

#### Minutes of the Meeting of Sandwell Metropolitan Borough Council

#### 19<sup>th</sup> July, 2016 at 6.00pm at the Sandwell Council House, Oldbury

**Present:** The Mayor (Councillor Webb);

The Deputy Mayor (Councillor Downing);

Councillors Allcock, Allen, Ashman, Bawa, Carmichael,

Cherrington, Costigan, Crompton, S Crumpton,

Dr T Crumpton, K Davies, P Davies, S Davies, Y Davies, Dhallu, Eaves, Edis, Edwards, Eling, Garrett, Gavan, E A Giles, E M Giles, Goult, Hackett, Haque, Hartwell, Hevican, Hickey, 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, Millard, Phillips, Piper, Preece, B Price, R Price, Rouf,

Sandars, Shackleton, Sidhu, Taylor, Tranter, Trow and White.

Apologies: Councillors Ahmed, Frear, Gill, Hadley, Dr Jaron, Moore,

Shaeen, Tagger and Underhill.

#### 64/16 **Declaration of Interest**

The following member declared an interest as indicated:-

Agenda Item	Subject	Member	Interest
6	Sandwell Leisure Trust	Councillor Carmichael	Other interest – son works as casual worker for Sandwell Leisure Trust.

Councillors P Hughes and L Horton confirmed that they had resigned as Directors at Sandwell Leisure Trust.

#### **65/16 Minutes**

**Resolved** that the minutes of the Annual Meeting held on 24<sup>th</sup> May and Extraordinary Meeting held on 14<sup>th</sup> June, 2016 be confirmed as a correct record.

#### 66/16 **Mayor's Announcements**

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

In particular, the Mayor made reference to the Victoria Park Mela which brought the whole community together.

The Mayor also made reference to the achievements of pupils at Bristnall Hall Academy, Uplands Manor School, Grove Vale Primary and the work undertaken by Options for Life.

The Mayor congratuled Dave Heeley on achieving the Escape from Alcatraz triathlon, despite only taking up swimming this year.

#### 67/16 Petition for debate concerning Sandwell Leisure Trust

In accordance with the provisions of the Council's petitions scheme, petitions containing 3,000 signatures or more were brought to full Council for debate.

Council was advised of the receipt of a petition submitted by joint Trades Unions containing over 5,000 signatures concerning the future of Sandwell Leisure Trust. Due to local elections and agenda requirements of previous Council meetings, this had been the first opportunity for the Trades Unions to attend and present the petition and for the issue to be debated by full Council.

The petition expressed concern that a Sandwell Council proposal placed the future of Sandwell Leisure Trust at risk and called upon Sandwell to recognise the service provided by staff at Sandwell Leisure Trust and to ensure that the service continued to be operated by this award winning organisation.

The petition was in response to a Cabinet report and subsequent decision taken on 9<sup>th</sup> March 2016, where Cabinet were unable to agree the 2016/17 to 2018/19 business plan submitted by Sandwell Leisure Trust.

Formally submitting an annual business plan for approval by the Council was a key requirement of the Management Funding Agreement between the Council and Sandwell Leisure Trust.

Since the Cabinet decision, the Council and Sandwell Leisure Trust had been undertaking thorough negotiations regarding the development of an approved business plan. The Council had stated its commitment to ensuring that it continued to be able to commission high quality leisure services which met the needs of the communities it served and would be self-sustaining financially.

The Council was committed to providing quality leisure facilities and, since the creation of Sandwell Leisure Trust in 2004, the Council's investment in leisure services had exceeded £80million.

The Leader confirmed that, whilst leisure centres were being closed up and down the country, significant investment had been made in new facilities in Sandwell which were more energy efficient and sustainable in the long term. There had been the option to either close or invest in new facilities and Sandwell's preferred route was to continue to invest in good quality facilities.

