

# Agenda Council

**You are hereby summoned to attend a meeting of the Sandwell Metropolitan Borough Council, to be held on Tuesday, 12 April 2022 at 6.10 pm for the purpose of transacting the following business:-**

**The Mayor of Sandwell, Councillor Mushtaq Hussain, in the Chair**

- |          |  |                |
|----------|--|----------------|
| <b>1</b> | <b>Apologies for Absence</b>   | <b>13 - 14</b> |
|          | To receive apologies for absence (if any).   |                |
| <b>2</b> | <b>Declarations of Interest</b>  | <b>15 - 16</b> |
|          | Members to declare any interests in matters to be discussed at the meeting.                |                |
| <b>3</b> | <b>Minutes</b>   | <b>17 - 36</b> |
|          | To confirm the minutes of the meeting of Council held on 1 March 2022 as a correct record. |                |
| <b>4</b> | <b>Urgent Business</b>   | <b>37 - 38</b> |
|          | To consider any urgent business (with prior approval by the Mayor).                        |                |
| <b>5</b> | <b>Mayor's Announcements</b>   | <b>39 - 40</b> |
|          | To receive announcements from the Mayor.   |                |
| <b>6</b> | <b>Petitions</b>   | <b>41 - 42</b> |



To receive petitions under Standing Order No. 5.

**7 Written Questions**

43 - 44

To consider written questions under Standing Order No. 6 to:-

- (a) the Mayor;
- (b) the Leader of the Council;
- (c) any other member of the Cabinet;
- (d) any person appointed to preside at a committee, sub-committee or panel;
- (e) the members of the Council nominated pursuant to Section 41 of the Local Government Act 1985, on the discharge of the functions of the following Joint Authorities:-
  - (i) West Midlands Combined Authority (the Leader);
  - (ii) West Midlands Fire and Rescue Authority (Councillor C Padda);
  - (iii) Transport for the West Midlands (Councillor Akhter);
- (f) a nominated member appointed by the Council to the Board of Sandwell Leisure Trust;
- (g) a member of the Council who is, as a result of action taken by or on behalf of the Council, a member or director of any company.

8	<b>A Performance Management Framework for the Council</b>	45 - 66
	To approve the proposals for the adoption of a corporate performance management framework.	
9	<b>Adoption of the Reviewed Gambling Act 2005 Statement of Principles</b>	67 - 152
	To approve the revised Gambling Act 2005 Statement of Principles.	
10	<b>Proposed Departures from the Development Plan</b>	153 - 176
	(a) To consider a proposed departure from the development plan on land at Brandon Way, West Bromwich – DC/21/66365;	
	(b) To consider a proposed departure from the development plan on land at Brandon Way, West Bromwich – DC/22/66482;	
	(c) To consider a proposed departure from the development plan on land at Providence Place/Sandwell Road, West Bromwich – DC/22/66501;	
	(d) To consider a proposed departure from the development plan on land at Tinsley Street, Tipton – DC/22/66538.	
11	<b>Annual Report of the Planning Committee 2021</b>	177 - 190
	To receive the annual report of the Planning Committee.	
12	<b>Annual Report of the Ethical Standards and Member Development Committee 2021-2022</b>	191 - 216
	To receive the annual report of the Ethical Standards and Member Development Committee.	

- 13 **To receive the minutes and recommendations of Cabinet** 217 - 294

To receive the minutes of the meeting of the Cabinet held on 23 February and 23 March 2022 and to consider the recommendations arising:-

- (a) Opposition member appointment to Climate Change Working Group

- 14 **To receive the minutes of the Budget and Corporate Scrutiny Management Board** 295 - 304

To receive the minutes of the Budget and Corporate Scrutiny Management Board held on 10 and 16 March 2022.

- 15 **To receive the minutes of the General Purposes and Arbitration Committee** 305 - 308

To receive the minutes of the General Purposes and Arbitration Committee held on 31 March 2022 and to consider the recommendations arising:-

- (a) Nominations for the Offices of Mayor/Chair of Council and Deputy Mayor/Vice Chair of Council of Sandwell for the 2022/23 Municipal Year

- 16 **To receive the minutes of the Ethical Standards and Member Development Committee** 309 - 364

To receive the minutes of the Ethical Standards and Member Development Committee held on 22 February and 22 March 2022 and to consider the recommendations arising:-

- (a) Review of the Members' Code of Conduct  
(b) DBS Checks for Elected Members  
(c) Review of the Social Media Policy for Elected Members

## 17 **Notice of Motions**

To consider the following motions received under Standing Order No. 7:-

### 17.1 **Cost of Living Crisis**

**Proposer: Councillor Carmichael**

**Seconder: Councillor Luke 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

## 17.2 Hybrid Meetings

**Proposer: Councillor Chambers**

**Seconder: Councillor Akpoteni**

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.”

## 17.3 National Landlord Register

**Proposer: Councillor Ahmed**

**Seconder: 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.



## 17.4 **Divestment from fossil fuels and industrial livestock**

**Proposer: Councillor Rollins**

**Secunder: Councillor Owen**

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.

#### 17.5 **Call to Remove the Leader from Office**

**Proposer: Councillor Williams**

**Seconder: Councillor William 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.”



**Kim Bromley-Derry CBE DL**  
**Managing Director Commissioner**  
Sandwell Council House  
Freeth Street  
Oldbury  
West Midlands

#### **Distribution**

All Members of the Council

Contact: [democratic\\_services@sandwell.gov.uk](mailto:democratic_services@sandwell.gov.uk)

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## **Apologies**

To receive any apologies from members

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## **Declarations of Interest**

Members to declare any interests in matters to be discussed at the meeting.

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## Minutes of Council

**Tuesday 1 March 2022 at 6.00pm  
in the Council Chamber, Sandwell Council House, Oldbury**

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

Councillors Abrahams, Ahmed, Akhtar, Akpoteni, Allcock, Allen, Anandou, Ashman, Bhullar, Carmichael, Chambers, Chapman, Chidley, Costigan, Crompton, Dhallu, Fenton, Fisher, Gavan, E A Giles, L Giles, S Gill, W Gill, Hackett, Hartwell, Hinchliff, Hughes, Z Hussain, Jalil, O Jones, S Jones, Kaur, Kausar, McVittie, Melia, Millar, Moore, Owen, C Padda, I Padda, Piper, Randhawa, Rollins, Rouf, Shackleton, Shaeen, Simms, Taylor, Webb and Williams.

**Officers:** Kim Bromley-Derry – Interim Chief Executive; Surjit Tour – Director of Law and Governance and Monitoring Officer; Elaine Newsome – Services Manager – Democracy; Suky Suthi-Nagra – Democratic Services Manager; Trisha Newton – Senior Democratic Services Officer; Stephnie Hancock – Senior Democratic Services Officer; Connor Robinson – Democratic Services Officer and Kennedy Brown, Sergeant at Arms.

### 23/22 **Minute Silence**

The Council observed a minute silence to mark the passing of former councillor Douglas Parish.

Members paid tribute to Douglas Parish and joined the Mayor in extending their condolences to his family.



24/22      **Apologies for Absence**

Apologies for absence were received from Councillors Akhter, Ali, Bostan, Davies, E M Giles, G Gill, M Gill, Hadley, Henlan, Kalari, Khatun, Mabena, Millard, Phillips, K Singh, S Singh, Smith and Tagger.

25/22      **Declarations of Interest**

No declarations of interest were received.

26/22      **Minutes**

**Resolved** that the minutes of the meeting of Council held on 18 January 2022 be agreed as a correct record and signed by the Mayor.

27/22      **Additional Item of Business**

There were no additional items of business to consider.

28/22      **Mayor's Announcements**

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

The Mayor with the support of members across the Chamber took the opportunity to express support for the people of Ukraine during the ongoing international crisis.

29/22      **Petitions**

No petitions were received under Standing Order No. 5.

30/22 **Written Questions**

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

31/22 **Council Finances & Council Tax Resolution 2022/23**

Council considered the Council Finances and Council Tax Resolution for the period 2022-23.

The provisional Local Government Finance Settlement was announced on 16 December. The key points from the settlement were noted as:

- The settlement was for a single year only and further details on proposed funding reform and consultations were due to follow in the new year;
- The £1.6bn additional funding announced at the Spending Review had been distributed as:
  - £0.8bn to a 2022/23 Services Grant, distributed using the 2013/24 Settlement Funding Assessment formula. The statement highlighted that this was a one-off grant and will not be taken into consideration for transitional support when future system changes are made.
  - £0.7bn to social care, with additional Social Care Grant (£0.6bn, distributed using the Adult Social Care Relative Needs Formula, with equalisation for the impact of the 1% social care precept) and an inflationary increase to the Improved Better Care Fund.
  - £0.1bn provided an inflationary increase to Revenue Support Grant;
- In addition, £162m had been allocated to local authorities from the funds raised in the National Insurance Health & Social Care levy;
- Authorities did not receive separately identified funding for the costs to them of the increase in National Insurance Contributions (the funding for this is assumed to be included in the new 2022/23 Services Grant);

- Referendum limits had been confirmed at 2% (or £5 for districts and fire authorities, where this is more than 2%). PCCs would be subject to a £10 referendum limit;
- An additional 1% social care precept for social care authorities (who would also be able to raise any balance of last year's 3% social care precept);
- The New Homes Bonus had been 'rolled over' for another year, with allocations made and the final 2019/20 legacy payment honoured;
- The lower tier services grant has been 'rolled over' at £111m nationally, and with a new cash terms funding floor;
- The compensation for under-indexing of the business rates multiplier would continue at RPI, though the settlement figures only include this at CPI;
- No detailed announcements were made on future funding reform.

