

Agenda

General Purposes and Arbitration Committee

Tuesday, 8 June 2021 at 6.00 pm
Council Chamber - Sandwell Council House, Oldbury

This agenda gives notice of items to be considered in private as required by Regulations 5 (4) and (5) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

- 1 Apologies for Absence**
- 2 Members to declare any interests in matters to be discussed at the meeting**
- 3 To confirm the minutes of the meeting held on 19 March 2021 as a correct record** 5 - 6
- 4 Changes to Polling Places in the Tividale Ward** 7 - 24
- 5 Admission Agreement to participate in the Local Government Pension Scheme relating to services provided to Hargate Lane Primary School** 25 - 46



David Stevens
Chief Executive
Sandwell Council House
Freeth Street
Oldbury
West Midlands

Distribution
Councillor Dhallu (Chair)
Councillors Allcock, Allen, Kalari, Kaur, Owen and Singh

Contact: democratic_services@sandwell.gov.uk

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Minutes of General Purposes and Arbitration Committee

Friday 19th March 2021 at 2.00pm

Present: Councillor Dhallu (Chair)
Councillor Z Hussain (Vice Chair)
Councillors Allen, E A Giles and Millar.

Also present: Elaine Newsome – Service Manager – Law and Governance and Trisha Newton – Senior Democratic Services Manager.

5/21 Apologies for Absence

No apologies for absence were received.

6/21 Declarations of Interest

There were no declarations of interest.

7/21 Minutes

The minutes of the meeting held on 22 February 2021 were agreed as a correct record.

8/21

Nominations for the Office of Deputy Civic Mayor of Sandwell for the 2021/22 Municipal Year

In accordance with the Council's agreed process, the Committee considered nominations for the office of Deputy Mayor for the 2021/22 Municipal Year.

One nomination, in respect of Councillor Richard Jones, was proposed for consideration.

Agreed to recommend to the Council:-

- (1) that Councillor Richard Jones be nominated for the office of Deputy Mayor of the Borough of Sandwell for the 2021/2022 Municipal Year.

Meeting ended at 2:07pm

Contact: democratic_services@sandwell.gov.uk

[To View the meeting video click here](#)

Report to General Purposes and Arbitration Committee

8 June 2021

Subject:	Changes to Polling Places in the Tividale ward
Director:	Director of Law and Governance & Monitoring Officer, Surjit Tour
Contact Officer:	Electoral Services Manager, Tracey Hurst tracey_hurst@sandwell.gov.uk

1 Recommendations

- 1.1 In view of the prescribed timescale within which the Tividale ward by-election must be held, the Committee confirms its support for the proposed changes to the Polling Places and Polling Stations in the Tividale ward as set out in the Appendix to this report.
- 1.2 Given the limited time available, the Committee notes that the Returning Officer will use his delegated powers to implement the proposed changes to the Polling Places and Polling Stations in the Tividale ward recommended in this report.


2 Reasons for Recommendations

- 2.1 Following the recent, sad and untimely death of Councillor Hevican, a councillor in the Tividale ward, the Council will now be holding a by-election on 15 July 2021 to fill her vacant seat.



- 2.2. The proposed course of action relocates the sites of three existing Polling stations away from schools and means that no headteacher based in the Tividale ward will be forced to close their school because of the need to hold this by-election.
- 2.3. Against a background of a disrupted year for pupils, the recommendations contained in this report are consistent with a request made to Returning Officers, by the Department for Education and the Cabinet Office in February 2021, to minimise any further disruption to pupils' education by avoiding using schools as Polling stations, where it is practically possible to do so.

3 How does this deliver objectives of the Corporate Plan?

	<p>Strong resilient communities</p> <p>The recommendations detailed in this report will enable voters living in the Tividale ward opportunities to engage in the democratic process by being able to vote, in person, at their appropriate Polling Station, whilst enabling schools in the ward to remain open on the day of polling. Electors will continue to have the right to apply to vote by post or by proxy too.</p>
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4 Context and Key Issues

- 4.1 Section 18B of the Representation of the People Act (RPA) 1983 states the authority must designate the polling places for the polling districts in its area. Each polling district must have a polling place and it is the duty of the Council to designate polling places and keep them under review. The Council is required, so far as is reasonable and practicable to designate polling places which are accessible to disabled electors.
- 4.2 Paragraph 25 of Schedule 1 to the RPA 1983 states that the Returning Officer must provide a sufficient number of polling stations, shall allocate electors to those polling stations, and those polling stations shall be in the polling place for that district.