The Council established Sandwell Leisure Trust to bring new investment into leisure facilities, however, this had been under a different set of financial circumstances. The former Leader had put the Trust under pressure to bring in revenue savings over a longer period, not just the three years covered by the business plan. The Trust stated that it could not deliver the required level of savings and had offered savings in areas that the former Leader was not prepared to accept, particularly around terms and conditions of employment of staff. It was considered that sustainability of leisure facilities was not reliant on people's terms and conditions of employment but investment in proper facilities.

In response to a question regarding front line staff and the senior management structure, the Leader wished to be clear that the Council was not responsible for the Sandwell Leisure Trust management. The Council was looking for management savings, not just posts but practices as well. Agreement had been reached in respect of relocating into property owned by the Council resulting in a significant reduction in office costs. The focus of discussions was not savings at the front line but how trade could be enhanced to sustain the facilities in the future. It had also been made clear that it was not expected that the business plan should suggest a reduction in terms and conditions of employment and pay as this was not considered necessary to secure a sustainable future for leisure facilities.

In response to questions regarding improved opening hours and sponsorship, the Leader stressed that the additional cost of opening longer hours had to be balanced against income and would need to be part of Sandwell Leisure Trust's business case. Sandwell Leisure Trust was being encouraged to broaden its business base and not just include facilities in Sandwell.

The Cabinet Member for Leisure wished to place on record his thanks and appreciation to front line staff at Sandwell Leisure Trust.

**Resolved** that the Cabinet and Director - Neighbourhoods be recommended to have regard to the issues raised by the petition, and views expressed by the Council, in the continuing detailed negotiations with Sandwell Leisure Trust.

#### 68/16 **Petitions Under Standing Order No. 5**

No petitions were received under Standing Order No. 5.

#### 69/16 **Questions Under Standing Order No. 6**

No questions were received under Standing Order No. 6.

#### 70/16 Annual Report of the Standards Committee 2015/16

The Chair of the Standards Committee, Councillor Lewis, presented the annual report of the Standards Committee for the 2015/2016 municipal year.

The Members' Code of Conduct had been reviewed and adopted with effect from 24<sup>th</sup> May 2016. The Code assisted Members and Co-opted Members in meeting the provisions of the Localism Act 2011.

The Standards Committee was responsible for advising and training members and co-opted members of the Council on matters relating to the Council's Code of Conduct. Three training sessions were offered in 2015/16, in addition to induction training for new members. Every member either attended these sessions or received one to one guidance from the Monitoring Officer.

The first two sessions were provided by an external facilitator whilst the third was undertaken by the Deputy Monitoring Officer. Feedback from members via the evaluation forms indicated that the training was well received by the majority of members, however, future training sessions would be undertaken in-house.

The Committee considered summaries of cases of national interest to ensure that it was up to date with how complaints about member misconduct were being dealt with in other authorities, so members could bring this knowledge to any cases in Sandwell. The Standards Committee continued to develop its own skills and expertise, for instance, by looking at case summaries and appropriate refresher training.

**Resolved** that the Standards Committee Annual Report for 2015/2016 be received.

## 71/16 Annual Report of the Licensing Committee and Licensing Panels for the 2015/16 Municipal Year

The Chair of the Licensing Committee, Councillor Allen, presented the annual report of the Licensing Committee and Licensing Panels for the 2015/2016 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 20 applications in relation to licences under the Licensing Act 2003/Gambling Act 2005 during the year;
- Trading Standards were part of Community Alcohol Partnerships, a national initiative delivered in local communities bringing together retailers, trading standards, police, public health, education providers and a range of community groups/ service providers to tackle the problem of underage drinking/ associated anti-social behaviour. Working in conjunction with public health and Community Alcohol Partnership, Trading Standards had developed a short film, primarily aimed at retailers, highlighting the harm of selling tobacco/alcohol to young people and the long term impact on individuals, families and communities. The film was an additional tool in combating the issue of underage sales and the initiative was the first of its kind in the country, with other local authorities already expressing an interest in replicating the idea;
- during the year, undercover test purchases were organised by Trading Standards to detect the sale of alcohol and tobacco to under age persons. Offending traders were issued with a failed test purchase letter warning them a further test purchase would be carried out. Following the second visit, repeat offenders faced enforcement action;