The Council had benefited from additional grant funding from the settlement, although much of it was either ring-fenced or to cover additional costs (such as the 1.25% increase in National Insurance Contributions).

### **Fees and Charges**

A review of Fees and Charges had been undertaken as part of the budget setting process to ensure that each charge was appropriate and achieving its objective. Where charges had been intended to either break even or maximise income, analysis had been carried out to look at the total costs of providing the service to understand what the position was.

## **Reserves Position**

The Council had two types of reserves:-

- earmarked Reserves which were for specific future projects, commitments or risks, both revenue and capital;
- unallocated balance, which was to ensure the Council can manage unexpected financial challenges.

The level of unallocated balances at the end of March 2022 was £8.4m, which was the lower end of a prudent level. Part of the budget strategy for 2022/23 had been to restructure reserves to increase the level of unallocated balances and also to create an Invest to Save reserve. This would allow transformational projects to be carried out to both improve the way the Council delivers services to its customers but also enable service to delivery to be provided in a more efficient and effective way.

## **Council Tax proposals**

The budget assumed a 3.99% increase in Council Tax, made up of 2% 'core' increase and 1.99% for Adult Social Care. In 2021/22 all local authorities with responsibility for Social Care were able to apply an Adult Social Care precept of up to 2.99%, spread over two years (21/22 and 22/23). The Council opted to apply 1% in 2021/22 and therefore has the ability to use the remaining 1.99% in 2022/23.

The provisional settlement confirmed a referendum principle of 2% for core Council Tax and 1% for the Adult Social Care precept. This meant that the Council could raise Council Tax by a total of 4.99% in 2022/23 which would be made up of:-

- 2% core Council Tax
- 1.99% Adult Social Care precept from 2021/22
- 1% Adult Social Care precept for 2022/23

Each 1% increase in Council Tax raised approximately £1.1m in additional Council Tax income. The draft budget assumption of 3.99% will generate increased income of approximately £4.3m for the Council. Approving the further 1%, to take the total increase to 4.99%, would generate additional income of £1.1m compared to the current draft budget forecast.

Furthermore, because of the referendum principles that limited Council Tax increases every year, if the Council opted not to apply the further 1% increase, the Council taxbase would be permanently reduced and the £1.1m additional income would be forgone every year. Over a 5-year period for instance, the taxbase would be around £5.5m lower that it would have been if the additional 1% had been approved for 2022/23.

The majority of properties in Sandwell were in Council Tax Bands A and B, with 43% being in Band A and 32% Band B. A Band B property, as an example, currently pays £1,167.43 per year for the Council's element of the Council Tax.

### **Housing Revenue Account**

Cabinet had previously approved a 2% rent increase for 2022/23 and in December 2021 also agreed increases to service charges of 4.1% as well as increases in other HRA related charges. These had been incorporated into the HRA budget for 2022/23. This was a surplus for the year of £300k, which took the unallocated general HRA balance to £10.6m.

### **Capital Programme**

The total Capital Programme for 2022/23 was recommended to be set at £118.3m, of which £69.5 was for the HRA. This was to be funded by a combination of grants, earmarked reserves, revenue contributions, Right to Buy receipts and borrowing.

This programme did not yet include the Children's Services programme as the Basic Need Allocations had not yet been confirmed. A separate report would be brought to Cabinet with proposed schemes once allocations have been announced.

In accordance with Standing Order No. 11, Councillor Williams moved an alternative budget proposal, which was duly seconded by Councillor Anandou:-

- (1) approve the expenditure level for 2022-23 as set out in Appendix E and the resultant Council Tax as set out in Appendix E including the following amendments:
  - a.) A saving of £130k from an efficiency review of the Museum service, with a 30% saving to be achieved through a combination of reduced opening hours or closures. This is a part year saving to allow time for the required consultation and notice periods.
  - b.) A saving of £1.25m from a partial recruitment freeze of non-frontline posts. Although this will have an impact on the Council's capacity in delivering certain services and its Improvement Plans, these cost cuts are deemed necessary to reduce the burden on taxpayers.
  - c.) A Council Tax increase of 3.49%, which is a reduction of 1.5% compared to the budget proposals recommended by Cabinet.

The Council's S151 officer, in compliance with the requirements of the Local Government Act 2003, had confirmed that the alternative proposal put forward enabled the Council to agree a balanced budget.

In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, and Standing Order 12 (4), the amendment relating to Council Finances 2022-23 was put to a named vote as follows:-

For

Councillors Abrahams, Anandou, Chapman, Fisher, W Gill and Williams

Against

Councillors Ahmed, Akhtar, Akpoteni, Allcock, Allen, Ashman, Bhullar, Carmichael, Chambers, Chidley, Costigan, Crompton, Dhallu, Fenton, Gavan, E A Giles, L Giles, S Gill, Hackett, Hartwell, Hinchliff, Hughes, M Hussain, Z Hussain, Jalil, O Jones, R Jones, S Jones, Kaur, Kausar, Khatun, McVittie, Melia, Millar, Moore, Owen, C Padda, I Padda, Piper, Randhawa, Rollins, Rouf, Shackleton, Shaeen, Simms, Taylor and Webb.

Abstentions

None

On being put to the vote, the amendment was lost and Council moved to consider the original budget.

In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, and Standing Order 12 (4), the decision relating to Council Finances 2022-23 was put to a named vote as follows:-

For

Councillors Ahmed, Akhtar, Akpoteni, Allcock, Allen, Ashman, Bhullar, Carmichael, Chambers, Chidley, Costigan, Crompton, Dhallu, Fenton, Gavan, E A Giles, L Giles, S Gill, Hackett, Hartwell, Hinchliff, Hughes, M Hussain, Z Hussain, Jalil, O Jones, R Jones, S Jones, Kaur, Kausar, McVittie, Melia, Millar, Moore, Owen, C Padda, I Padda, Piper, Randhawa, Rollins, Rouf, Shackleton, Shaeen, Simms, Taylor and Webb.

Against

Councillors Abrahams, Anandou, Chapman, Fisher, W Gill and Williams.

Abstentions

None.

On being put to the vote, the motion was carried and it was

**Resolved:-**

- (1) that the expenditure level for 2022-23 as set out in Appendix E and the resultant Council Tax as set out in Appendix E of the report to Cabinet on 23 February 2022 be approved;
- (2) that the budget for 2022/23 and provisional budgets for 2023/24 to 2024/25 as shown in Appendix E of the report to Cabinet on 23 February 2022 be approved;



- (3) that Council note the supporting information on the robustness of the budget process and adequacy of the Council's reserves as detailed in Appendix G of the report to Cabinet on 23 February 2022;
- (4) that the Treasury Management & Investment Strategy, together with prudential indicators outlined in Appendix J of the report to Cabinet on 23 February 2022, be approved;
- (5) that the Capital Programme 2021/22 to 2025/26, as set out in Appendix H and the Capital Strategy as set out in Appendix I of the report to Cabinet on 23 February 2022, be approved
- (6) that Council note that the amount of 74,858.45 had been approved as its Council Tax base for the year 2022/2023 in accordance with Regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992 made under Section 33 (5) of the Local Government Finance Act 1992;
- (7) that the following amounts be calculated by the Council for the year 2022/2023 in accordance with Sections 31 to 36 of the Local Government Finance Act 1992: -
  - (a) Being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) (a) to (f) of the Act; £1,155,646,739
  - (b) Being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) (a) to (d) of the Act; £1,037,678,805
  - (c) Being the amount by which the aggregate at 9(a) above exceeds the aggregate at 9(b) above, calculated by the Council, in accordance with Section 31A(4) of the Act, as its Council Tax requirement for the year; £117,967,934

(d) Being the amount at 9(c) above, all divided by the amount at 8 above, calculated by the Council in accordance with Section 31B(1) of the Act, as the basic amount of its Council Tax for the year; £1575.88

(e) Valuation Bands

£

A	1,050.59
B	1,225.68
C	1,400.78
D	1,575.88
E	1,926.08
F	2,276.27
G	2,626.47
H	3,151.76

Being the amounts given by multiplying the amount at 9(d) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands;

- (8) that it be noted that for the year 2022/2023 the major precepting authorities have stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act, 1992, for each of the categories of dwellings shown below: -

Valuation Bands	West Midlands Fire and Rescue Authority	Police & Crime Commissioner for the West Midlands
	£	£
A	45.35	125.03
B	52.91	145.87
C	60.47	166.71
D	68.03	187.55
E	83.14	229.23
F	98.26	270.91
G	113.38	312.58
H	136.05	375.10

- (9) that, having calculated the aggregate in each case of the amounts at 9(e) and 10 above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, sets the following amounts as the amounts of Council Tax for the year 2020/2021 for each of the categories of dwellings shown below:-

Valuation Band	£
A	1,220.97
B	1,424.46
C	1,627.96
D	1,831.46
E	2,238.45
F	2,645.44
G	3,052.43
H	3,662.91

- (10) that the Chief Financial Officer be authorised to take any necessary action to collect revenues and disburse monies from the relevant accounts;

- (11) that the requirements of any relevant legislation, to consider reports as a consequence of the approval of the Council's Finances 2022/2023 report, be dispensed with on the grounds that in the opinion of the Council the items are urgent.

