

Minutes of Council

**Thursday 21 April 2022 at 6.00 pm
in the Council Chamber - Sandwell Council House, Oldbury**

Present: His Worshipful The Mayor, Councillor M Hussain;
Deputy Mayor, Councillor R Jones;

Councillors Abrahams, Ahmed, Akpoteni, Allen, H Bhullar, Carmichael, Chapman, Chidley, Crompton, Davies, Dhallu, Fenton, Gavan, E A Giles, L Giles, E M Giles, M Gill, S Gill, W Gill, Hartwell, Hinchliff, Hughes, Kaur, Khatun, McVittie, Melia, Millard, Millar, Padda, I Padda, Piper, Randhawa, Rollins, Rouf, Shackleton, Shaeen, V Smith, Taylor, J Webb and Williams

Also present: Kim Bromley-Derry – Managing Director Commissioner; Surjit Tour – Director of Law and Governance and Monitoring Officer; Elaine Newsome – Services Manager – Democracy; Suky Suthi-Nagra – Democratic Services Manager; Matt Powis – Senior Democratic Services Officer; Connor Robinson – Democratic Services Officer and Ruth Darby – Senior Civic & Member Services Officer.

(Deputy Mayor in the Chair)

54/22 Apologies for Absence

Apologies for absence were received from Councillors Akhtar, Akhter, Allcock, Anandou, Ashman, Chambers, Costigan, Fisher, G Gill, Hackett, Hadley, M Y Hussain, Z Hussain, Jalil, O Jones, S Jones, Kalari, Kausar, Mabena, Moore, Owen, Phillips, Simms, K Singh, S Singh and Tagger.



55/22 **Declarations of Interest**

Councillor R Jones and Taylor declared an interest in Minute No. 74/22 - Nominations for the Offices of Mayor/Chair of Council and Deputy Mayor/Vice Chair of Council of Sandwell for the 2022/23 Municipal Year. They left the meeting during consideration of this item and took no part in the debate or vote.

56/22 **Minutes**

Resolved that the minutes of the meeting of Council held on 1 March 2022 be agreed as a correct record and signed by the Mayor.

57/22 **Urgent Business**

There were no additional items of business to consider.

(the Mayor in the Chair)

58/22 **Mayor's Announcements**

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

59/22 **Managing Director - Commissioner Address**

The Managing Director - Commissioner confirmed that he had been appointed by the Secretary of State for the Department of Levelling Up, Housing and Communities to work as Commissioner. The appointment would work to enable positive change and focus on improved outcomes for residents. Along with Jim Taylor, who would act as Assistant Commissioner at Sandwell, the appointment would be a two-year period but could be shorter or longer as was necessary.

Whilst the Grant Thornton Review had recognised positive progress over recent months, with many examples of good work

undertaken by officers and members, there remained examples where the Council could have done better and in order to achieve the positive change necessary, the Council would continue to implement the Improvement Plan.

Work had already begun on the implementation of the Improvement Plan which addressed the recommendations as set out by Grant Thornton as well as those highlighted in the LGA Peer Challenge and Chartered Institute of Public Financing and Accounting Financial Review recommendations.

The intervention was not designed to slow progress but instead ensure that those changes were embedded long term.

As Manager Director Commissioner, engagement with stakeholders would continue as well as providing strategic direction, along with delivery of the Improvement Plan that the Council was required to make.

It was expected that the Commissioners would report to the Secretary of State every six months, however, the first report was expected in three months.

It was reiterated that rigorous focus would continue on the delivery of the Improvement Plan and if members had any questions, they were welcome to contact the Commissioners.

(Deputy Mayor in the Chair)

60/22 Petitions

No petitions were received under Standing Order No. 5.

61/22 Written Questions

Questions received under Standing Order No. 6 were asked of the relevant members and responses provided.

62/22 A Performance Management Framework for the Council

Development of a corporate performance management framework (PMF) was identified as a key action in the Improvement Plan approved by Council on 18 January 2022 to address the

recommendations of the Governance Value for Money Review. The PMF would include regular reports on key aspects of the Council's performance, including progress of the Improvement Plan itself.