- as part of a national project funded by the Department of Health, Trading Standards carried out a test purchase operation on electronic cigarettes. Out of five shops visited, a child volunteer was able to purchase electronic cigarettes/associated products from four shops, giving a failure rate of 80%. Trading Standards would be focussing on this issue during this financial year;
- Trading Standards carried out four illicit tobacco operations using sniffers dogs where nine shops were caught with illicit tobacco resulting in the issue of six cautions and three pending criminal prosecutions. Three licencing reviews were requested, resulting in one shop having tougher conditions imposed on their licence, one licence suspended for seven days and another licence revoked.

During the year, the Licensing Committee received training from Legal, Licensing and Trading Standards in relation to the Licensing Act 2003 and the work carried out in relation to underage sales and sale of illicit tobacco/alcohol.

**Resolved** that the Licensing Committee and Licensing Panels Annual Report 2015/2016, be received.

## 72/16 <u>Proposal to Depart from the Local Development Plan at Providence Place, West Bromwich</u>

At the meeting of Planning Committee on 13<sup>th</sup> July 2016, consideration was given to planning application DC/16/59421 in relation to the erection of a hotel with ancillary bar/cafe for use by hotel patrons only, associated car parking and landscaping at Providence Place, West Bromwich.

The Planning Committee was minded to approve the application, however, the site was allocated for B1 Office development in the Site Allocations and Delivery Development Plan Document. It was, therefore, necessary for the Council to consider whether or not to grant an exception to its policy to allow the application to proceed.

**Resolved** that an exception to the Site Allocations and Delivery Development Plan Document and Local Development Plan be allowed in respect of planning application DC/16/59421, erection of a hotel with ancillary bar/café for use by hotel patrons only, associated car parking landscaping and ancillary works at Providence Place, West Bromwich.

#### 73/16 Minutes and Policy/Strategic Recommendations of the Cabinet

The Council received the minutes of the meetings of the Cabinet held on 23<sup>rd</sup> March, 6<sup>th</sup> April, 18<sup>th</sup> May, 1<sup>st</sup> and 22<sup>nd</sup> June, 2016.

In response to a question regarding investment in housing, the Leader confirmed that he had given assurances at the Cabinet meeting that the Council was committed to providing decent quality council housing in all areas of Sandwell and to provide a mix of stock that was suitable for the needs of Sandwell tenants.

## 74/16 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 9<sup>th</sup> June, 2016.

No questions were asked of the Chair of the Board.

## 75/16 Summary of Matters Considered at the Leisure, Culture and the Third Sector Scrutiny Board

The Vice Chair of the Leisure, Culture and the Third Sector Scrutiny Board, Councillor Hevican, presented the summary of matters considered at the meeting of the Board held on 27<sup>th</sup> June, 2016.

No questions were asked of the Vice Chair of the Board.

#### 76/16 Minutes of the Standards Committee

The Chair of the Standards Committee, Councillor Lewis, presented the minutes of the meetings of the Standards Committee held on 11<sup>th</sup> March and 10<sup>th</sup> June, 2016.

No questions were asked of the Chair.

#### 77/16 Minutes of the Audit Committee

The Chair of the Audit Committee, Councillor Sidhu, presented the minutes of the meeting of the Audit Committee held on 22<sup>nd</sup> June, 2016.

No questions were asked of the Chair.

#### 78/16 Appointments to Committees, Boards and Other Fora 2016/17

At its Annual Meeting on 24<sup>th</sup> May 2016, the Council appointed members to the positions, committees, boards and other fora established by the Council, subject to a review at the next ordinary meeting of the Council. Pending the review, the political balance of the committees, boards and other fora, as agreed for 2015/16, had been rolled forward to the 2016/2017 Municipal Year. Council now considered the committees, boards and other fora it wished to establish for the 2016/17 Municipal Year and the appointment of members to those bodies and the positions to be held.