## 32/22 **Pay Policy 2022 and Gender Pay Gap Reporting**

The Council considered the Pay Policy Statement and Gender Pay Gap data.

The Council was required by the Localism Act 2011 to annually prepare and publish a Pay Policy Statement setting out its policies relating to the remuneration of their chief officers and employees.

The Council was required by the Equality Act (Specific Duties and Public Authorities) Regulations 2017, to prepare and publish its Gender Pay Gap data on an annual basis. This formed part of an equality measure and transparency obligation placed upon local authorities to illustrate the difference in average earnings between men and women.

The Council's previous Annual Pay Policy statement 2021 had informed that the pay ratio between the median FTE employee and the Chief Executive had narrowed from 1:6 to 1:5. Although this pay ratio had remained at 1:5, this median salary figure had increased over the last year from £27,741 to £28,672 per annum.

Sandwell Council's 'mean' Gender Pay Gap figure for 2022 had narrowed from 5.1% to 3.4% over the last 12 months.

By way of a benchmark, the Office for National Statistics (ONS) recently published the results of its annual survey of the gender pay gap in the United Kingdom. The mean Gender Pay Gap figure as at 1 April 2021 was 7.9%.

### **Resolved that:-**

- (1) the Pay Policy Statement 2022, as submitted, be approved;
- (2) the Gender Pay Gap data, as submitted, be approved.

33/22

### **Proposed Departure from the Development Plan on land at Summerton Road, Oldbury**

At the meeting of Planning Committee held on the 19 January 2022 consideration was given to planning application DC/21/66106 for a proposed industrial unit (Use Class E(g)(iii) Industrial processes) with ancillary offices and associated parking. At the meeting, the 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 housing 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.

Although the site was allocated for housing land, it was part of a wider allocation and could not be developed in isolation for residential development, as adjacent to the site were located existing employment uses. For housing to be acceptable on the site, the Council would be looking for a comprehensive development of the wider residential allocation. The proposed development was acceptable in its scale, design and appearance, and would not cause significant harm to the amenity of the occupiers of adjacent properties. Furthermore, there would be no significant impact to the safety and convenience of users of the highway as a result of the proposed development.

**Resolved** that an exception to the local development plan in respect of planning application DC/21/66106 - Proposed industrial unit (Use Class E(g)(iii) Industrial processes) with ancillary offices and associated parking, land at Summerton Road, Oldbury be approved.

34/22

## **Appointment to the Statutory roles of Electoral Registration Officer, Returning Officer and Deputy Electoral Registration Officer**

The Council was required to appoint a Returning Officer in accordance with Section 35(1) of the Representation of the People Act 1983. The duties of the Returning Officer were separate and one of a personal nature from his/her duties as a local government officer. The Returning Officer was directly accountable to the courts as an independent statutory office holder.

Returning Officers were under Sections 28(5) and 35(4) of the Representation of the People Act 1983 entitled to appoint deputies to discharge all or any of the duties placed upon them. There were no restrictions on the number of Deputies that could be appointed.

The Council was required to appoint an Electoral Registration Officer in accordance with Section 8(2)(a) of the Representation of the People Act 1983. By virtue of Section 23 (1) of the Act, only the appointed ERO may act as Acting Returning Officer at Parliamentary Elections. A previous resolution by Council confirmed the appointment of the Chief Executive as the Council's Electoral Registration Officer and was detailed within the Council's Scheme of Delegation to Officers.

The responsibility to appoint a Deputy Returning Officer fell to the Returning Officer. However, Section 52(2) of the Act provided that any Deputy Electoral Registration Officer must be appointed by the Council.

### **Resolved that:-**

- (1) the Interim Chief Executive, Kim Bromley–Derry, be appointed as Returning Officer, in accordance with section 35(1) of the Representation of the People Act 1983 with immediate effect;
- (2) Council notes the Interim Chief Executive, Kim Bromley–Derry is appointed under the Council's Scheme of Delegation to Officers, as the Electoral Registration Officer in accordance with section 8(2)(a) of the Representation of the People Act 1983;

- (3) the Monitoring Officer and Director of Law and Governance, Surjit Tour, be appointed as Deputy Electoral Registration Officer under Section 52 (2) & (3) of the Representation of the People Act 1983.

**35/22 West Midlands Fire and Rescue Authority Update**

Council received an update on the work of the Fire Authority from Councillor C S Padda, the member nominated pursuant to Section 41 of the Local Government Act 1985 to report on the activities of the West Midlands Fire and Rescue Authority.

**36/22 Transport for West Midlands Update**

Council received an update on the work of the Transport Authority from Councillor Jalil, on behalf of the member nominated pursuant to Section 41 of the Local Government Act 1985 to report on the activities of Transport for West Midlands.

In response to questions raised, Councillor Jalil requested that Councillor Fenton send through the details of bus routes that were mentioned in order that he could raise the matter with the Authority.

**37/22 West Midlands Police and Crime Panel**

Council received an update on the work undertaken by the West Midlands Police and Crime Panel from Councillor R Jones, the Council's representative on the Panel.

In response to enquiries regarding off-road bikes and the ability of the police to deal effectively with these incidents, Councillor Jones gave assurances these concerns would be taken to the Panel.

38/22 **West Midlands Combined Authority**

Council received an update on the work undertaken by the West Midlands Combined Authority from the Leader of the Council.

39/22 **The Air Quality (Domestic Solid Fuels Standards) (England) Regulations 2020**

The Air Quality (Domestic Solid Fuels Standards) (England) Regulations 2020 were new regulations and authorisation was sought for a revision to the Scheme of Delegation to Officers to enable both Trading Standards and Pollution Control Officers to act.

The Regulations introduced restrictions on the sale of wet wood for domestic burning, limits on the emission of sulphur and smoke from manufactured solid fuels and phases out the sale of bituminous coal (traditional house coal). The restrictions had criminal sanctions if breached, which could be enforced by local authorities. Such action was necessary since domestic burning through wood burning stoves and open fires was a major contributor to national emissions of fine particulate matter.

**Resolved:-**

- (1) that both Directors of Public Health and Borough Economy be granted delegated authority to exercise the statutory provisions of The Air Quality (Domestic Solid Fuels Standards) (England) Regulations 2020;
- (2) that the Director of Law and Governance be authorised to revise the Scheme of Delegation to Officers in the Council's Constitution with the following:-

**The Air Quality (Domestic Solid Fuels Standards) (England) Regulations 2020**

To act and authorise other to act on his/her behalf under the Council's functions under the provisions of the Air Quality (Domestic Solid Fuels Standards) (England) Regulations 2020.



40/22

### **Constitution and Political Balance of Committees and Boards and Appointment to Vacancies on Committee, Boards and Other Bodies**

Council considered revisions to the appointments to committees, boards and other bodies.

#### **Resolved:-**

- (1) that the political balance of the committees, boards and other fora for the remainder of 2021-22, be approved;
- (2) that the revisions to appointments on committees, boards and other bodies, as set out in the Appendix, be approved with immediate effect.

41/22

### **Extension to Six Month Attendance Rule**

Consideration was given to a formal request to waive the requirements of Section 85 of the Local Government Act 1972 and approve an extension of the six-month attendance rule due to ill health.

Under the circumstances, it was requested that Council approve an extension of the six-month rule for Councillor Tagger and that Council's best wishes be conveyed to the Councillor for a speedy recovery. The extension of time would be effective for a six-month period, however, this did not, of course, prevent the councillor returning to meetings at any time if his health improved sufficiently.

**Resolved** that, having regard to the circumstances of the absence of Councillor Tagger from Council meetings, the requirements of Section 85 of the Local Government Act 1972 be waived and an extension of the six-month rule in respect of Councillor Tagger be approved for a further period, with effect from 3 March 2022 expiring at the Annual Meeting of Council 2022.

42/22 **Minutes and recommendations of Cabinet**

The minutes of the meetings of the Cabinet held on 12 January and 9 February 2022 were received.

43/22 **Minutes of Audit and Risk Assurance Committee**

The minutes of the Audit and Risk Assurance Committee held on 11 January 2022 were received.

The Council considered the recommendations of the Audit and Risk Assurance Committee on the following matter of strategic significance:-

43/22(a) **Appointment of External Auditor**

Council considered recommendations in relation to the Appointment of External Auditor.

**Resolved** that the invitation from Public Sector Audit Appointments to opt into the national scheme for external auditor appointments from April 2023 be approved.

44/22 **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 9 November 2021 were received.

45/22 **Minutes of the Budget and Corporate Scrutiny Management Board**

The minutes of the meetings of the Budget and Corporate Scrutiny Management Board held on 8 February 2021 were received.

46/22 **Notice of Motion**

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

47/22 **Armed Forces Bill 2021**

An amended motion was moved by Councillor Melia and seconded by Councillor Moore:-

“This Council:

Stands firmly behind our UK Armed Forces and fully supports the aims of the Armed Forces Covenant as amended.

Welcomes the new Armed Forces Act but sees the legislation as a missed opportunity to improve the lives of veterans in the Birmingham and Black Country Area.

Notes with disappointment that the Act which makes Sandwell Metropolitan Borough Council and local public bodies legally bound to have “due regard” to the Covenant when providing support to Forces communities but exempts central government from any such duty, creating a two-tier Covenant for veterans.

Notes with further disappointment that Labour led proposals backed by the Royal British Legion and Ex-Service organisation chiefs to enshrine the Covenant fully into law but Conservative MPs voted down these plans to improve Armed Forces accommodation.