A corporate PMF would combine outcome and operational measures that would enable the Council to:

- track progress on delivering the strategic outcomes in the Corporate Plan;
- develop collective responsibility for delivering the Corporate Plan across Elected Members, Leadership Team and staff across the Council;
- help improve services and outcomes for Sandwell by identifying poor performance and sharing good practice;
- motivate staff through clear objectives and targets and hold staff accountable for delivery whilst providing cross-council support to address issues and achieve our priorities;
- celebrate the achievements of the Council whilst also identifying risks to achieving those strategic outcomes and enable Leadership Team and Elected Members to put in place mitigating actions in a timely manner; and
- provide a strong evidence base for improved decision making and the efficient use of resources.

Resolved that the adoption of a corporate performance management framework to monitor delivery of the Corporate Plan and enhance organisational intelligence be approved.

63/22

Adoption of the Reviewed Gambling Act 2005 Statement of Principles

Sandwell's Gambling Act 2005 statement of principles was implemented in May 2020. The Gambling Act 2005 required Sandwell Council, as the Licensing Authority, to prepare a statement of principles to be applied when exercising the functions under the Act.

Section 349 of the Gambling Act 2005 required that before each successive three-year period, licensing authorities prepare a statement of principles that they proposed to apply in exercising their functions under the Act during that period and to publish the statement.

Consultation on the draft Gambling Act 2005 - Statement of Principles was undertaken over a 12-week period between December 2021 and March 2022.

The draft Statement of Principles had been informed by the consultation feedback received. There were no significant changes required as a result of the consultation feedback received.

Licensing Committee had considered the policy on 24th March 2022 and supported the proposed changes for approval and implementation by full Council.

Resolved that the Gambling Act 2005 - Statement of Principles be approved.

64/22

Proposed departure from the development plan on land at Brandon Way, West Bromwich

At the meeting of Planning Committee held on 30 March 2022, consideration was given to planning application DC/21/66365 (hybrid planning application for the development of 13,975 sq. m. of floorspace (7,045 sq. m. 'full' and 6,930 sq. m. outline) for Use Classes E(g)(iii) Industrial Processes, B2 - General Industrial and B8 Storage and Distribution, with associated car parking and infrastructure (outline application for access)) on land at Brandon Way, West Bromwich. Planning Committee approved the planning application with conditions, subject to the application being referred to Full Council as a departure from the approved development plan.

The proposal was on land allocated for residential use and, as such, was contrary to adopted Council policy. The site had remained undeveloped and had been attracting fly tipping. The proposal would add to the Council's need for quality industrial land.

The site was currently allocated for residential use under the Site Allocations and Delivery Plan Policies Map and had been in private ownership for a number of years. The site had remained undeveloped due to surrounding industrial uses. It was necessary for the Council to consider whether or not to grant an exception to adopted policy to allow the application to proceed.

Resolved that approval be given to an exception to the Development Plan in respect of planning application

DC/21/66365 hybrid planning application for the development of 13,975 sq. m. of floorspace (7,045 sq. m. 'full' and 6,930 sq. m. outline) for Use Classes E(g)(iii) Industrial Processes, B2 - General Industrial and B8 Storage and Distribution, with associated car parking and infrastructure (outline application for access), on land at Brandon Way, West Bromwich.

65/22

Proposed departure from the development plan on land at Brandon Way, West Bromwich

At the meeting of Planning Committee held on 30 March 2022, consideration was given to planning application DC/22/66482 (proposed erection of 2 No. units for Industrial Processes (Use Class E(g)(iii)), General Industrial (Use Class B2), and Storage and Distribution (Use Class B8) and associated car parking and infrastructure) on land at Brandon Way, West Bromwich. Planning Committee approved the planning application with the conditions subject to the application being referred to Full Council as a departure from the approved development plan.

The proposal was on land allocated for residential use and, as such, was contrary to adopted Council policy. The site had remained undeveloped and had been attracting fly tipping. The proposal would add to the Council's need for quality industrial land.

The site was currently allocated for residential use under the Site Allocations and Delivery Plan Policies Map and had been in private ownership for a number of years. The site had remained undeveloped due to surrounding industrial uses. It was necessary for the Council to consider whether or not to grant an exception to adopted policy to allow the application to proceed.

