

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

**17th July, 2018 at 6.00pm
at the Sandwell Council House, Oldbury**

Present: The Mayor (Councillor Edis);
The Deputy Mayor (Councillor Goult);

Councillors Ahmed, Akhter, Ali, Allcock, Allen, Ashman, Bawa, Chidley, Costigan, S Crumpton, Dr T Crumpton, K Davies, P Davies, S Davies, Dhallu, Downing, Eaves, Edwards, Eling, Gavan, E M Giles, L Giles, Hackett, Hadley, Hartwell, L Horton, R Horton, D Hosell, S Hosell, P M Hughes, P Hughes, M Hussain, M Y Hussain, Dr Jaron, Jarvis, I Jones, O Jones, S Jones, Khatun, Melia, Moore, Padda, Phillips, Piper, Preece, B Price, R Price, Rollins, Rouf, Sandars, Shackleton, Shaeen, Singh, Taylor, Trow, Underhill, Webb and White.

Apologies: Councillors Carmichael, Cherrington, Crompton, Y Davies, E A Giles, Hevican, Lewis, Lloyd, Millard, Tagger, Tranter and Worsey.

61/18 Minute Silence

The Council stood in silent tribute to mark the passing of former Honorary Alderman, Mayor and long-serving Wednesbury North Councillor William Archer.

Mr Archer had served as a conservative Councillor for 36 years and was Mayor in 2005/06.

Mr Archer became an Honorary Alderman in November 2010, following his retirement as a Councillor earlier that year at the age of 83.

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During his term of office Mr Archer served on numerous committees, including Personnel Committee, Joint Consultative Committee, Environment Committee, Health Committee, General Purposes Appeals Panel and Staffing Sub-Committee.

In 2016, a plaque was unveiled on a bench in Union Street, Wednesbury outside of the clothes shop that he used to run. Mr Archer was married to his wife Freda for 72 years and had four children. He was known fondly to many as Mr Wednesbury.

Councillors P Hughes, Mrs L Horton and Melia paid tribute to Mr Archer.

Members joined the Mayor in extending their condolences to the family.

62/18 Declaration of Interest

Agenda Item	Subject	Member	Interest
17	Notice of Motion in relation to new Midland Metropolitan Hospital	Councillor Preece	Pecuniary – employed by Sandwell and West Birmingham Hospital NHS Trust

63/18 Minutes

Resolved that the minutes of the Annual Meeting of Council held on 22nd May, 2018 be confirmed as a correct record.

64/18 Mayor's Announcements

The Mayor made reference to the display at the entrance to the Council Chamber showcasing the looked after children and care leavers health passport which contained useful health information to prepare looked after children for adulthood.

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The passport had been developed in conjunction with young people and had proved to be a very useful document. As corporate parents, the Mayor highlighted the importance that all members took an interest in matters that involved looked after children and care leavers.

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

In particular, the Mayor made reference to schools who had visited the Big House. The Mayor and Deputy Mayor had also attended several Armed Forces events.

65/18 Petitions Under Standing Order No. 5

No petitions were received under Standing Order No. 5.

66/18 Questions Under Standing Order No. 6

No questions were received under Standing Order No. 6.

67/18 Annual Report of the Licensing Committee 2017-18

The Chair of the Licensing Committee, Councillor Piper, introduced the Licensing Committee Annual Report for the 2017-18 municipal year.

The Committee had considered 125 individual matters relating to the grant or review of private hire and hackney carriage licensing throughout the year covering a wide variety of issues.

The Committee worked with the Taxi Licensing Office to ensure that all laws, conditions and obligations in respect of regulation and public safety were complied with.

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Following extensive consultation, the Cabinet, on 30th August 2017, approved a new Private Hire and Hackney Carriage Licensing Policy. The new policy was implemented on 1st October 2017 and had seen the introduction of a new more stringent Determination of Matters Policy, a requirement that all drivers, operators and their staff undertook CSE and Safeguarding Training and Equality and Disability Awareness Training.

Drivers who had been affected by the changes in the Determination of Matters Policy were being referred to Committee to have their licence reviewed against the new policy.

All matters were considered against the licensing regime's primary function, which was to protect the public. In order to maintain the integrity of the service, it was essential that members of the public felt confident and safe when using Private Hire Vehicles and Hackney Carriages in Sandwell.

Between 1st May 2017 and 20th April 2018, the Taxi Licensing Enforcement Team conducted thirteen multi-agency safety operations together with officers from the Driver and Vehicle Standards Agency, West Midlands Police, and Her Majesty's Revenue and Customs fuel testers at locations across the borough.