Resolves to continue the campaign with Forces charities to see the Government strengthen the Covenant and improve vital services to veterans.”

On being put to the vote, the motion was carried and it RESOLVED accordingly.

48/22 **Equality and Diversity**

It was moved by Councillor McVittie and seconded by Councillor Taylor:-

“Sandwell Council understands the harm caused to our LGBT+ community in the past by certain elements within society through the denial of rights and equal treatment and recognises that despite all the efforts to address such discrimination, it still exists today.

This Council recognises and opposes the ongoing harm the practice of so-called conversion therapy brings to LGBT+ people.

This Council calls on the Government to follow through on promises made for a number of years, to outlaw the practise of so-called conversion therapy.

This Council notes the ongoing Government consultation on this matter and requests that the Leader of the Council writes to Government and calls for the introduction of an effective ban on conversion therapy within England, supported by a programme of work to help tackle these practices in all their forms.

Furthermore this Council renews its commitment to highlight promote and improve the continued support, counselling and advocacy our local groups provide to members of the LGBT+ Community.”

On being put to the vote, the motion was carried and it RESOLVED accordingly.

49/22 **Notice of Motion - Response**

Council noted the response that had been received in relation to the motion in relation to Fireworks.

Meeting ended at 8.30pm

Contact: [democratic\\_services@sandwell.gov.uk](mailto:democratic_services@sandwell.gov.uk)



## **Urgent Business**

To consider any urgent business (with prior approval by the Mayor).

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## **EVENTS ATTENDED SINCE 1ST MARCH 2022**

- 11th Signal & West Midlands Brigade Reception & Briefing
- Hamstead Miners Memorial Event
- Ferndale Primary School – Gold Equality Award
- Dudley Port 100 Years Commemoration of Explosion Disaster
- Exhibition Dudley Port Explosion – Brook Street Community Centre
- Civic Heads Tree Planting – Platinum Jubilee Celebrations
- TAB Operatic Society – Anything Goes
- Mayor of Solihull’s Civic Heads Dinner
- Opening of New Building at Christ Church COE School, Oldbury
- High Sheriff Declaration
- Armed Forces Covenant Meeting
- Dudley Mayor’s Charity Ball & Civic Awards

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## **Petitions**

To receive any petitions under Standing Order No. 5 (strategic policy issues or which are of a Borough-wide significance if they are relevant to some matter to which the Council has functions and responsibilities, or which affects the Borough, or part of it, or its citizens or a number of them).

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## Report to Council

**1 March 2022**

<b>Subject:</b>	Written Questions
<b>Director:</b>	Surjit Tour – Director of Law and Governance and Monitoring Officer

The following written questions have been received:-

### **7(a) Councillor Chapman to the Cabinet Member for Finance**

Can the cabinet member for finance confirm what plans are in place to ensure that those residents who do not pay their council tax via direct debit receive their £150 energy bill rebate in a timely manner?

### **7(b) Councillor Fisher to the Leader of the Council**

Council officers, elected members, neighbourhood policing and local residents do a great job trying to tackle off road motorbikes, but more support is needed. With off road motorbikes being one of the highest reported incidents of anti-social behaviour in Sandwell, will the leader of this council write a letter to the West Midlands Police and Crime Commissioner calling for the introduction of a dedicated off-road motorbike team that can focus solely on this issue. The safety of local residents and their pets, are at risk with the nuisance they cause, along with the destruction to our parks and green spaces cannot continue. We have seen for decades the issues they cause, and I believe urgent action is required.



### **7(c) Councillor W Gill to the Cabinet Member for Housing**

Does the Cabinet Member for Housing recognise the Council's neglect towards the residents of Mill Street and Thomas Cox Wharf in Great Bridge due to the Council's lack of communication and failure to monitor the development, which has since left the road unadopted by Sandwell Council, following the liquidation of the developers?

### **7(d) Councillor Williams to the Cabinet Member for Children**

On what legal basis has the council decided that pupils from age of 5 to 16 need a visa with more than 6 months validity to access education as it is stated in admissions forms?



## Report to Council

12 April 2022

<b>Subject:</b>	A Performance Management Framework for the Council
<b>Director:</b>	Neil Cox – Director – Business Strategy and Change
<b>Contact Officer:</b>	Kate Ashley – Strategic Lead: Service Improvement Rebecca Jenkins – Senior Lead: Service Improvement Sarah Sprung – Senior Lead: Service Improvement Jane Alexander – Senior Lead: Service Improvement

### 1. Recommendations







- 1.1. That Council approve the proposals for the adoption of a corporate performance management framework to monitor delivery of the Corporate Plan and enhance organisational intelligence.



## 2. Reasons for Recommendations

- 2.1. A corporate performance management framework (PMF) that combines outcome and operational measures will 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.
- 2.2. Development of a corporate 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 will include regular reports on key aspects of the council's performance, including progress of the Improvement Plan itself.

## 3. How does this deliver objectives of the Corporate Plan?

		The proposed corporate PMF includes measures under all strategic objectives in the Corporate Plan to monitor progress in these key areas. The PMF also includes elements that measure the council's use of its resources to ensure delivery of the strategic objectives.
		
		



## 4. Context and Key Issues

### 4.1. Establishing the Corporate Performance Management Framework

4.1.1. Council approved the refreshed Corporate Plan in October 2021. It was recognised by members as part of the refresh of the Corporate Plan that there was a need for a comprehensive performance management framework to track and monitor progress in delivering the Plan. Through the development of directorate level business plans in Autumn/Winter 2021/22 key metrics have been identified to track progress and measures the success of the council's actions towards the delivery of the Corporate Plan.

4.1.2. At the same time, a key recommendation of the Grant Thornton Governance Review (December 2021) was that the council should ensure that a corporate performance framework is agreed so that the implementation of the Corporate Plan can be effectively monitored, and there is collective corporate responsibility for delivery rather than silo working.

4.1.3. In response, through the approval of the Improvement Plan in January 2022, the Council has committed to the following actions:

- Develop and embed a corporate performance management framework that provides Leadership Team and members collective oversight of progress on the Corporate Plan, key operational level intelligence, organisational health and improvement activity;
- Ensure public consultation results are incorporated into performance management framework, including on budget development;
- Build organisational health metrics into performance management framework, including 'pulse' checks on organisation's wellbeing;
- Embed management of key corporate contracts within the performance management framework to ensure oversight of performance and link to the Corporate Plan;
- Build benchmarking of financial and service performance into performance management framework;



- Develop, implement and monitor progress of Directorate and Service level plans to deliver the Corporate Plan;
- Embed regular budget monitoring reporting to Leadership Team and Cabinet within corporate performance management framework; and
- Explore implementation of a corporate performance management system.

4.1.4. The development of the proposed corporate PMF has drawn on the directorate business plans, the council's Improvement Plan in response to Grant Thornton's Governance Value for Money Review, subject matter experts within the authority and national best practice.

4.1.5 A number of conversations have informed the development of the PMF, specifically these have been with:

- Leadership Team
- Cabinet
- Cabinet Advisors
- Overview and Scrutiny Chairs
- The Better Use of Intelligence Group (officer group made up of key performance individuals across the organisation).

4.1.6 The input and insight provided by both officers and members has helped to shape and refine the proposals for the PMF. The points below represent some of the ways in which the conversations we have had have shaped the PMF:

- we have broadened the focus of the performance indicators used in the healthy lives section of the People Live Well and Age Well strategic outcome,
- we have added in further regeneration measures,
- we have added in further measures on physical activity.





## 4.2. Format of the Performance Management Framework

4.2.1. There are four key components to the proposed PMF. Combined, these will provide the oversight and intelligence the council needs to determine progress in delivering the Corporate Plan and how the organisation is performing in key areas. Whilst each area is distinctive there are areas that overlap:



4.2.2. A suite of performance information has been identified for each element and this will form the basis of monitoring progress. Due to the varied nature of the services across the council and need to blend operational and strategic intelligence, the most appropriate measures for each element includes a range of outcome and operational metrics, as well as progress against milestones. The proposed measures within the corporate PMF are attached at Appendices 1 to 4.

4.2.3. Benchmarking information will be included where available. This data provides a reality check, ensuring that the council's resources are delivering value for money. Comparing Sandwell's performance to other similar local authorities will show where the council is performing well and also highlight where performance could be improved.



### 4.3. Service Planning Framework

4.3.1. In order to ensure effective performance management, the council has developed a service planning framework that seeks to understand the needs our communities, identifies the priorities and sets out actions to deliver and measures to track progress and impact. The diagram below shows how plans at each level of the organisation contribute to delivering improved outcomes for Sandwell:



4.3.2. Vision 2030 sets out the ambitions for the borough that were developed across partners and communities in Sandwell. The council's Corporate Plan includes the strategic priorities for the organisation that will contribute to the achievement of the ambitions for the borough.

4.3.3. The Improvement Plan includes the key actions that the council needs to undertake in order to address the recommendations from Grant Thornton's Value for Money Governance Review in 2021. The Improvement Plan will be further developed to incorporate the actions to address the recommendations from the CIPFA Financial Management Review and the LGA Corporate Peer Challenge to provide a single plan of action. The Improvement Plan and Corporate Plan set out the priorities for the organisation that feed into directorate and service level plans.