- 4.3 The appendix to this report sets out the details of a desire to relocate three Polling Places to new locations in the Ward together with the rationale for seeking to make such changes.
- 4.4 The RPA also requires local authorities to, periodically, conduct and complete a review of Polling Districts and Polling Places. The next compulsory review of all polling places must be completed between October 2023 and January 2025.
- 4.5 Prior to the local elections being held in May 2022, further reviews of school-based Polling stations in Sandwell will be conducted to explore the feasibility of relocating such sites to non-educational venues and thereby enable schools to remain open.

5 Alternative Options

- 5.1 In making the recommendations outlined in this report, officers have considered a number of alternative sites in each of the affected Polling districts and concluded that, for reasons based on availability, location, size and ease of access, the locations detailed in the appendix are the most suitable in each case.
- 5.2. These recommendations have been shared with relevant Ward members and they have said:

I am happy with the change from Grace Mary and Oakham schools to Oakham Evangelical Church on City Road. I am a little concerned regarding the change from Tividale Hall Primary School to Tividale Football Club on Packwood Road. Whilst the football club is only a short distance from the school it is rather out of the way and we will need to make sure residents are fully aware of where to access the polling station. This will mean signage from the main road Regent Road not just outside the actual station.

6 Implications

Resources:	Costs associated with making the proposed changes to Polling Places/Stations will be met by the Returning Officer's budget.
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Legal and Governance:	Please see Section 4 above
Risk:	<p>As a result of the recommendations contained in this report, by enabling schools in the Tividale ward to remain open, the risk to pupils' education will be reduced.</p> <p>As was the situation in the May 2021 elections, the new, alternative venues will be managed and made as safe and Covid-secure as possible.</p> <p>To minimise risk of electors going to the incorrect (i.e. "old") Polling Station, a number of mitigations will be put in place. These include:</p> <ul style="list-style-type: none"> • Poll Cards for the by-election will specify details of the elector's new Polling Station and highlight that there has been a change to the location. • Each household affected will receive a letter explaining the change and the details of their "new" polling station. • The council's website will be updated to reflect the change • Temporary signs placed at each former location, advising electors of their "new" Polling Station for these elections and along the route to the new station.
Equality:	<p>Details of the proposed recommendations have been shared, through Sandwell Council of Voluntary Organisations, with disability groups in the Borough.</p> <p>No objections to the recommendations have been received to date and any comments received subsequent to the production of this report will be shared verbally with members at the Committee.</p>
Health and Wellbeing:	The recommendations contained within this report enable voters, living in the Tividale Ward to be able to vote, at a Polling Station, in person in the forthcoming elections, should they wish to do to so.



Social Value	Not applicable
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7. Appendices

Recommended Polling Place and Polling Station changes for Local Borough by-election in Tividale ward.

8. Background Papers

- 8.1. Reviews of polling districts, polling places and polling stations – published by the Electoral Commission.
- 8.2. Do I need to undertake a Polling District review to change polling places for local elections in 2021? – published by the Association of Electoral Administrators
- 8.3. Letter from the Department for Education and the Cabinet office dated 11th February 2021 entitled “Use of school buildings for polls.”



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Proposed changes to Polling stations in the Tividale ward

- 1.1 As members may be aware, three of the five Polling Places in the Tividale ward are primary schools (i.e. Tividale Hall, Oakham and Grace Mary) and, because of the recent Local, West Midlands Mayoral and Police and Crime Commissioner elections they were forced to close to pupils on 6th May to accommodate voting.
- 1.2. To try to avoid similar closures occurring when the by-election is held, it is proposed that alternative venues are used and thereby allow all three schools to remain open to pupils on the day of the poll.
- 1.3. Following a review of available premises in the Ward, the following Stations/Places are proposed for the forthcoming elections.

Polling district: TIA – Currently Oakham Primary School

It is proposed that the Station is re-located to Oakham Evangelical Church, City Road, Tividale (see also TID below).

Polling district TIB – Currently Tividale Hall Primary School

It is proposed that this double station is re-located to Tividale Football Club, Packwood Road, Tividale.

Polling district TIC – Currently Oakham Library

No change proposed

Polling district TID – Currently Grace Mary Primary School

It is proposed that the Station is re-located to Oakham Evangelical Church, City Road, Tividale (see also TIA above)

Polling district TIE – Currently Residents' lounge, Darley House

No change proposed

- 1.4. As members will see, it is being proposed that the Polling Stations at Oakham Primary School and Grace Mary Primary School are re-located to Oakham Evangelical Church, thus it being a double station.

The church is situated mid-way between the two existing Polling stations (0.3 miles from Oakham Primary and 0.2 miles from Grace Mary Primary) and, following a site visit, is considered to have all the necessary attributes necessary for a Polling station (e.g. off-street parking, situated on level ground, wheelchair accessible, and would allow for a one-way system in/out of the building to be put in place, if necessary).