Since January 2018, the licensing team had visited fourteen licensed premises carrying out general enforcement visits and following up on complaints received. The team had been working closely with the Police and visited 'problem' premises to ensure licence holders were complying with the operating schedule and conditions of licence.

The Committee carried out its role with a view to ensuring the public were kept safe from harm. In making its decisions, the Committee put this perspective at the forefront of its decision making. This provided further assurance to the public that the Council viewed the safety of its citizens as paramount in carrying out this function.

Members and officers were constantly reviewing Council Policy and delegations to reduce Committee time and further improve the level of service offered to licence holders.

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Over the course of the 2018-19 municipal year, there would be a move towards increasing the amount of operational activity that took place online. This would benefit both the customer, by improving the efficiency and accessibility of service, and the committee, as it would increase the visibility of the work being carried out to all elected members and residents of the borough.

68/18 Scrutiny Annual Report 2017-18

Councillor P Hughes presented the Scrutiny Annual Report for 2017-18.

The report outlined the importance of scrutiny. During the 2018-2019 municipal year, the structures, practices and ways of working of Scrutiny would be reviewed.

The 2017-18 municipal year had seen a number of changes for Sandwell Council, with new Directors joining the Council, new ways of operating being introduced, preparation work for the establishment of the new Children's Trust and the development of Sandwell's new Vision 2030 ambitions. Across all these areas, there was a role for Scrutiny to review what the Council did, to look at how resources were used and to influence the shape of future services.

Scrutiny represented and involved people, services and stakeholders – all of whom would be impacted upon or influenced by Scrutiny's recommendations. By working with service providers, partners and other stakeholders, Scrutiny could help to create a culture where transparency, involvement and accountability were welcomed. It could also develop an ethos where constructive 'critical friend' challenge was a positive part of decision making and contributed directly to improved outcomes for both residents and businesses in Sandwell. The role of Scrutiny was therefore also to amplify the voices and concerns of the public, whilst also driving improvement in public services. 2018-19 would be an important year for Scrutiny to carry on this role to future-proof services and maintain overview of the resources.

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Overview and scrutiny was a key aspect of this Council's governance framework and integral to decision making. The scrutiny function in Sandwell informed policy making, reviewed delivery, monitored performance and shaped services to support services and Sandwell Vision 2030 ambitions.

The Council appointed a Scrutiny Management Board and four thematic Scrutiny Boards to discharge the functions conferred by section 12 of the Local Government Act 2000 and subsequent legislation. The Scrutiny Board terms of reference was approved by Council, and set out in the Council's Constitution, made provision for the Council to carry out the duty. Scrutiny powers were provided through a legislative framework for enhancing both the democratic accountability of public services at a local level and the crucial leadership role for councillors as champions of their communities. The scrutiny function maintained overview and held to account partner and Council services through regular reports to the Scrutiny Boards.

The scrutiny function was member led. The scrutiny work programming process ensured that the public, businesses, council officers and partners were consulted to bring forward potential topics for scrutiny to look at in the work programme. The work programme was reviewed regularly to check that items were still relevant for scrutiny and that it was the right time to look at the item, this ensured that scrutiny contributed to other processes, it did not replicate other work and captured emerging items and topics. Scrutiny added challenge on several levels and it was more important than ever to monitor performance, to check the best use of resource was being made and to monitor and challenge when things were not going to plan. Scrutiny was most effective and added value when it was properly scoped and supported, the scrutiny function must be open and transparent.

Partnership working was an integral part of the scrutiny process and good governance. It created an environment and a platform to shape and develop policies and services with our key strategic partners for the people and communities in Sandwell. Scrutiny Chairs actively encouraged partners to participate in the scrutiny function.

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In addition to matters considered by the Scrutiny Boards at meetings during 2017-18, Chairs and Vice-Chairs established work groups for the year to carry out in depth investigation of the following topics:

- Aids and Adaptations
- Employability and Skills
- Foster Carers
- Housing Delivery Options
- Special Educational Needs and Disability
- Town Centre Revitalisation
- Housing Policy
- Anti-Social Behaviour.

Councillor P Hughes wished to place on record his thanks to the Scrutiny Chairs who had ably led on their portfolios. Councillor Hughes also thanked the Scrutiny Team for their support.

69/18

West Midlands Combined Authority

The Leader of the Council, Councillor Eling, provided an update in relation to West Midlands Combined Authority (WMCA).