With regard to Planning Committee, in accordance with proportionality, all seats were allocated to Labour councillors, however, the Leader confirmed that one seat had been offered to the opposition member, Councillor Garrett, as a gesture of good will.

To support the ongoing improvement of the delivery of services to citizens of the Borough, local business and the visitor economy, Council also considered the establishment of two select committees for the 2016/17 Municipal Year. The first select committee would review leisure provision in the borough in the wider context of the meaning of leisure. Alongside the refresh of the Council's priorities, the second select committee would review the Council's and partners' existing policies and the approach to them to ensure they supported the priorities of the Council.

The select committees were authorised to determine their terms of reference, in consultation with the Leader of the Council, once the committees had begun to assess the task they were required to undertake and had a better understanding of the expected outcomes.

At its Annual Meeting, Council had indicated that the appointment of the previous three Independent Persons could continue.

In accordance with the Localism Act 2011, arrangements must be put in place for the appointment by the Council of at least one Independent Person whose views must be sought and taken into account by the Council before it made its decision on an allegation against an elected member that it had decided to investigate.

The Independent Person's views may be sought by a member or co-opted member of the Council if that person's behaviour was the subject of an allegation, and may also be sought by the Council in relation to an allegation it had not yet decided to investigate.

Two of the Independent Persons had re-applied and it was not therefore considered necessary to re-interview them. In terms of a third member, to enable statutory processes to be followed, a recruitment exercise had been carried out and interviews were scheduled. In order to make an appointment before the next ordinary meeting of Council in October, approval was sought to authorise the Standards Committee to appoint independent members to serve on the Committee as and when vacancies arose between annual meetings of the Council.

#### Resolved:-

- (1) that members and co-opted members be appointed to the positions, committees, boards and other fora established by the Council, as set out in Appendix 1;
- (2) that a Select Committee for Leisure Provision and a Select Committee for Service and Policy Improvement be established:
- (3) that, in connection with (2) above, the respective Select Committees be authorised to determine their terms of reference in consultation with the Leader of the Council;
- (4) that, further to Minute No. 59/16(11) of the annual meeting of Council on 24<sup>th</sup> May 2016, the appointment of Mr Frederick Bell and Mr Raymond Tomkinson to the position of independent person under Section 28 of the Localism Act 2011, for the period ending 31<sup>st</sup> July 2018 be approved;
- (5) that authority be delegated to the Standards Committee to appoint independent members to serve on the Committee as and when a vacancy occurs between annual meetings of the Council:
- (6) that the Service Manager Governance be authorised to amend the Council's Constitution accordingly.

#### 79/16 Appointment of Representatives to Other Bodies

The Council was approached, from time to time, to nominate a representative to serve as the Council's representative on various other bodies, not directly associated with the Council.

Consideration was given to the appointment of representatives to the Mackmillan Education Foundation, Corporate Parenting Board and West Midlands Regional Scrutiny Network.

In addition, further vacancies had arisen on Corporate Parenting Board and Sandwell Leisure Trust and the Leader was authorised to nominate members to these bodies.

#### Resolved:-

- (1) that Councillor White be nominated to the Mackmillan Educational Foundation for the period ending 2020;
- (2) that Councillor Hartwell be nominated to the Corporate Parenting Board for the period ending 2017;
- (3) that Councillor P Hughes be nominated to the West Midlands Regional Scrutiny Network for the period ending 2017;
- (4) that the Leader of the Council be authorised to nominate an additional member to Corporate Parenting Board and two members to Sandwell Leisure Trust.

#### 80/16 Notice of Motion received under Standing Order No. 7

The following motion was moved by the Leader, Councillor Eling, and seconded by the Deputy Leader, Councillor Khatun:-

"This matter to be considered without reference to a Committee, to the Cabinet or to a Cabinet Member:

This Council believes:-

We are proud to live in a diverse and tolerant society. Racism, xenophobia and hate crimes have no place in our country. This Council condemns racism, xenophobia and hate crimes unequivocally. We will not allow hate to become acceptable.

