

Agenda

General Purposes and Arbitration Committee

Monday, 6 September 2021 at 6.00 pm
In the 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 8 June 2021 as a correct record** 5 - 10
- 4 Additional Items of Business**

To determine whether there are any additional items of business to be considered as a matter of urgency.
- 5 Admission Agreements to participate in the Local Government Pension Scheme** 11 - 32



Kim Bromley-Derry CBE DL

Interim Chief Executive

Sandwell Council House

Freeth Street

Oldbury

West Midlands

Distribution

Councillor Dhallu (Chair)

Councillors Kaur, Allcock, Allen, Kalari, Owen and Singh

Contact: democratic_services@sandwell.gov.uk

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Minutes of General Purposes and Arbitration Committee

8 June 2021 at 6.00pm
Council Chamber, Sandwell Council House

Present: Councillor Dhallu (Chair)
Councillor Kaur (Vice-Chair)
Councillors Allcock, Allen and K Singh.

Also present: Tracey Hurst – Electoral Services Manager;
Rebecca Maher – Head of Finance and Acting S151
Officer; Trisha Newton – Senior Democratic Services
Officer.

9/21 **Apologies for Absence**

No apologies for absence were received.

10/21 **Declarations of Interest**

There were no declarations of interest.

11/21 **Minutes**

Resolved that the minutes of the meeting held on 19
March 2021 be agreed as a correct record.



Changes to Polling Places in the Tividale ward

Following the recent, sad and untimely death of Councillor Hevican, the Council was now to hold a by-election on 15 July 2021 in Tividale ward.

In view of the prescribed timescale within which the Tividale ward by-election must be held, the Committee was asked to confirm its support for the proposed changes to the Polling Places and Polling Stations in the Tividale ward.

It was proposed to relocate the sites of three existing polling stations away from schools, so that no school in the Tividale ward would be forced to close to hold this by-election.

This recommendation was consistent with a request made 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.

Alternative locations had been found. Oakham Evangelical Church on City Road was identified as substitute for existing polling stations at Grace Mary and Oakham schools (districts TIA and TID). Tividale Football Club on Packwood Road could replace Tividale Hall Primary School (district TIB).

The proposals had been shared with Tividale ward members.

In response to questions and comments, the following was noted:

- No complaints were received following changes to polling stations for the May 2021 elections and turnout at the new locations was on average higher than at previous locations;
- 12 complaints were received from parents and teachers about school closures for the purpose of holding this election;



- For the polling station at the football club on Packwood Road, additional signage would be put in place on Regent Road so that residents are aware of how to access the polling station from the main road;
- Discussions would be held with the football club to put shutters around the polling station so that social function rooms (where alcohol is consumed) would not be visible to the electorate on the polling day;
- Schools which had their polling stations relocated would inform parents of the new polling station locations.

Resolved:-

- (1) that the changes to the Polling Places and Polling Stations in the Tivdale ward, as set out in Appendix 1, be approved;
- (2) that, given the limited time available, the Returning Officer would use his delegated powers to implement the proposed changes to the Polling Places and Polling Stations in the Tivdale Ward.

13/21

Admission Agreement to participate in the Local Government Pension Scheme relating to services provided to Hargate Lane Primary School

Approval was sought for a Pension Fund Admission Agreement to be signed and executed to enable five catering staff employed by Hargate Primary School, who had been transferred from the Council to Aspens Services Ltd, to continue with participation in the West Midlands Pension Fund Scheme.

In response to questions and comments, the following was noted:



- there was a noticeable and growing trend of schools transferring their catering, cleaning and other staff to private companies;
- Fair Funding Scheme conditions required schools to notify the local authority before transfers were made but, in many cases, schools had failed to do so. Acting S151 Officer undertook to liaise with officers to raise awareness of this issue;
- There was no financial risk for the Council, and no financial gain or loss for the school from the pension scheme transfer;
- Transfers to private employers might involve changes to terms of conditions of employees transferred, hence it was paramount that schools were in contact with the local authority before making their decision.

Agreed to recommend to the Council:-

- (1) that approval be granted for the signing and execution of the Pension Fund Admission Agreement which would allow catering staff working at Hargate Primary School to continue to participate in the Local Government Pension Scheme as a result of a TUPE transfer to Aspens Services Ltd;
- (2) that authority be delegated 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.

Meeting ended at 6.39pm

Contact: democratic_services@sandwell.gov.uk



Appendix 1

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.



Report to General Purposes and Arbitration Committee

6 September 2021

Subject:	Admission Agreements to participate in the Local Government Pension Scheme
Director:	Director of Finance, Simone Hines
Contact Officer:	Interim Accountant, John Smith John_Smith2@sandwell.gov.uk

1 Recommendations


- 1.1 That the General Purposes Committee recommends to Full Council that the Chief Executive/Director of Finance be given the delegated authority to sign the Admission Agreement relating to the transfer of catering staff from Old Park Primary School to Mellors Catering Services Limited, and for the Director of Law and Governance and Monitoring Officer to make arrangements for the documents to be executed under deed of seal.
- 1.2 That the General Purposes Committee recommends to Full Council that the Chief Executive/Director of Finance be given the delegated authority to sign all future Pension Admission Agreements and for the Director of Law and Governance to make arrangements for the documents to be executed under deed of seal.
- 1.3 That subject to 1.1 and 1.2 above, the Director of Law and Governance and Monitoring Officer be authorised to amend the Council's Constitution to incorporate the changes to the Scheme of Delegations to Officers (Council side function).



2 Reasons for Recommendations

- 2.1 To ensure that staff formerly employed by the Council can continue to participate in the Local Government Pension Scheme as part of their employment with a new employer.

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 such an agreement prior to Council staff being transferred under TUPE arrangements to a new employer. This will enable those staff to be able to continue with participation in the West Midlands Pension Fund Scheme with the new employer.
- 4.2 Full consultation must take place between Council officers, and officers from both West Midlands Pension Fund and the new Employer prior to the signing of an Admission Agreement.



5 Alternative Options

- 5.1 If approval of an 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>Upon transfer of Council staff to a new Employer there is a requirement for the Council to underwrite any past service pension deficits accruing at the point of transfer. However, the risk of any liability will be minimised by way of either a pension “pass through arrangement”, guarantee/pension bond or a similar provision. The actual value of any such financial liability is determined by the pension fund actuary prior to the transfer of staff to a new employer. The liability takes account of such things as individual employees pay grade, age and length of service.</p> <p>The specific Admission Agreement between Mellors Catering Services Limited (“Admission Body”), The Borough Council of Sandwell (“Scheme Employer”) and Wolverhampton City Council (as “Administering Authority”) (See Appendix A), takes the form of a “Pass through arrangement” which has been agreed by all parties to the document.</p> <p>This means that Mellors Catering Services Limited will incur the same employers pension contribution rates in respect of both past service deficits, and future service rates as the Council.</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.
Equality:	To ensure that those former employees who transferred to a new Employer under TUPE arrangements continue to have the same pension rights after the transfer.
Health and Wellbeing:	None
Social Value	None

7. Appendices

Appendix 1 – West Midlands Pension Fund Admission Agreement.

8. Background Papers

None