The Annual meeting of the Combined Authority Board took place on 22nd June 2018, with some changes to the portfolio responsibilities of Leaders:-

Portfolio Lead Member

Finance & Investments HS2 (& Deputy Mayor)
Transport
Skills & Productivity
Economic Growth
Environment
Cohesion & Integration and Public Service Reform
Housing & Land
Wellbeing

Member

Councillor Bob Sleigh

Councillor Roger Lawrence
Councillor George Duggins
Councillor Ian Ward
Councillor Patrick Harley
Councillor Steve Eling

Councillor Mike Bird
Councillor Izzi Seccombe

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In addition, the Chair of the Overview and Scrutiny Committee was also appointed, a position which Councillor P Hughes retained for a third municipal year.

**Governance of West Midlands Fire Service Public
Consultation Outcomes Report**

An eight week public consultation was undertaken, pursuant to section 113 (3) Local Democracy, Economic Development and Construction Act 2009. The consultation was a requirement for the making of an Order, which stipulated that the Secretary of State must not only consult constituent councils within a combined authority's area but also must have 'due regard to the need - (a) To reflect the identities and interests of local communities and (b) To secure effective and convenient local government'.

The consultation sought views on the detail of the proposed Scheme, this included the roles of the Mayor and WMCA, the proposed Mayoral Fire Advisory Committee and the Chief Fire Officer. The consultation also sought the views of the communities of the WMCA's area on the benefits of the proposed governance change and the transfer of powers to the Combined Authority.

Supplementary Business Rates

On 6th March 2018, Council approved a recommendation to delegate to the West Midlands Combined Authority to undertake a process that would result in an amendment to statutory regulations to provide the WMCA with the necessary powers to raise a supplementary business rate.

That process had now concluded and on 14th May 2018 the Ministry of Housing and Local Government wrote to each of the constituent authorities to request formal consent to the making of this order.

The Order also amended the list of Combined Authority roads (known as the West Midlands Key Route Network) so that the definition covered all roads that were part of the strategic network of key local roads. It was not anticipated that this order would include any changes to the Key Route Network and a short delay had been experienced while officers sought clarification.

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Officers in Highways had confirmed that the change was in line with expectations and presented no issues for Sandwell.

Following the receipt of the necessary consents, the Department for Local Government and Communities intended to seek Parliamentary approval to make an Order under the Local Democracy, Economic Development and Construction Act 2009 as amended by the Cities and Local Government Devolution Act 2016. This Order would provide the power to raise funding through a business rates supplement (currently exercised by the Greater London Authority) under the Business Rates Supplement Act 2009 to be conferred on the Combined Authority. The Order would also provide that the power, when conferred, would be exercised by the Mayor only.

Following the necessary powers being acquired, a further paper would be submitted to the West Midlands Combined Authority Board later in 2018, as any future decision to implement a Supplementary Business Rate would require approval by the WMCA Board, along with intensive and detailed work with Constituent Authority Members and local Businesses.

Devolution Deal – Adult Skills Budget

The principal purpose of Adult Education Budget was to engage adults in learning that supported wider economic and social priorities. Devolution of Adult Education Budget to the WMCA would only be applied within constituent member areas, and the indicative budget would be approximately £112m for 2019/20 based on current spend on residents within this area.

The Order set out the details of Adult Education Budget functions that would be transferred to the WMCA with the agreement to devolve the budget. Mayoral Combined Authorities were required to provide consent to the draft Order by 9th July 2018 to meet the necessary timescales to enable full devolution in 2019/20. The Order would be laid before Parliament by the end of July 2018 and made in November 2018 to meet the timescales to enable devolved arrangements to be in place for the 2019/20 academic year. If the Order was not laid, the WMCA would not receive Adult Education Budget in 2019/20.

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**Cohesion & Integration and Public Sector Reform
Leadership Commission**

Sandwell had a lead role in taking forward the agenda relating to Cohesion and Integration and Public Service Reform as the Leader, Councillor Eling, was the portfolio lead for this area. Headline activity in the portfolio included the publication of the Leadership Commission Report which was a summary of a nine-month research programme on promoting leadership diversity in the area covered by the WMCA.