4.3.4. The Corporate Plan, Improvement Plan and directorate level plans all feed into the development of the Corporate Transformation Plan. This will include all projects and programmes that deliver corporate transformation. The purpose of having a clear and robust approach to Corporate Transformation is to ensure that service improvements and transformation projects are delivered in line with the Corporate Plan and Medium-Term Financial Strategy. The annual business planning and budget setting process is critical to shaping the content of the Corporate Transformation Plan and ensuring the council implements transformation in a timely and effective manner so that it can meet both current and future challenges.

4.3.5. Directorate plans are in place that:

- Set out the short, medium and long-term actions of each directorate to deliver the refreshed Corporate Plan from April 2022 onwards;
- Demonstrate how directorates are embedding the Fairer Sandwell principles into their activity as well as the One Council One Team approach;
- Demonstrate how feedback from residents/service users have influenced priorities and actions;
- Include actions required to deliver transformational projects (both corporate and service level), budget savings and service delivery;



- Include measures of success that feed into the corporate performance management framework;
- Align with the financial strategy for each directorate, and feed into the budget setting process; and
- Provide a mechanism for ensuring all staff across the council understand the Fairer Sandwell Principles and have clarity of direction and the organisation's priorities.

4.3.6. Ensuring robust services plans are in place for 2023/24 will be a priority for development in 2022/23. Service Plans will be monitored via local management arrangements established in directorates. Below Service Plans, it is expected that teams will then develop lower level action plans that reflect their directorate and service area priorities. The form of these plans will vary depending on the needs of the service, and will be monitored at the local level.

4.3.7. All of this activity will influence the individual work plans and performance appraisals. This will support individual staff to have clear objectives to work towards and demonstrate their contribution to delivering the Corporate Plan.

#### 4.4. Reporting Framework

4.4.1. A focus on performance requires regular reporting and scrutiny of progress and intelligence. To embed the PMF within the organisation and a culture of performance management, the reporting framework is as follows:

- Leadership Team – monthly dedicated sessions focusing on reporting of all measures in the PMF to senior officers as well as progress on business plans and the council's Improvement Plan
- Cabinet – quarterly reports on performance against the Corporate Plan and high-level service key performance indicators (KPIs)
- Scrutiny Boards – the PMF will be reported to Budget & Corporate Management Scrutiny quarterly and will help to inform the work programme of all Scrutiny Boards.



## 4.5. Future Development of the Performance Management Framework

- 4.5.1. It is recognised that the council has not had a corporate PMF for some time, and therefore the set of measures proposed in this report is a starting point for the longer-term development of the PMF. As with any framework, the corporate PMF will evolve over time to reflect changes in organisational priorities to respond to local needs and availability of data. However, the intention will be to retain a consistent basket of measures to track progress over time.
- 4.5.2. We will review data sets to ensure the most appropriate measures are reported in a timely manner and that data quality arrangements are in place so that information reported to officer, members and the public can be relied upon.
- 4.5.3. To manage the PMF efficiently, the council will also investigate whether investment in a performance management system could bring about benefits such as efficient reporting mechanisms and improvements in performance across the organisation.

## 5 Implications

<b>Resources:</b>	There are no direct financial implications to this proposal. Services may require investment in staffing and local systems to facilitate the PMF – these arrangements would be dealt with through service development proposals.
<b>Legal and Governance:</b>	A corporate performance management framework was identified as a key gap in the council’s governance arrangements by Grant Thornton in 2021. The establishment of the corporate performance management framework was a key action in the council’s Improvement Plan agreed by Council in January 2022, and will enable officer and political leadership to improve oversight and corporate grip of the council’s performance.
<b>Risk:</b>	Should the council not implement a robust performance management framework, then it will not have the corporate oversight and intelligence to inform decision making and effectively manage risks



	to achieving service delivery and the strategic objectives identified in the Corporate Plan. The establishment of a corporate performance management framework will be the key mechanism to report progress and performance to the Government appointed Commissioners.
<b>Equality:</b>	Equality measures are included in the PMF, including the Organisational Health workforce indicators and the progress of the Corporate Plan.
<b>Health and Wellbeing:</b>	The development of measures to track progress of the Corporate Plan include a series of health and wellbeing indicators. This will enable the council's leadership to see at a high level the direction of travel of the borough's health and wellbeing, and seek to continue good practice or identify mitigating actions to address issues.
<b>Social Value</b>	Measures in the Financial Performance element of the PMF include looking at percentage of spend in the local area.

## 6 Appendices

- Appendix 1: Organisational Health Performance Measures
- Appendix 2: Customer Experience Performance Measures
- Appendix 3: Finance and Contracts Performance Measures
- Appendix 4: Corporate Plan Performance Measures

## 7. Background Papers

None



## Appendix 1: Organisational Health Performance Measures

	Measure
<b>Workforce Composition and Diversity</b>	The percentage of top 5% earners that are women
	The percentage of top 5% of earners from black and minority ethnic communities
	The percentage of top 5% of earners who have a disability
	The percentage of disabled employees
	The percentage BAME (Black, Asian Minority Ethnic) employees
	Gender Pay Gap Median
	Gender Pay Gap Mean
<b>Workforce Health</b>	Average working days lost per employee due to sickness absence (FTE)
	The percentage leavers from Sandwell Council (excl. apprentices)
	The percentage new starters to Sandwell Council (excluding apprentices)
<b>Investing in Young People</b>	Number of apprentices as at year end
	Number of graduates working across the Council as at year end
<b>People Management</b>	Number of disciplinary cases/ percentage proceeding to a formal investigation
	Number of grievance cases/ percentage ongoing or unresolved at the previous Stage
	Employee Survey Results
<b>Health and Safety</b>	Accidents and Incidents
	Audits
<b>Employee Engagement</b>	Overall Employee Engagement Score

## Appendix 2: Customer Experience Performance Measures

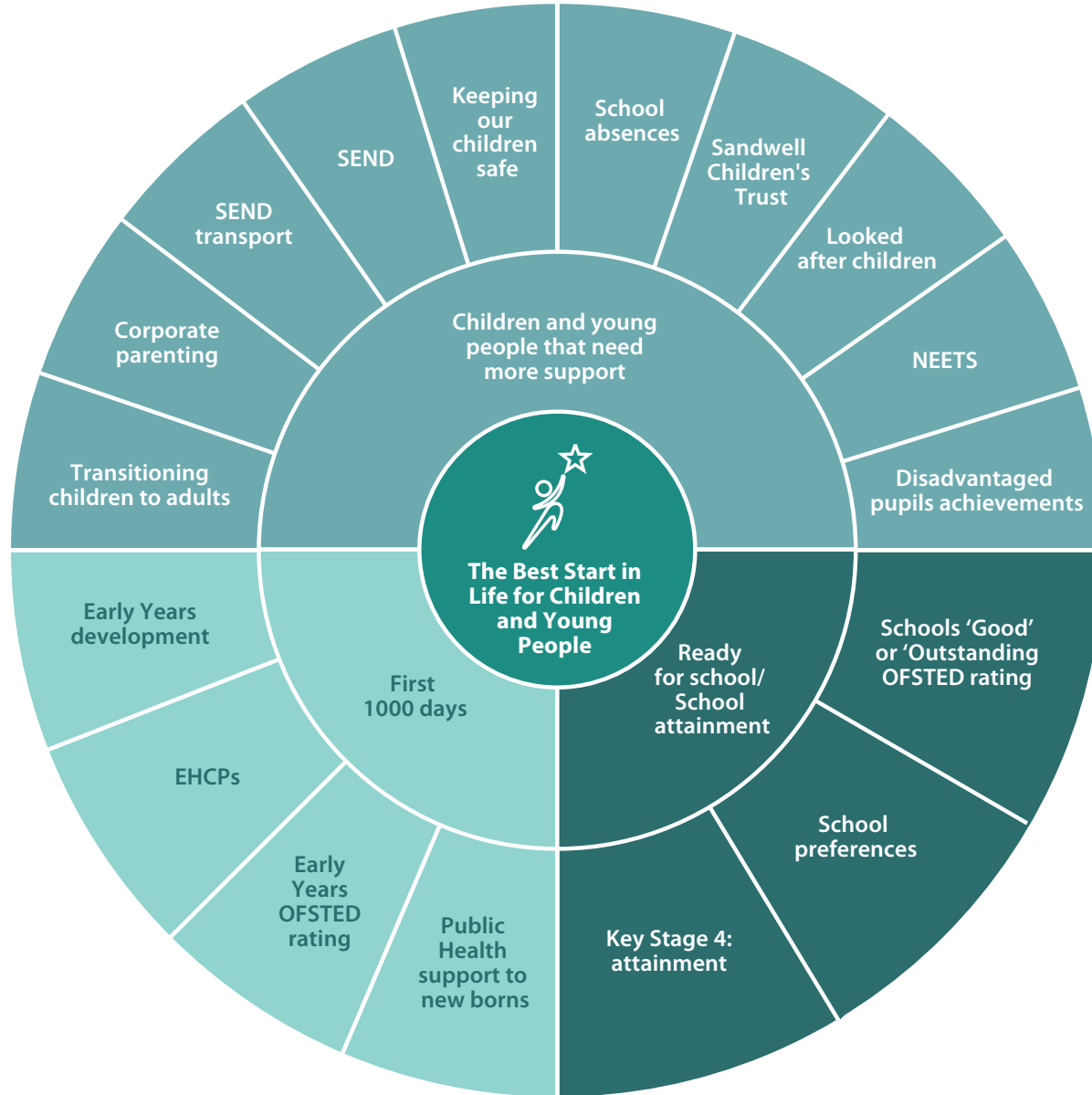
	Measures
<b>Channel Shift Monitoring</b>	<b>Numbers of Contacts by Channel</b> Telephone: Contact Centres (Corporate, Revs and Bens, Adults) Digital: Portal (MySandwell & MyCllr) Face to Face Visits (OSS and Locals)
	<b>% Contact by channel</b>
<b>Contact Centre Performance</b>	<b>Adults Contact Centre, Corporate Contact Centre and Revs and Bens Contact Centre</b> Abandonment Rates Average Wait measure Average Call Time
<b>Information Requests</b>	<b>Ombudsman</b> Numbers and numbers upheld
	<b>SARs and FOIs</b> Numbers and Timescales
<b>Customer Feedback</b>	<b>Complaints</b> Numbers of & by service area Number of Stage 1 and 2 complaints upheld
	<b>MP Enquiries</b> Numbers of & by service area
	<b>Compliments</b> Numbers received