Tividale Football Club is situated in Packwood Road, 0.4 miles from the existing polling double station of Tividale Hall Primary. Again, following a site visit, it is considered the proposed venue would prove to be a suitable site for a double polling station.

Officials from both the church and the Football Club have indicated a willingness for their premises to become Polling Stations.

Subject to an evaluation of the effectiveness of the two new, proposed Polling stations after the forthcoming by-election, it will be recommended that both venues remain as polling stations for future elections too.

Equality Impact Assessment Template

Please complete this template using the [Equality Impact Assessment Guidance document](#)

Version 4: January 2019

Title of proposal (include forward plan reference if available)	Changes to Polling Places in the Tividale ward
Directorate and Service Area	Directorate of Law and Governance and Monitoring Officer
Name and title of Lead Officer completing this EIA	Electoral Services Manager, Tracey Hurst
Contact Details	tracey_hurst@sandwell.gov.uk
Names and titles of other officers involved in completing this EIA	Zoe Armstrong, Deputy Electoral Services Manager Zoe_armstrong@sandwell.gov.uk
Partners involved with the EIA where jointly completed	None
Date EIA completed	May 2021
Date EIA signed off or agreed by Director or Executive Director	May 2021
Name of Director or Executive Director signing off EIA	Surjit Tour
Date EIA considered by Cabinet Member	May 2021

1. The purpose of the proposal or decision required

See [Equality Impact Assessment Guidance](#) for key prompts that must be addressed for all questions

(Please provide as much information as possible)

Following the recent, sad and untimely death of Councillor Hevican, a councillor in the Tividale ward, the Council will now be holding a by-election to fill her vacant seat on Thursday 15 July 2021

The proposed course of action relocates the sites of three existing Polling stations away from schools and means that no headteacher based in the Tividale ward will be forced to close their school because of the need to hold this by-election.

Against a background of a disrupted year for pupils, the recommendations contained in the report, are consistent with a request made to Returning Officers, by the Department for Education and the Cabinet Office in February 2021, to minimise any further disruption to pupils' education by avoiding using schools as Polling stations, where it is practically possible to do so.

The report deals with this information and recommends suitable alternative places in which electors in relevant districts in the Borough can exercise their right to vote, in person.

2. Evidence used/considered

Guidance has been taken from various documents, i.e.

Reviews of polling districts, polling places and polling stations – published by the Electoral Commission.

Do I need to undertake a Polling District review to change polling places for local elections in 2021? – published by the Association of Electoral Administrators

Key Considerations for planning for the delivery of the May 2021 polls – published by the Electoral Commission.

Letter from the Department for Education and the Cabinet office dated 11th February 2021 entitled "Use of school buildings for polls."

3. Consultation

Consultation has taken place with relevant Ward members, internal officers and Disability Organisations in Sandwell, through the Sandwell Council of Voluntary Organisations (SCVO).

4. Assess likely impact - Please give an outline of the overall impact if possible.

As a result of the recommendations contained in the report, any risk to the education of primary school pupils attending schools in the Tividale ward will be reduced.

Please complete the table below at 4a to identify the likely impact on specific protected characteristics

4a. Use the table to show:

- Where you think that the strategy, project or policy could have a negative impact on any of the equality strands (protected characteristics), that is it could disadvantage them or if there is no impact, please note the evidence and/or reasons for this.
- Where you think that the strategy, project or policy could have a positive impact on any of the groups or contribute to promoting equality, equal opportunities or improving relationships within equality characteristics.

Protected Characteristic	Positive Impact ✓	Negative Impact ✓	No Impact ✓	Reason and evidence (Provide details of specific groups affected even for no impact and where negative impact has been identified what mitigating actions can we take?)
Age			✓	The recommendations contained in the report apply to all persons on the electoral register in the Tividale ward, irrespective of their age. See also section on “disability” below.
Disability			✓	The proposals detailed in this report continue to enable electors to go, in person, should they so wish, to their designated Polling Station to vote, albeit a different one to one they would have used previously. For electors who choose to vote in this way, their new Station will be accessible for people with mobility problems.

				Electors who do not wish to travel, in person, to a Polling Station to vote, will be able to vote either by registering for a postal vote or a proxy vote. The option to vote in this way will be highlighted on Poll Cards distributed to household prior to the by-election.
Gender reassignment			✓	The recommendations contained in the report apply to all persons on the electoral register in the Tividale ward, irrespective of whether or not they have a re-assigned gender. See also section on “disability” above.
Marriage and civil partnership			✓	The recommendations contained in the report apply to all persons on the electoral register in the Tividale ward, irrespective of their martial or civil partnership-status. See also section on “disability” above.
Pregnancy and maternity			✓	The recommendations contained in the report apply to all persons on the electoral register in the Tividale ward, irrespective of whether or not they are pregnant or on maternity leave. See also section on “disability” above.
Race			✓	The recommendations contained in the report apply to all persons on the electoral register in the Tividale ward, irrespective of their race. See also section on “disability” above.