Inclusive Growth

Key activities the WMCA would be focusing on in the coming months to deliver on the inclusive growth agenda were:-

- a West Midlands Inclusive Growth Audit - a regular publication which would give a picture of the region around the inclusivity of jobs, skills and growth outcome;
- a citizen engagement programme - ensuring the voice of local people was at the heart of the WMCA's vision for inclusive growth;
- the establishment of a Population Hub – led by Public Health England, would provide a state-of-the-art data dashboard of population health plus social and economic analysis to underpin preventative investment;
- a commitment to ensure inclusive growth was at the heart of the Local Industrial Strategy that the West Midlands had been selected as a trailblazer to develop with Government;
- the development of a West Midlands Inclusive Growth Toolkit - giving the ability to analyse and shape spending and investment decisions to generate inclusive growth;
- supporting next steps of the West Midlands Leadership Commission, and the WMCA's drive to support an inclusive digital agenda.

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Combined Authority Overview and Scrutiny

The Scrutiny Committee had recently focused its attention on scrutiny of the Local Enterprise Partnerships, this followed the outcomes from the Nay Review which set out that accountability and transparency within LEPs needed to be improved. In addition, the Parliamentary Select Committee Inquiry on Overview and Scrutiny also highlighted the need for scrutiny of LEPs.

The Committee had also focused on pre-decision scrutiny of the WMCA Annual Plan. A number of recommendations were put forward on ways in which the plan could be strengthened and ways in which scrutiny could use the content of the plan to improve the WMCA's accountability and transparency.

Work had started on preparation for the 2018/19 municipal year and there were a number of known focuses for the Committees work ahead including:-

- The transition of West Midlands Fire Service to the WMCA;
- Policy Question Time with the Mayor;
- Budget Question Time with the Mayor;
- Infrastructure and investment;
- Devolution.

Combined Authority Wellbeing Board

Work had been undertaken to ensure that the WMCA Health and Wellbeing agenda was clearly aligned with the WMCA Public Service Reform and Inclusive Growth agenda, and that there was a clear narrative on how the Health and Wellbeing portfolio contributed to the overall WMCA objective of delivering economic growth that benefitted all the people of the West Midlands.

The Wellbeing Board had produced an updated work programme to demonstrate how it would contribute to the WMCA's strategic priorities.

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70/18 **Proposal to Depart from the Local Development Plan – Land at Strathmore Road, Kingsbury Road, Sandgate Road, Ridgeway Road and Henn Street, Tipton**

At the meeting of Planning Committee held on 25th April 2018, approval was given to planning application DC/18/61566 in relation to a new housing development. The scheme had been submitted by the Council and the sites were Council-owned.

As the Henn Street, Tipton site was currently allocated as community open space within the Site Allocations and Delivery Development Plan Document , it was 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 local development plan be allowed in respect of planning application DC/18/61566 (Proposed construction of 63 new dwellings comprising of 46 no. 2 bed houses, 11 no. 3 bed houses and 6 no. 4 bed houses, land at Strathmore Road, Kingsbury Road, Sandgate Road, Ridgeway Road and Henn Street, Tipton).

(Three members objected and one member abstained from voting).

71/18 **Proposal to Depart from the Local Development Plan – Land adjacent Bethel Hall, Kelvin Way, West Bromwich**

At the meeting of Planning Committee held on 6th June 2018, approval was given to planning application DC/17/61307 in relation to a proposed multi phased development comprising of a secondary school academy and associated external amenities including sports pitches, multi use games area, external play areas, car parking, pupil drop off area, service area and landscaping (full application) and proposed classroom extension and sports hall (outline application all matters reserved) at land adjacent Bethel Hall, Kelvin Way, West Bromwich.

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As the site was currently allocated as community open space within the Site Allocations and Delivery Development Plan Document, it was 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 local development plan be allowed in respect of planning application DC/1761307 (Proposed multi phased development comprising of secondary school academy and associated external amenities, including sports pitches, multi use games area, external play areas, car parking, pupil drop off area, service area and landscaping (full application) and proposed classroom extension and sports hall (outline application all matters reserved) at land adjacent Bethel Hall, Kelvin Way, West Bromwich.

72/18 **Appointments to Committees and Other Bodies**

At the annual meeting of Council on 22nd May 2018, the Council considered appointments to the Committees, Boards and other fora for the 2018-19 municipal year and the assignment of members to those roles and bodies.

It was now recommended that the Chief Executive of the Children's Trust be invited as a discretionary member of the Health and Wellbeing Board. Health and Wellbeing Board partners needed to work with the Children's Trust as well as the Council and the Health and Wellbeing Board should be the key place to discuss the improvement journey of the Trust.

The Leader also advised of changes to substitute members to the Association of Black Country Authorities, the Black Country Executive Joint Committee and the Black Country Local Enterprise Partnership.