## Appendix 3: Finance and Contracts Performance Measures

	Measures
<b>Finance</b>	Council Tax, Business Rates, Sundry Debt and Rent Collection – in year and prior year
	Number of days taken to process Housing Benefit New Claims and Changes in circumstances
	Average call wait time in the Revenues and Benefits Contact Centre
	Percentage of invoices paid on time
	Value of late payment fees each month
	Variance from budget for General Fund, Capital Programme and Housing Revenue Account
	% of spend that is currently under contract
	% of our total spend that is spent locally
<b>Major Contract Monitoring</b>	SERCO – Key Contractual Performance Measures
	Sandwell Children’s Trust – Key Contractual Performance Measures

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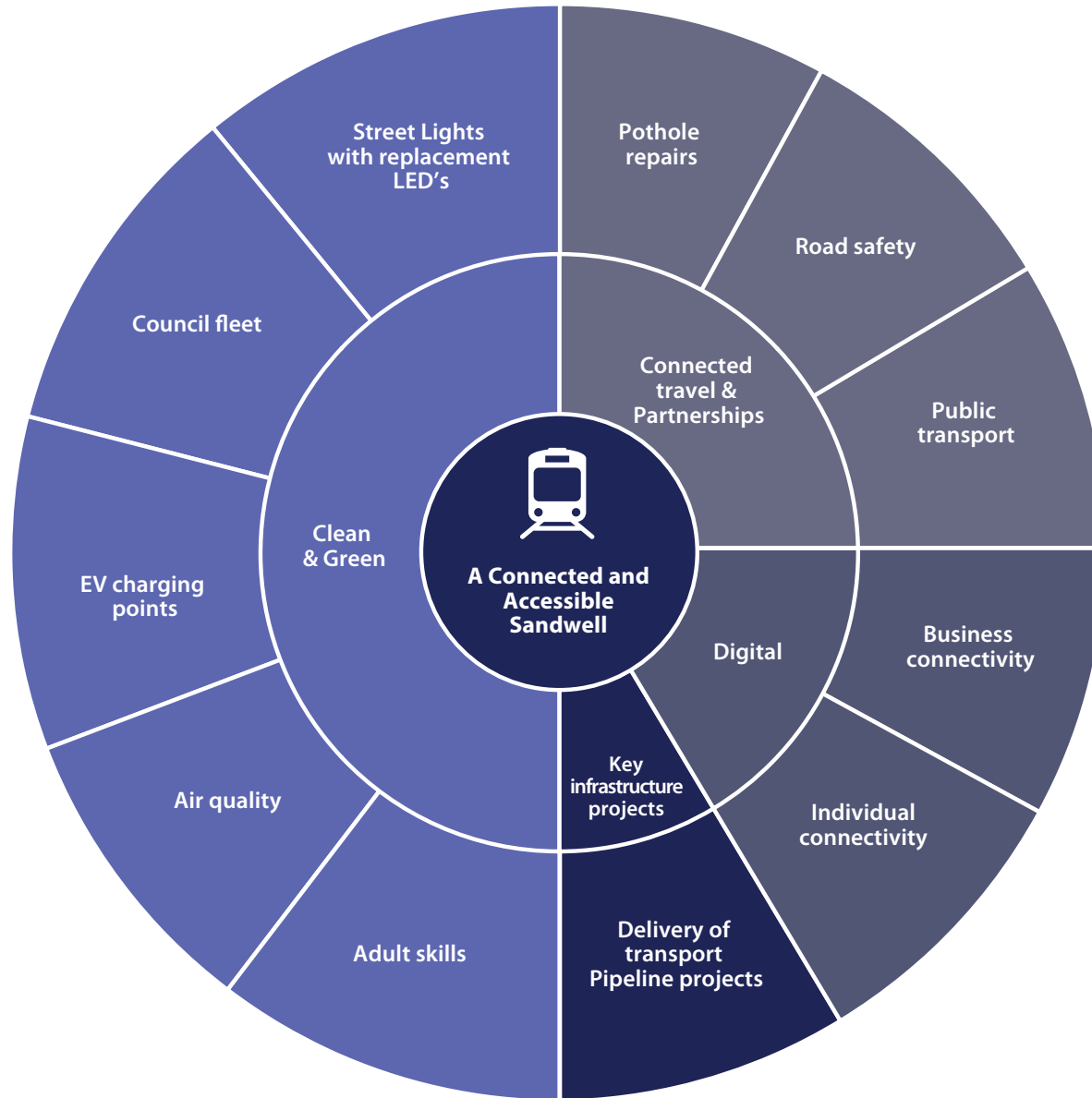
















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## Report to Council

12 April 2022

<b>Subject:</b>	Adoption of the reviewed Gambling Act 2005 Statement of Principles
<b>Director:</b>	Director of Borough Economy Ms. Alice Davey
<b>Contact Officer:</b>	Service Manager, Regulated Services and Transformation Nicola Plant <a href="mailto:nicola_plant@sandwell.gov.uk">nicola_plant@sandwell.gov.uk</a> Operations Manager, Tracy Hubball <a href="mailto:tracy_hubball@sandwell.gov.uk">tracy_hubball@sandwell.gov.uk</a>

### 1 Recommendations

- 1.1 That Council approve the implementation of the proposed changes to the draft Gambling Act 2005 - Statement of Principles as set out in Appendix 1 which were given support by the Licensing Committee on 24 March 2022.


### 2 Reasons for Recommendations

- 2.1 Sandwell's Gambling Act 2005 statement of principles was implemented in May 2020. The Gambling Act 2005 requires Sandwell Council, as the Licensing Authority, to prepare a statement of principles to be applied when exercising the functions under the Act.
- 2.2 Section 349 of the Gambling Act 2005 (referred to in this Statement as "the Act") requires licensing authorities before each successive three year period to prepare a statement of principles that they propose to apply in exercising their functions under the Act during that period and to publish the statement.



- 2.3 Section 349 of the Act requires that having prepared the statement of principles, Licensing authorities should consult upon the reviewed document.
- 2.4 Following approval to consult being given at Licensing Committee on 2 December 2021, consultation on the draft Gambling Act 2005 - Statement of Principles was undertaken over a 12-week period between December 2021 and March 2022.
- 2.5 The draft Statement of Principles at Appendix 1 has been informed by the consultation feedback received. There were no significant changes required as a result of the consultation feedback received.
- 2.6 The Statement of Principles for Gambling updated in line with consultation feedback was presented to Licensing Committee on 24 March 2022. Licensing Committee gave their full support for the proposed changes and that the final draft proceeds to Council to request approval for implementation.

### 3 How does this deliver objectives of the Corporate Plan?

	<p>Best start in life for children and young people</p> <p>The licensing objectives of the Gambling Act 2005 are:</p> <ul style="list-style-type: none"> <li>• Protecting children and other vulnerable people from being harmed or exploited by gambling.</li> <li>• Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime</li> <li>• Ensuring that gambling is conducted in a fair and open way</li> </ul> <p>The licensing authority is responsible for making sure all licensing applications meet these objectives.</p>
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### 4 Context and Key Issues

- 4.1 Licensing authorities have a legal duty under Section 349 of the Gambling Act 2005 to review their statement and principles and to prepare and publish its statement of principles every three years.



- 4.2 It is expected that the Licensing Authority will set out its approach to regulation in the statement of principles having taken into account local circumstances.
- 4.3 In exercising the functions under the Act, the licensing authority must have regard to the licensing objectives, namely:
- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
  - ensuring that gambling is conducted in a fair and open way
  - protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 4.4 The Act provides for 3 categories of licence:
- Operating licences
  - Personal licences
  - Premises licences

The Licensing Authority is responsible under the Gambling Act 2005 for issuing premises licences.

- 4.5 The main functions of the Licensing Authority are to:
- Licence premises for gambling activities
  - Grant permits for gambling and gaming machines in clubs
  - Regulate gaming and gaming machines in alcohol licensed premises
  - Grant permits to family entertainment centres for the use of certain lower stake gaming machines
  - Grant permits for prize gaming
  - Consider notices given for the temporary use of premises for gaming
  - Consider occasional use notices for betting at tracks
  - Register small societies lotteries



4.6 The Gambling Commission is responsible under the Gambling Act 2005 for granting operating and personal licences for commercial gambling and people working in the industry. It also regulates certain lottery managers and promoters.

The Gambling Commission regulates gambling in the public interest. It does so by keeping crime out of gambling:

- By ensuring that gambling is conducted fairly and openly
- By protecting children and vulnerable people

The Commission provides independent advice to the government about the way gambling is carried out, the effects of gambling and the regulation of gambling generally.