Resolved that approval be given to an exception to the Development Plan in respect of planning application DC/22/66482 proposed erection of 2 No. units for Industrial Processes (Use Class E(g)(iii)), General Industrial (Use Class B2), and Storage and Distribution (Use Class B8) and associated car parking and infrastructure on land at Brandon Way, West Bromwich.

66/22

Proposed departure from the development plan on land at Providence Place/Sandwell Road, West Bromwich

At the meeting of Planning Committee held on 30th March 2022, consideration was given to planning application DC/22/66501 (Proposed change of use of existing 5 storey office block (Providence Place) to education, with external alterations, and new sprinkler tanks; and erection of an associated school sports building and hard surfaced sports court (Sandwell Road), with car parking, boundary treatment and landscaping).

Planning Committee approved the planning application with the conditions subject to the application being referred to Full Council as a departure from the approved development plan. The proposal was on land allocated for office use and, as such, was contrary to adopted council policy. The Council no longer had need for this space.

The site was currently allocated for office use under the Site Allocations and Delivery Plan Policies Map and was in the ownership of the Council. It was necessary for the Council to consider whether or not to grant an exception to adopted policy to allow the application to proceed.

Resolved that approval be given to an exception to the Development Plan in respect of planning application DC/22/66501 (Proposed change of use of existing 5 storey office block (Providence Place) to education, with external alterations, and new sprinkler tanks; and erection of an associated school sports building and hard surfaced sports court (Sandwell Road), with car parking, boundary treatment and landscaping).

67/22

Proposed departure from the development plan on land at Tinsley Street, Tipton

At the meeting of Planning Committee held on 30 March 2022 consideration was given to planning application DC/22/66538 (part demolition of existing buildings and proposed refurbishment of retaining structures, additional new industrial units, and parking area for uses B2 and B8) on land at Tinsley Street, Tipton.

Planning Committee approved the planning application with the conditions subject to the application being referred to Full Council as a departure from the approved development plan.

The proposal was on land allocated for residential use and, as such, was currently contrary to adopted Council policy. The site was industrial and in the emerging local plan, the site was to be allocated for industrial purposes. The proposal would therefore add to the Council's need for quality industrial land.

The site was currently allocated for residential use under the Site Allocations and Delivery Plan Policies Map and had been in private ownership for a number of years. The site had remained undeveloped due to surrounding industrial uses. It was necessary for the Council to consider whether or not to grant an exception to adopted policy to allow the application to proceed.

Resolved that approval be given to an exception to the Development Plan in respect of planning application DC/22/66538 (part demolition of existing buildings and proposed refurbishment of retaining structures, additional new industrial units, and parking area for uses B2 and B8), land at Tinsley Street, Tipton.

68/22 Annual Report of the Planning Committee 2021

On behalf of the Chair, Councillor Webb presented the Annual Report of the Planning Committee 2021.

69/22 Annual Report of the Ethical Standards and Member Development Committee 2021-2022

On behalf of the Chair, Councillor C S Padda presented the Annual Report of the Ethical Standards and Member Development Committee for 2021-22.

70/22 To receive the minutes and recommendations of Cabinet

The minutes of the meetings of the Cabinet held on 23rd February and 23rd March 2022 were received.

The Council considered the recommendation of the Cabinet on the following matter:-

70/22a Opposition member appointment to Climate Change Working Group

Council considered the appointment of an opposition member on the Climate Change Working Group.

Resolved that Councillor Anandou be appointed to the Climate Change Working Group.

71/22 To receive the minutes of the Budget and Corporate Scrutiny Management Board

The minutes of the meetings of the Budget and Corporate Scrutiny Management Board held on 10th and 16th March 2022 were received.

(the Mayor in the Chair)

72/22 To receive the minutes of the General Purposes and Arbitration Committee

The minutes of the meeting of the General Purposes and Arbitration Committee held on 31st March 2022 were received.