Resolved:-

- (1) that the addition of the Chief Executive of the Sandwell Children's Trust as a discretionary member to the Health and Wellbeing Board be approved;

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- (2) that the revisions to the appointments to other bodies, as set out in Appendix 1, be approved.

73/18 Appointment of Independent Member to Audit and Risk Assurance Committee

At its meeting on 4th April 2017, as part of the Governance (Committee and Scrutiny Board Structure) Review, approval was given to the appointment of an additional Independent Member of the Audit and Risk Assurance Committee.

The position had been re-advertised and interviews held in July 2018. The interview panel consisted of the Chair of the Audit and Risk Assurance Committee, the Head of Audit and the Director – Monitoring Officer.

The Chair was pleased to recommend the appointment of Mr Jay Hussain for a four year period ending 16th July 2022.

Resolved that the appointment of Mr Jay Hussain as Independent Member to the Audit and Risk Assurance Committee, for the four year period ending 16 July 2022, be approved.

74/18 Dispensation – Extension of Six Month Rule

An extension of the six month attendance rule was sought, under the Local Government Act 1972, to excuse the non-attendance of Councillor Y Davies at Council meetings for a period of six months, with effect from 17th July 2018, expiring on 16th January 2019.

Resolved that, having regard to the circumstances of the absence of Councillor Y Davies from Council meetings, the requirements of Section 85 of the Local Government Act 1972 be waived and an extension of the six month rule be approved for Councillor Y Davies for a period of six months, with effect from 17th July 20178 expiring 16th January 2019.

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75/18 Minutes and Policy/Strategic Recommendations of the Cabinet

The Council received the minutes of the meetings of the Cabinet held on 18th April, 16th May and 13th and 27th June 2018.

In relation to Minute No. 83/18, Dissolution of West Midlands Joint Committee, the recommendation of the Cabinet of 16th May 2018 had been approved at the Annual Meeting of Council on 22nd May 2018 (Minute No. 60/18(2) referred).

76/18 Minutes of the Budget and Corporate Scrutiny Management Board

The Chair of the Budget and Corporate Scrutiny Management Board, Councillor P Hughes, presented the minutes of the meetings of the Budget and Corporate Scrutiny Management Board held on 11th April and 13th and 20th June 2018.

No questions were asked of the Chair.

77/18 Chief Officers Terms and Conditions

The Chief Officers Terms and Conditions Committee met on 19th April 2018 and interviewed two candidates for the position of Director of Children's Services.

The Committee appointed Lesley Hagger, currently Director of Children, Families and Education at Northamptonshire County Council, to the post of Director of Children's Services.

The Committee also gave consideration to the implications of the contents of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 on the terms and conditions of Chief Executives, Chief Finance Officers and Monitoring Officers and the revised Terms and Conditions Handbooks for the Joint National Committee for Local Authority Chief Executives and Local Authority Chief Officers.

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The Committee gave approval to the changes to the terms and conditions of Chief Officers, as required by the Regulations, and to the revised JNC Conditions of Service Handbooks for the Local Authority Chief Executive and Chief Officers.

No questions were asked of the Leader.

87/18 Notice of Motion received under Standing Order No. 7

The following motion was moved by Councillor Shackleton, and seconded by Councillor Eling:-

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

“This Council calls upon the Government to commit the money necessary and get work started again on the new Midland Metropolitan Hospital as soon as possible to avoid the further dilapidation of the existing building, following the collapse of Carillion and the substantial financial shortfall, and enable the opening of the hospital by 2022.

This Council therefore resolves that the Chief Executive writes to Stephen Barclay MP expressing concern in respect of the delay of the Midland Metropolitan Hospital project on behalf of stakeholders and local people.”

The motion was unanimously agreed.

(The meeting ended at 7.20pm)

This meeting was webcast live and is available to view on the Council’s website (<http://sandwell.public-i.tv/core/portal/home>).

Contact Officer: Trisha Newton Democratic Services Unit 0121 569 3193

Sandwell Metropolitan Borough Council
Appointments to Other Bodies – Nominations

<u>Regional Organisation</u>	<u>Term of Office</u>	<u>Nomination(s)</u>	<u>Notes</u>
Association of Black Country Authorities	1 year expiring 2019	Councillor Eling (substitute: Councillor Khatun)	

<u>Partnership Organisation</u>	<u>Term of Office</u>	<u>Nomination(s)</u>	<u>Notes</u>
Black Country Executive Joint Committee	Expiring annual meeting 2019	Councillor Eling Councillor Khatun	
Black Country Local Enterprise Partnership	1 year expiring 2019	Councillor Eling Councillor Gavan	