The Commission has issued Guidance under Section 25 of the Act regarding the way local authorities exercise their licensing functions under the Act and, in particular, the principles to be applied by local authorities.

4.8 “Gambling” is defined in the Act as either gaming, betting, or taking part in a lottery.

- Gaming means playing a game of chance for a prize
- Betting means making or accepting a bet on the outcome of a race, competition, or other event or process; the likelihood of anything occurring or not occurring, or whether anything is true or not
- A lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance



4.9 The table below depicts the current licences under the Council's Gambling Statement of Principles as of 8 March 2022;

Premises type	Number
Automatic entitlements (notifications of up to 2 gaming machines in pubs)	134
Alcohol licensed premises gaming machine permits (3 or more gaming machines in pubs)	33
Club machine permits	6
Adult Gaming Centres	12
Betting Premises Licences	44
Bingo Premises Licences	7
Casino Premises Licences	2
Track Betting Premises Licenses	1
Family Entertainment Centre Premises Licenses	3 Unlicensed FEC*

\*Unlicensed family entertainment centres (UFECs) require a permit from the local licensing authority. An **unlicensed** family entertainment centre is only entitled to make category D machines available. This is reflected by the very light touch form of regulation provided by the UFEC permit.

4.10 The Gambling Act 2005 statement of principles was reviewed and updated as is the Council's responsibility under the Act.

4.11 The full Gambling statement of principles has been consulted upon between December 2021 and 4 March 2022.

4.12 An overview of the policy changes that were proposed and consulted upon is provided at Appendix 2. The overview also outlines further proposed amendments in response to the responses received from the consultation. A total of four respondents submitted comments on the proposed statement of principles.

4.13 The proposed statement of principles has been updated in view of the comments received and is provided at Appendix 1. The changes made in preparation for consultation are tracked in red text. The changes made in response to consultation feedback received are tracked in green text.



Consultation responses highlighted elements of the policy which contained out of date stats and data or outdated terminology and concepts. It highlighted sections of the policy which required further clarity or amendment, particularly in the introduction and local risk assessment sections, and linking these to the licensing objectives and how these provide a backdrop to the principles to be applied by the Licensing authority when exercising its functions under the Act.

The proposed changes to the Statement of Principles do not fundamentally change the Council’s approach to licensing of Gambling premises or have significant impact upon existing or new licensed premises.

4.14 The Licensing Authority is required under Section 349 of the Act to publish its Gambling Act 2005 statement of principles before each successive period of three years.

4.15 The statement of principles at Appendix 1 was taken to Licensing Committee on 24 March 2022 where support was given of the further changes resulting from the consultation, and to implementation of this version of the statement of principles for 2022-2025.

4.16 Permission is now sought from Council to implement and publish the new Gambling Act 2005, Statement of Principles.

## 5 Implications

<b>Resources:</b>	There are no direct budget implications from this report. If approved the consultation activity will be undertaken by the General Licensing Team.
<b>Legal and Governance:</b>	Licensing Committee is responsible for the exercising of the powers and duties of the Council, i.e. those matters that are not the responsibility of the Executive/Cabinet, with regards to Gambling, Licensing authorities have a legal duty under Section 349 of the Gambling Act 2005 to review its Statement of Principles under the Gambling Act 2005 every three years. The membership of the Sub Committee is reviewed each year following the appointment of members to the Licensing Committee at the Annual Council Meeting.





	The Licensing Committee has already delegated the majority of its licensing functions to the Sub Committee and/or Officers.
<b>Risk:</b>	A risk register has been completed with no significant risks identified. Each risk has identified measures identified to manage the risk. The activity undertaken by Licensing Committee seeks to reduce instances of crime and disorder that may impact on residents and visitors of the Sandwell borough.
<b>Equality:</b>	An initial equality screening has been undertaken and no adverse impact on protected groups has been identified.
<b>Health and Wellbeing:</b>	There are no direct health and wellbeing implications arising from this report.
<b>Social Value</b>	There are no direct social value implications arising from this report.

## 6 Appendices

Appendix 1 – DRAFT Gambling Statement of Principles proposed for implementation March 22

Appendix 2 - Gambling Act 2005 – overview of changes to Policy following the outcome of consultation

Appendix 3 -Guidance for Premise Licence Applicants

Appendix 4 - Guidance for Making a Representation

## 7. Background Papers

No source or background documents are provided.



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**Sandwell**  
Metropolitan Borough Council

# GAMBLING ACT 2005 – STATEMENT OF PRINCIPLES

Dates TBC XX/XX/2022 to XX/XX/2025

Implemented: TBC

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## GAMBLING ACT 2005 – STATEMENT OF PRINCIPLES

### 1 INTRODUCTION

Sandwell is one of the larger metropolitan boroughs located at the centre of the West Midlands and is predominantly urban in character.

The Borough is composed principally of six towns rather than a single, dominant centre. The towns are Oldbury, Rowley Regis, Smethwick, Tipton, Wednesbury and West Bromwich. At the last count, the population of the Borough was 327,378.

Sandwell is still heavily reliant on manufacturing, although service industries now form almost 60% of total employment within the Borough. Sandwell is also a densely-populated area and has the highest number of residents per unit of residential land in the West Midlands. In contrast, the Borough also has the highest proportion of parks and open spaces amongst the seven metropolitan districts in the area.

Sandwell has high levels of deprivation and is ranked the 12<sup>th</sup> most deprived local authority area out of 317 (Indices of Multiple Deprivation 2019).

[Previous IMD results](#) for this measure show that Sandwell's position has declined slightly relative to other districts in England. Sandwell was 13<sup>th</sup> most deprived local authority in 2015.

The Gambling and betting industry is a key contributor to the UK economy, directly generating an average of £2.3 billion towards the UK GDP.

However, it is also recognised that such entertainment can lead to negative impacts on the individual gambler, their family and the wider community such as financial problems, mental and physical health issues, job loss and absenteeism, criminality, and the well-being of children and carers.

The BGPS 2010 referred to two problem gambling screening instruments. One of which was the DSM-IV criteria for pathological gambling (based on a 1994 paper in the US), the other was a Canadian report from 2001. These were used to then calculate problem gambling rates in the UK. In a comparison table with other national prevalence surveys the rates of problem gambling was estimated at 0.7-0.9%. The figures of problem gambling are now much lower. Figures published by the Gambling Commission in February 2022 show that the rate of problem gambling in the year to December 2021 was 0.3%, having fallen from 0.6% over the last 18 months.

Sandwell MBC wishes to minimise any negative impact from licensed gambling.

Operators are expected to take account of the Gambling Objectives to safeguard those who participate in gambling activities.

The Statement of Principles has a key role in ensuring that **Sandwell MBC** delivers on its Vision 2030 commitments including:

- Ambition 1 – “Sandwell is a community where our families have high aspirations and where we pride ourselves on equality of opportunity and on our adaptability and resilience.
- Ambition 5 - “Our communities are built on mutual respect and taking care of each other, supported by all the agencies that ensure we feel safe and protected in our homes and local neighbourhoods “and
- Ambition 8 “Our distinctive towns and neighbourhoods are successful centres of community life, leisure and entertainment where people increasingly choose to bring up their families”

The statement of principles endeavours to mitigate risks associated with gambling by delivering corporate plan key objectives which includes:

Best start for children and young adults - By ensuring licensees complete local area risk assessments, it is envisaged that the:

- potential risk of harm from underaged gambling will be reduced whilst maintaining adequate control measures to support addicted gamblers and vulnerable persons. Managing risk is critical as addiction to gambling and associated vulnerabilities can have a negative impact on finances and may contribute to food poverty and in turn the wellbeing of children.
- Community Resilience - Adequate consultation and transparency on licence applications will enable implementation of a regulatory

environment which is balanced in terms of encouraging community participation to tackle concerns, educate communities and for Sandwell MBC to take enforcement action as necessary. The community will be able to be at the forefront of tackling gambling related issues which affect them and their lives by preventing gambling through vigilance and raising concerns with Sandwell MBC to prohibit gambling becoming a source of crime or disorder and protecting children and other vulnerable persons from being harmed or exploited by gambling.

- Age well and live well – Research has shown that demographics can have a fundamental negative effect on people’s lives and that health inequalities can result in stress, inappropriate lifestyles which impact on life expectancy. By supporting vulnerable groups and tackling underaged gambling or crime and exploitation, this will help in people making good choices and leading healthier and balanced lifestyles.
- Inclusive Economy – By managing the risk of crime and exploitation of vulnerable groups from gambling, activities relating to licensed premises within the Borough will provide balanced leisure activities for communities and generate sustainable positive economic outputs by existing companies generating income and from the influx of new business to a thriving business environment. This will help with sustainability of employment, the growth in jobs for all including young and disabled persons and the promotion of Sandwell as a location in which people wish to live, work and raise families.

## 1.1 LIST OF CONSULTEES

Sandwell MBC is committed to ensuring that upon reviewing this Statement of Principles, consultation shall be completed in line with Cabinet Office consultation principles guidance. The guidance is available via the following link: [Cabinet Office consultation principles guidance](#).

In preparing the Statement of Principles, the following key organisations and agencies were consulted in accordance with Section 349(3) of the Act.

## 1.2 RESPONSIBLE AUTHORTIES

The Licensing Authority.  
The Gambling Commission.