The Council considered the recommendation of the General Purposes and Arbitration Committee on the following matter:-

72/22a Nominations for the Offices of Mayor/Chair of Council and Deputy Mayor/Vice Chair of Council of Sandwell for the 2022/23 Municipal Year

The Council considered the recommendation of the General Purposes and Arbitration Committee in respect of the nomination for the Office of Mayor/Chair of Council and Deputy Mayor/Vice Chair of Council of Sandwell for the 2022/23 Municipal Year.

Resolved that: -

- (1) Councillor Richard Jones be nominated to the office of Mayor/Chair of Council for the Borough of Sandwell for the 2022/23 Municipal Year;
- (2) Councillor Jackie Taylor be nominated to the office of Deputy Mayor of the Borough of Sandwell for the 2022/23 Municipal Year.

(Deputy Mayor in the Chair)

73/22 To receive the minutes of the Ethical Standards and Member Development Committee

The minutes of the meetings of the Ethical Standards and Member Development Committee held on held on 22 February and 22 March 2022 were received.

The Council considered the recommendations of the Ethical Standards and Member Development Committee on the following matters:-

73/22a Review of the Members' Code of Conduct

It was reported that in 2021, the Council had adopted the Local Government Association's (LGA) Model Code of Conduct and updated its Arrangements for Dealing with Complaints under the Code of Conduct.

It had been agreed that the Code of Conduct and Arrangements would be reviewed on an annual basis alternating between a desktop review and an annual review.

The desktop review had taken place and minor amendments were proposed to the Members' Code of Conduct, as suggested by the LGA.

Resolved that:-

- (1) the revised Members' Code of Conduct be approved;
- (2) in connection with (1) above, the Director of Law and Governance and Monitoring Officer be authorised to

make the necessary changes to the Council's Constitution.

73/22b DBS Checks for Elected Members

Approval was sought to the DBS Protocol and to undertake annual Enhanced DBS checks for the following member roles and positions: -

- The Leader
- Deputy Leader
- Cabinet Members for Children and Adults
- All Members of Children's Services and Education
- Scrutiny Board and Health and Adults Social Care
- Scrutiny Board
- Members of the Corporate Parenting Board
- Members of the Health and Wellbeing Board
- Any other Member who may regularly come into contact with children or vulnerable adults as part of their Council role.

Having considered the recommendation of the Ethical Standards and Member Development Committee, concern was raised that all elected members came into contact with children or vulnerable adults, particularly at their surgeries and therefore all members should be considered for enhanced DBS checks.

It was therefore moved, seconded and unanimously:

Resolved that consideration of Enhanced DBS Checks be deferred to a future meeting to enable the Ethical Standards and Member Development Committee to consider the matter further.

73/22c Review of the Social Media Policy for Elected Members

The Social Media Policy was approved in March 2021 and a light touch review had been undertaken to ensure the Policy was fit for purpose.

As part of the Member Development Programme, social media training would be offered to all members and, given this was a specialist area, options were being investigated for an external trainer.

Resolved that the revised Social Media Policy for Elected Members be approved.

74/22 Notice of Motions

The Council proceeded to consider motions received under Standing Order No. 7.

74/22a Cost of Living Crisis

It was moved by Councillor Carmichael and seconded by Councillor L Giles: -

“Rising inflation, surging energy prices and the increase in national insurance contributions will have a real impact in lowering the standard of living for Sandwell residents.

Our Families and households face an average loss of a staggering £1,200 in income – a huge amount of money for those who already live close to, or below, the bread line. They will also see a rise in energy costs and taxes and at the very same time inflation is at a high 6% and forecast to be in excess of 8%.

We are concerned that even more Sandwell residents will be forced to choose between heating or eating, not a modern day decision that any of our residents should have to take. Heating bills are increasing massively, prices in shops for basic foods is rising to a level that some of our residents cannot afford now afford to shop and are relying on food banks for the first time. They have also had to contend with the reduction in universal credit so our families in Sandwell are on the brink of absolute poverty.

The removal of the triple-lock on pension increases means pensioners will lose out, and any savings they have are being eroded by inflation. There was nothing in the Chancellor’s Spring statement for pensioners.

The government ranks Sandwell as an area of high deprivation but instead of a proper funding settlement for local services have to apply for ‘beauty contest’ grants that do not cover the value that we use for our vulnerable residents who are caught up in this cost of living crisis. Our children are suffering, watching their parents

struggle, being hungry and cold in their own homes – these are our future and we need to look after them.