We will work to ensure that local bodies and programmes have the support and resources they need to fight and prevent racism and xenophobia.

We reassure all people living in this area that they are valued members of our community."

The Leader stated that following the referendum, there had been no reported increase in hate crime in Sandwell, however, there had been high profile cases of hate crime in other authorities associated with the outcome of the referendum.

The Leader stated that the Council had a proud record of working to achieve a good working relationship with people of different backgrounds. The motion put down a clear marker to show that Sandwell would not tolerate hate crime and it was not acceptable under any circumstances.

The motion was unanimously agreed.

(The meeting ended at 7.22pm)

Contact Officer: Trisha Newton Democratic Services Unit 0121 569 3193

# Appointments to Committees, Panels and Boards

2016/2017

# **Town Lead Members** (2016/2017)

(Lab 6)

Oldbury

Hartwell (Deputy: S Davies)

**Rowley Regis** 

Eaves (Deputy: Millard)

**Smethwick** 

Dr Jaron (Deputy: Bawa)

**Tipton** 

Hadley (Deputy: Cherrington)

Wednesbury

Costigan (Deputy: P M Hughes)

**West Bromwich** 

Melia (Deputy: S Hosell)

(Deputy: E A Giles)

# Planning Committee (2016/2017)

(16 members to be geographically representative) (Lab 16)

**Chair** Frear (Bristnall)

Vice-Chair Downing (Oldbury)

Costigan (Wednesbury North)

K Davies (Smethwick)

Edis (Friar Park)

Gavan (Langley)

Haque (Tipton Green)

Hickey (West Bromwich Central)

R Horton (Soho & Victoria)

P M Hughes (Wednesbury South)

Melia (Great Barr with Yew Tree)

Sandars (Hateley Heath)

Tagger (West Bromwich Central)

Tranter (Rowley)

Webb (Cradley Heath and Old Hill)

Garrett (Princes End)

# **Emergency Committee** (2016/2017)

(7 members) (Lab 7)

**Chair** Leader of the Council

Vice-Chair Deputy Leader

Cabinet Member for Housing

Cabinet Member for Children's Services

Cabinet Member for Highways and Environment Cabinet Member for Regeneration and Economic

Investment

Chair of Community Safety, Highways and

**Environment Scrutiny Board** 

## Standards Committee (2016/2017)

(8 elected members including 1 member of the Executive **(excluding Leader)**)

(Lab 8) + 3 independent persons

Chair Lewis

Vice-Chair S Crumpton

Edwards

Cabinet Member for Social Care

E M Giles Sandars Trow Worsey

(+ 3 independent persons)

# Audit Committee (2016/2017)

(5 members) +1 independent member. (Lab 5)

Chair Sidhu

Gavan Piper Dr Jaron Preece

(+1 independent member)

# **Select Committee for Leisure Provision** (2016/2017)

(7 members) (Lab 7)

**Chair** Sandars

Costigan Gavan Dr Jaron Jarvis Piper Worsey

#### Select Committee for Service and Policy Improvement (2016/2017)

(7 members) (Lab 7)	
Chair	Worsey
	Cherrington Edwards Gill Hickey Dr Jaron Sandars

# **Chief Officer Terms and Conditions Committee** (2016/2017)

(7 members) (Lab 7)

**Chair** Leader of the Council

Vice-Chair Deputy Leader

Five members drawn from the remaining relevant Cabinet Members or chairs or vice-chairs of relevant boards/committees/panels.

#### **Chief Officers Appointments Sub-Committee**

Two members selected by the Leader from amongst Cabinet Members and Chairs of Scrutiny Boards to deal with appointments to and the determination of matters relating to posts designated as service manager tier 2.