Religion or belief			✓	The recommendations contained in the report apply to all persons on the electoral register in the Tividale ward, irrespective of their religion or belief. See also section on “disability” above.
Sex			✓	The recommendations contained in the report apply to all persons on the electoral register in the Tividale ward, irrespective of their gender. See also section on “disability” above.
Sexual orientation			✓	The recommendations contained in the report apply to all persons on the electoral register in the Tividale ward, irrespective of their sexual orientation. See also section on “disability” above.
Other				

Does this EIA require a full impact assessment? Yes No

If there are no adverse impacts or any issues of concern or you can adequately explain or justify them, then you do not need to go any further. You have completed the screening stage. You must, however, complete sections 7 and 9 and publish the EIA as it stands.

If you have answered yes to the above, please complete the questions below referring to the guidance document.

5. What actions can be taken to mitigate any adverse impacts?

Not applicable

6. As a result of the EIA what decision or actions are being proposed in relation to the original proposals?

Not applicable

7. Monitoring arrangements

Information received from electors, from Polling station staff, electoral services staff and elected members before, during and after election day will help ensure that, going forward, Polling stations continue to be accessible for all voters, including for those either mobility difficulties.

8. Action planning - You may wish to use the action plan template below

9. Publish the EIA

Where can I get additional information, advice and guidance?

In the first instance, please consult the accompanying guide “Equality Impact Assessment Guidance”

Practical advice, guidance and support

Help and advice on undertaking an EIA or receiving training related to equalities legislation and EIAs is available to **all managers** across the council from officers within Service Improvement. The officers within Service Improvement will also provide overview quality assurance checks on completed EIA documents.

Please contact:

Kashmir Singh - 0121 569 3828

Report to General Purposes and Arbitration Committee

8 June 2021

Subject:	Admission Agreement to participate in the Local Government Pension Scheme relating to services provided to Hargate Lane Primary School
Director:	Head of Finance, Acting S151 Officer, Rebecca Maher
Contact Officer:	Interim Accountant, John Smith John_smith2@sandwell.gov.uk

1 Recommendations

That Council be recommended to:-


- 1.1 grant approval for the signing and execution of the Pension Fund Admission Agreement which will allow catering staff working at Hargate Lane Primary School to continue to participate in the Local Government Pension Scheme as a result of a TUPE transfer to Aspens Services Ltd.
- 1.2 delegate authority to the Chief Executive to sign the Admission Agreement on behalf of the Council and for the Director of Law and Governance and Monitoring Officer to make arrangements for the document to be executed under deed of seal.



2 Reasons for Recommendations

- 2.1 To ensure that those staff formerly employed by the Council can continue to participate in the Local Government Pension Scheme as part of their employment with Aspens Services Ltd.

3 How does this deliver objectives of the Corporate Plan?

	<p>Best start in life for children and young people</p> <p>Having good health is essential for children of all ages, ensuring that they feel happy and living fulfilled lives.</p> <p>The provision of healthy and nutritional school meals to our primary school pupils contributes to this key objective.</p> <p>The contribution primary school catering staff provide is a fundamental support service to young children.</p>
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4 Context and Key Issues

- 4.1 A Pension Fund Admission Agreement must be signed and executed by all parties to the agreement to enable catering staff employed by Hargate Lane Primary School who have been transferred from the Council to Aspens Services Ltd, to be able to continue with participation in the West Midlands Pension Fund Scheme.
- 4.2 Full consultation has taken place between Council officers, and officers from both West Midlands Pension Fund and Aspens Services Ltd (The other parties to this agreement).



5 Alternative Options

- 5.1 If approval of the Admission Agreement is not granted, then those former Council employees would no longer be eligible to participate in the West Midlands Pension Scheme. Those employees would suffer significant financial loss arising from the curtailment of their accrued future pension benefits.

6 Implications

Resources:	None
Legal and Governance:	Execution of the Admission Agreement under deed of seal.
Risk:	<p>The Admission Agreement takes the form of a “Pass through arrangement” which has been agreed by all parties to the document.</p> <p>This means that Aspens Services Ltd will incur the same employers pension contribution rates in respect of both past service deficits, and future service rates as the Council.</p> <p>Therefore, there is no requirement for the Council to underwrite any past service pension deficits by way of a pension guarantee or similar liability.</p>
Equality:	To ensure that those former employees who transferred to Aspens Services Ltd under TUPE arrangements continue to have the same pension rights after the transfer.



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