This council resolves to call upon the four Sandwell Members of Parliament to urge the Government to take immediate steps to:

1. Apply pressure to energy companies to reduce energy metre payments so that they fall in line with those who pay by direct debit;
2. Take VAT off fuel bills in the short term to alleviate costs to our residents;
3. Provide a proper fair funding strategy which recognises areas of high deprivation and not a series of grant application bids;
4. Protect pensioners from rising prices, including the 1.5 million low income people on pension credit, by uprating pensions in line with the Bank of England's inflation forecast of 6%;
5. Reinstate the £1,000 boost to Universal Credit, to ensure that the most vulnerable households get proper support;
6. Double the Winter Fuel Allowance payment paid to all pensioners for this year;
7. Introduce a one off windfall tax on the record profits of gas producers and traders, to help fund the doubling of the Warm Home Discount and Winter Fuel Allowance.”

In accordance with Standing Order No.7, Councillor W Gill moved the following amendment to the motion, which was seconded by Councillor Abrahams:-

“Rising inflation, surging energy prices and the increase in national insurance contributions will have a real impact in potentially lowering the standard of living for Sandwell residents due to war in Ukraine and the pandemic.

We are concerned that even more Sandwell residents will have difficult decisions to make in the not too distant future but are committed to as a Council working with central Government to mitigate the impacts that this crisis will have.

The temporary removal of the triple-lock on pension will have an impact on the good people of Sandwell.

The government ranks Sandwell as an area of high deprivation and the Council must recognise our duty to protect our communities.

This council resolves through the following:

1. Writing a cross-party letter to the Government, welcoming the measures to mitigate the Cost-of-Living Crisis that have been taken thus far whilst requesting that pressure is applied to energy companies to reduce energy metre payments so that they fall in line with those who pay by direct debit.
2. Working co-operatively with Government to utilise the grant schemes that are available, including the recently introduced grant scheme for Councils to tackle fly-tipping.
3. Consider matching the £150 non-repayable rebate on Council Tax for the financial year 22/23.”

The amendment having been moved and seconded was put to the vote. The motion was defeated, and debate returned to the original motion.

In accordance with Standing Order No. 12, Councillor E A Giles called for a named vote. The required support to the request was achieved and the original motion was put to a named vote as follows:-

For:

Ahmed, Akpoteni, Allen, Bhullar, Carmichael, , Chidley, Crompton, Davies, Dhallu, Fenton, Gavan, E A Giles, E M Giles, L Giles, M Gill, S Gill, Hartwell, Hinchliff, Hughes, M Hussain, R Jones, Kaur, Khatun, McVittie, Melia, Millard, Millar, C Padda, Piper, Randhawa, Rollins, Rouf, Shackleton, Shaeen, Smith, Taylor and Webb.

Against:

None

Abstention:

Abrahams, Chapman, W Gill, I Padda, and Williams

The motion was carried, and it was RESOLVED accordingly.

74/22b Hybrid Meetings

It was moved by Councillor Akpoteni and seconded by Councillor Gavan: -

“The Government issued a call for evidence on 21 March 2021 in relation to remote meetings. The Council, through the Ethical Standards and Member Development Committee submitted a response in support of retaining the option to facilitate formal meetings on the basis that the period of lockdown showed that remote meetings brought so many benefits to local democracy and residents.

The Government have yet to respond to the large number of submissions from local authorities, relevant organisations and the public.

This Council supports the petition launched by the Association of Democratic Services Officers and Lawyers in Local Government on 5 January 2022 with regard to remote and hybrid meetings. This Council resolves for the Leader of the Council to write to the Secretary of State for Levelling Up, Housing and Communities calling on the Government to change the law to allow councils the flexibility to hold such meetings when they deem appropriate within agreed rules and procedures.”

The motion was put to the vote and, having been carried, it was RESOLVED accordingly.