## **Health and Wellbeing Board** (2016/2017)

(4 members) (Lab 4)

Leader of the Council

Cabinet Member for Children's Services

Cabinet Member for Public Health and Protection

Cabinet Member for Social Care (Chair)

Other Board members as agreed by Council on 5 March, 2013:-

NHS Commissioning Board:

One representative of the NHS England - Birmingham, Solihull and the Black Country Area Team (without voting rights)

Sandwell and West Birmingham Clinical Commissioning Group:

Four representatives (three with voting rights and one without voting rights)

Healthwatch Sandwell:

One representative (with voting rights)

One representative of West Midlands Police (without voting rights)

One representative of Sandwell Council of Voluntary Organisations (without voting rights)

# **Cabinet Petitions Committee** 2016/2017)

(8 members) (Lab 8)

**Chair** Cabinet Member for Highways and Environment

All members of the Cabinet

# Constitution Working Group (2016/2017)

(5 members) (Lab 5)

**Chair** Eling

Deputy Leader and Cabinet Member for Neighbourhoods

and Communities

Edwards Millard Lewis

# Member Development Working Group (2016/2017)

(7 member) (Lab 7)		
Chair	Eling	
	Allen Y Davies Edwards Millard Shackleton Trow	

# Strategic Waste Partnership Board (2016/2017)

(3 membe (Lab 3)		
	D Hosell Trow Eling	
	(and representatives of Serco)	

# Fostering Panel (2016/2017)

Councillor Phillips

## Scrutiny Boards (2016/2017)

#### **Budget and Corporate Scrutiny Board**

(6 members) (Lab 6)

**Chair** Drawn from Chairs

of 6 Scrutiny

Boards

Chairs of 6

Scrutiny Boards

## **Children's Services and Education Scrutiny Board**

(9 members + 4 co-opted members) (Lab 9)

Chair Underhill Vice-Chair Preece Vice-Chair Taylor

Allen Ashman E M Giles Hickey Phillips White

1 Church of England Diocese representative (Reverend P French)

1 Roman Catholic Archdiocese representative

2 Parent Governor representatives

# **Community Safety, Highways and Environment Scrutiny Board**

(7 members) (Lab 7)

Chair Crompton Vice-Chair Ashman

Allcock
Downing
Goult
P Hughes
White

## Health and Adult Social Care Scrutiny Board

(10 members) (Lab 10)

Chair Y Davies
Vice-Chair Jarvis
Vice-Chair Lloyd

Downing Edis Hevican Hickey S Jones Shaeen White

# Scrutiny Boards (cont) (2016/2017)

**Housing Scrutiny Board** Jobs, Economy and Enterprise (7 members 1 co-opted member) **Scrutiny Board** (7 members) (Lab 7) (Lab 7) P Hughes S Jones Chair Chair Tagger Vice-Chair Vice-Chair Edis **B** Price Allcock Tranter Ashman Preece Goult Frear Hickey Worsey Shaeen 1 Co-opted member Leisure, Culture and the Third **Sector Scrutiny Board** (7 members) (Lab 7) Chair Ahmed Vice-Chair Hevican Hickey Frear **E M Giles** Lloyd **Phillips** 

# Licensing Committee (2016/2017)

(12 **non-executive** members)

(Lab 12)

Chair Allen

Vice-Chair Piper

Dr Crumpton K Davies S Davies Downing Frear Goult Lewis Preece Tranter

Vacant

# Licensing (Miscellaneous) Committee (2016/2017)

(7 non-executive members)

(Lab 7)

Chair Rouf

Vice-Chair R Price

K Davies S Davies P M Hughes O Jones White

# **General Purposes and Arbitration Committee** (2016/2017)

(7 **non-Executive** members)

(Lab 7)

**Chair** Dhallu

Vice-Chair Haque

Allen

S Crumpton P Davies E M Giles Meehan

# **Joint Consultative Panel** (2016/2017)

(6 members) (Lab 6)

**Chair** Trow

Dr Crumpton

Dhallu P Hughes Taylor Underhill

# Land and Asset Management Committee (2016/2017)

(7 members) (Lab 7)	
Chair	Gavan
	Costigan Edis Eling P Hughes Moore Taylor