015/16**

Resolved that the revised 2015/16 Discretionary Housing Payments Policy be approved.

76/15 **Summary of Matters Considered at the Budget and Corporate
Scrutiny Board**

The Chair of the Budget and Corporate Scrutiny Board, Councillor Sandars, presented the summary of matters considered at the meeting of the Board held on 2nd July, 2015.

No questions were asked of the Chair of the Board.

77/15 **Summary of Matters Considered at the Children's Services and
Education Scrutiny Board**

The Chair of the Children's Services and Education Scrutiny Board, Councillor Underhill, presented the summary of matters considered at the meeting of the Board held on 22nd June, 2015.

No questions were asked of the Chair of the Board.

78/15 **Summary of Matters Considered at the Community Safety,
Highways and Environment Scrutiny Board**

The Chair of the Community Safety, Highways and Environment Scrutiny Board, Councillor L Horton, presented the summary of matters considered at the meeting of the Board held on 17th June, 2015.

No questions were asked of the Chair of the Board.

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79/15 **Summary of Matters Considered at the Health and Adult Social Care Scrutiny Board**

The Chair of the Health and Adult Social Care Scrutiny Board, Councillor Sandars, presented the summary of matters considered at the meeting of the Board held on 18th June, 2015.

No questions were asked of the Chair of the Board.

80/15 **Summary of Matters Considered at the Housing Scrutiny Board**

The Chair of the Housing Scrutiny Board, Councillor P Hughes, presented the summary of matters considered at the meeting of the Board held on 30th June, 2015.

No questions were asked of the Chair of the Board.

81/15 **Summary of Matters Considered at the Jobs, Economy and Enterprise Scrutiny Board**

The Chair of the Jobs, Economy and Enterprise Scrutiny Board, Councillor S Jones, presented the summary of matters considered at the meeting of the Board held on 16th June, 2015.

No questions were asked of the Chair of the Board.

82/15 **Summary of Matters Considered at the Leisure, Culture and the Third Sector Scrutiny Board**

The Chair of the Leisure, Culture and the Third Sector Scrutiny Board, Councillor Ahmed, presented the summary of matters considered at the meeting of the Board held on 15th June, 2015.

No questions were asked of the Chair of the Board.

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83/15 **Minutes of the Standards Committee**

The Chair of the Standards Committee, Councillor Lewis, presented the minutes of the meeting of the Standards Committee held on 12th June, 2015.

No questions were asked of Councillor Lewis.

84/15 **Summary of Matters considered at the Chief Officers Terms and Conditions Committee**

The Leader presented the key decision of the meeting of the Chief Officer Terms and Conditions Committee held on 8th July, 2015 relating to the designation of a Section 151 Officer for the Council and the lead Director for delivering efficiency and effectiveness.

No questions were asked of the Leader.

85/15 **Appointment of Representatives to Outside Bodies and Appointment to Committees**

The Council considered the appointment of a representative to serve on the Mackmillan Educational Foundation and Rowley Regis Consolidated Charities.

In addition, as a result of the by-election for the Newton ward on 9th July, it was proposed that an increase of one allocated seat on the Community Safety, Highways and Environment Scrutiny Board be approved and that newly elected member, Councillor Allcock, be appointed to the Board.

Resolved:-

- (1) that Mr Paul Webb be nominated to serve on the Mackmillan Educational Foundation for the period ending with the Annual Meeting of Council in May 2019;
- (2) that Mr Paul Webb be nominated to serve on the Rowley Regis Consolidated Charities for the period ending with the annual meeting of Council in May 2019;

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- (3) that the membership of the Community Safety, Highways and Environment Scrutiny Board be increased to eight members and that Councillor Allcock be appointed to the Board, for the remainder of the Municipal Year.

86/15

Notices of Motion – Response

The Council regularly considered notices of motion submitted by members under Standing Order No. 7.

On 15th October 2014, the Council had supported a motion asking for representations to be made to Members of Parliament in relation to the Social Housing Under Threat (SHOUT) campaign (see Minute No. 127/14).

Details were provided of a response which had been received by Tom Watson MP from Brandon Lewis MP, Minister of State for Housing and Planning.

The response stated the Government's belief that its Affordable Rent Model had enabled the average up front cost to the Government of an affordable home to fall. The Minister also encouraged the Council to discuss its proposals for setting a lower average rent with the Homes and Communities Agency.

The Minister noted the Council's concerns that its Right to Buy policies would cause the loss of prime council housing stock, but reiterated the government's commitment to opening up Right to Buy opportunities.

Resolved that the response to the approved motion in relation to the Social Housing Under Threat (SHOUT) campaign be received.

(The meeting ended at 7.01 pm)

Contact Officer: Trisha Newton Democratic Services Unit 0121 569 3193

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