74/22c National Landlord Register

It was moved by Councillor Ahmed and seconded by Councillor Piper: -

“This Council notes:

The private rented sector plays an important part in providing accommodation in Sandwell. The sector has grown from 5% in 2001, to 15% in 2011 through to an estimated 26% (34,386) units of accommodation in the borough for 2018. There are numerous high-quality landlords and letting agents providing a range of property types throughout the borough to meet a broad range of housing needs.

However, as councillors we too often hear from renters having to put up with unsafe conditions, harassment and violence, scared to

complain in case this leads to a Section 21 'no fault' eviction – putting them at risk of losing their home.

That's why private renting needs a serious overhaul. The government has recognised a change is badly needed with its planned Renters' Reform Bill – with a promise to scrap Section 21 evictions.

But the government must go further. England is the only UK country without an official scheme that registers landlords, and they should use this opportunity to include a National Landlord Register which would keep a central record of every landlord and make it a legal requirement for landlords to declare essential safety information about their properties.

This would help to make the sector more professional and give renters the power to challenge poor standards and illegal acts.

This Council resolves to call on the Leader of the Council to write to the Secretary of State for Levelling Up, Housing and Communities urging him to include a National Landlord Register in the Renters' Reform Bill.”

The motion, as amended by Councillor Hughes to include the Leader of the Council in conjunction with the four MPs to write to the Secretary of State for Levelling Up, Housing and Communities, was put to the vote and, having been carried, it was RESOLVED accordingly.

74/22d Divestment from fossil fuels and industrial livestock

It was moved by Councillor Rollins and seconded by Councillor Hughes: -

“This council is extremely concerned that The West Midlands Pension Fund, administered by Wolverhampton Council still invests 6.9% of equities in fossil fuels. This is being used to fund new oil, gas and coal infrastructure which is driving climate breakdown.

If we are to keep to the internationally agreed aim of preferably 1.5°C of warming, most known reserves of coal, oil and gas will need to remain in the ground. The companies that are still looking for new reserves of fossil fuels now represent a risky long term investment. If humanity succeeds in averting catastrophic climate

change then they will be left with stranded assets in the form of vast amounts of fossil fuels that can never be burned. This will be reflected in share prices.

Birmingham City Council and Dudley MBC have already voted for divestment.

In addition, the Fund holds around £39m of investment in industrial livestock. The world's biggest five industrial livestock companies together emit more greenhouse gases than ExxonMobil. If current growth trends continue, the global livestock industry will be using up almost half the world's 1.5°C emissions budget by 2030.

Industrial livestock companies drive global deforestation, human rights abuses and inhumane factory farm systems.

This council believes that the Fund should officially take a stance of divestment from fossil fuels and industrial livestock and urgently produce a plan for reinvestment locally to support transition to a low carbon future.

This council will write to Wolverhampton Council, as the administrator, and to the West Midlands Pension Fund expressing the above.”

The motion was put to the vote and, having been carried, it was RESOLVED accordingly.

74/22e Call to Remove the Leader from Office

It was moved by Councillor Williams and seconded by Councillor W Gill: -

“This council has no confidence in the Executive's ability to tackle the 'deep-seated culture of poor governance and leadership' in the council and resolves to remove the leader from office and calls on the cabinet to resign.”

In accordance with Standing Order No. 11 (15(b)), Councillor L Giles called for the matter to be put to the vote. The motion was seconded by C S Padda and the required support to the request was achieved.

In accordance with Standing Order No. 12, Councillor Abrahams called for a named vote. The required support to the request was achieved and the motion was put to a named vote as follows:-

For:

Abrahams, Chapman, Davies, W Gill and Williams

Against:

Ahmed, Akpoteni, Allen, Bhullar, Carmichael, Chidley, Crompton, Dhallu, Fenton, Gavan, E A Giles, E M Giles, L Giles, M Gill, S Gill, Hartwell, Hinchliff, Hughes, M Hussain, R Jones, Kaur, Khatun, McVittie, Melia, Millard, Millar, C Padda, I Padda, Piper, Randhawa, Rollins, Shackleton, Shaeen, Smith, Taylor and Webb.

Abstentions:

Rouf

The motion was defeated.

Meeting ended at 9.18pm
(following adjournment 8.10pm-8.35pm)

Contact: democratic_services@sandwell.gov.uk