Chief Constable, West Midlands Police, West Midlands Police Headquarters,  
Lloyd House, Birmingham.  
West Midlands Fire and Rescue Service  
Planning Department  
Environmental Health  
Local Safeguarding Children Board (SSCB)  
HM Revenue and Customs  
Any other person Prescribed by secretary of state by regulation (i.e. they can  
add new ones if they want)

For applications for a premises on a vessel on water:

The Environment Agency  
The Canal and River Trust

### **1.3 PERSONS / BODIES REPRESENTATIVE OF THE INTERESTS OF PERSONS CARRYING GAMBLING BUSINESS IN SANDWELL**

Chamber of Commerce

Licensing Solicitors

British Beer & Pub Association

Association of British Bookmakers

General Secretary Casino Operators Association of the UK

National Casino Industry Forum

British Amusement Catering Trade Association (BACTA)

Responsibility in Gambling Trust

Gamcare

The Gambling Commission

The Bingo Association

The British Casino Association

Business in Sport & Leisure

British Beer and Pub Association BBPA Midland Counties

Breweries



Gaming Machine Companies  
Operators of Gambling Premises in Sandwell  
Amusement Arcades  
Bingo Halls  
Casinos  
Betting Offices and/or their Registered Offices

#### **1.4 PERSONS REPRESENTATIVE OF THE INTERESTS OF THE LOCAL COMMUNITY, RESIDENTS AND OTHERS LIKELY TO BE AFFECTED BY THE EXERCISE OF SANDWELL MBC'S FUNCTIONS**

All Members of the Council (Councillors)  
Members of Parliament for the Sandwell area  
MEP's for the Sandwell area

## **2 GAMBLING ACT 2005**

This Statement of Principles is intended to meet the Licensing Authority's obligations under Section 349 of the Gambling Act 2005 (referred to in this Statement as "the Act").

In carrying out its licensing functions under the Act, Sandwell MBC will act in accordance with the relevant legislation, adopt the principles of better regulation, regulate gambling in the public interest and aim to permit the use of premises for gambling as it thinks fit so long as it is **in line with Section 153 of the Act. That is:**

- in accordance with any relevant Codes of Practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives, and
- in accordance with this Statement of Principles

There are 3 licensing objectives which are central to the regulatory regime created by the Act. These are:

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime
- ensuring that gambling is conducted in a fair and open way
- protecting children and other vulnerable persons from being harmed or exploited by gambling

The Act provides for 3 categories of licence:

- operating licences
- personal licences
- premises licences

**Sandwell MBC** is responsible for issuing premises licences. The Gambling Commission is responsible for issuing operating and personal licences.

## 2.1 DECLARATION

In preparing this Statement of principles, **Sandwell MBC** declares that it has had regard to the licensing objectives of the Act, any guidance issued by the Gambling Commission including their [Guidance to licensing authorities](#), **codes of practice** and any responses received from those consulted prior to the preparation of this Statement of principles.

## 2.2 THE GAMBLING COMMISSION

The Gambling Commission regulates gambling in the public interest. It does so by keeping crime out of gambling **in line with Section 24(2) of the Act**:

- by ensuring that gambling is conducted fairly and openly
- by protecting children and vulnerable people
- **by making assistance available to persons who are or may be affected by problems related to gambling**

The Commission provides independent advice to the government about the way gambling is carried out, the effects of gambling and the regulation of gambling generally.

The Commission has issued Guidance under Section 25 of the Act regarding the way local authorities exercise their licensing functions under the Act and, in particular, the principles to be applied by local authorities. **The Gambling Commission's guidance can be accessed via the following hyperlink: [Gambling Commission guidance to licensing authorities](#).**

The Commission has issued several **codes of practice** under Section 24 of the Act about the manner in which facilities for gambling are provided, including the advertising of gambling facilities.

The Gambling Commission can be contacted as follows:

**By telephone on 0121 230 6666 or by going to their website and completing the online form to submit an enquiry – follow link: [Online Form](#).**

### **3 AUTHORISED ACTIVITIES**

“Gambling” is defined in the Act as either gaming, betting, or taking part in a lottery.

- Gaming means playing a game of chance for a prize
- Betting means making or accepting a bet on the outcome of a race, competition, or other event or process; the likelihood of anything occurring or not occurring, or whether anything is true or not
- A lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated **to one or more members of a class** by a process which relies wholly on chance

The main functions of **a** Licensing Authority are to:

- Licence premises for gambling activities
- Grant permits for gambling and gaming machines in clubs
- Regulate gaming and gaming machines in alcohol licensed premises
- Grant permits to family entertainment centres for the use of certain lower stake gaming machines
- Grant permits for prize gaming
- Consider notices given for the temporary use of premises for gaming

- Consider occasional use notices for betting at tracks
- Register small societies lotteries

Spread betting is regulated by The Financial Conduct Authority.

Remote Gambling is regulated by the Gambling Commission.

The National Lottery is regulated by the National Lottery Commission.

#### **4 GENERAL STATEMENT OF PRINCIPLES**

Where children, young persons and other vulnerable people are allowed access a premises where gambling takes place, each application will be considered on its own merits. Sandwell MBC may take whatever steps are considered necessary to either limit access generally or by introducing reasonable and proportionate measures to safeguard those participating in gambling activities and to prevent under age gambling where it believes it is right to do so, especially where it receives representations to that effect.

#### **5 THE LICENSING OBJECTIVES UNDER THE GAMBLING ACT**

##### **5.1 PREVENTING GAMBLING FROM BEING A SOURCE OF CRIME OR DISORDER**

The Gambling Commission plays the leading role in preventing gambling from being a source of crime and maintains rigorous licensing procedures that aim to prevent criminals from providing facilities for gambling.

Anyone applying to **Sandwell MBC** for a premises licence will have to hold an operating licence from the Commission before a licence can be issued, (unless the premises is a “track” for which an operating licence is not necessary). Therefore, where concerns arise about a person’s suitability to hold a licence, **Sandwell MBC** will bring those concerns to the attention of the Gambling Commission.

If an application for a licence or a permit is received in relation to premises which are in an area noted for problems with organised crime, **Sandwell MBC** will, in consultation with the Police and other relevant authorities, consider whether specific controls need to be applied to prevent those premises from

being a source of crime. This could include conditions being put on the licence, such as a requirement for door supervisors.

As far as nuisance is concerned, there are already powers in existing anti-social behaviour and other licensing legislation to deal with measures designed to prevent nuisance, whether it arises because of noise from a building or from general disturbance once people have left a building. Sandwell MBC does not therefore intend to use the Act to deal with general nuisance issues, for example, parking problems, which can easily be dealt with using alternative powers.

Issues of disorder would normally only be dealt with under the Act if the disorder amounts to activity which is more serious and disruptive than mere nuisance and it can be shown that gambling is the source of that disorder. A disturbance might be serious enough to constitute disorder if police assistance was required to deal with it. Another factor which could be taken into account is how threatening the behaviour was to those who could see or hear it and whether those people live sufficiently close to be affected or have business interests that might be affected.

## **5.2 ENSURING GAMBLING IS CONDUCTED IN A FAIR AND OPEN WAY**

The Gambling Commission does not expect local authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will either be a matter for the management of the gambling business or will relate to the suitability and actions of an individual. Both issues are adequately addressed by the Commission through the operating and personal licensing regime.

Because betting track operators do not need an operating licence from the Commission, Sandwell MBC may, if the circumstances warrant it, require conditions to be applied to the licence relating to the suitability of the environment in which the betting activity takes place.

## **5.3 PROTECTING CHILDREN AND OTHER VULNERABLE PEOPLE FROM GAMBLING**

Within the framework of the act, it is the intention that children and young persons should not be allowed to gamble and should therefore be prevented from entering gambling premises which are “adult only” environments.

In practice, steps are generally taken to prevent children from taking part in, or being in close proximity to gambling which they are not permitted to participate in. There are also some restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.

When considering whether to grant a premises licence or a permit **Sandwell MBC** will consider whether any measures are necessary to protect children, such as the supervision of entrances, the segregation of gambling from areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises such as pubs, clubs, betting tracks etc.

The Act seeks to protect what are termed as “vulnerable people”. Although there is no specific definition of this term, **Sandwell MBC** includes in this description, among others, people who gamble more than they want to, people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling, perhaps due to a mental impairment, alcohol or drugs.

**Sandwell MBC** is required by Regulations to state the principles it has applied in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise **Sandwell MBC** about the protection of children from harm. These principles are:

- the need for the body to be responsible for an area covering the whole of **Sandwell MBC's** area and;
- the need for the body to be answerable to democratically elected persons rather than any particular vested interest group

**Sandwell MBC** has therefore designated the **Sandwell Children's Safeguarding Partnership (SCSP)** for this purpose. **Sandwell MBC** will always treat each case on its own individual merits and when considering whether specific measures are required to protect children and other vulnerable people will balance its considerations against the overall principle of aiming to permit the use of premises for gambling.

SCSP consists of statutory partners composing of Sandwell Council, Sandwell Children's Trust, West Midlands Police and Sandwell Clinical Commissioning Group. Other partners include the Voluntary Sector and Education. SCSP provides a means of encouraging engagement with agencies which have a vested interest in the young and vulnerable.

Businesses, particularly licensed businesses, can play a vital and positive role in helping to identify and protect those that are vulnerable to exploitation and abuse whether they are children, young persons or adults and preventing such exploitation and abuse from occurring by doing the right thing and sharing any suspicious information that sexual exploitation or abuse of children and vulnerable persons is taking place with the relevant authorities or agencies.

More information about Child Sexual Exploitation, including learning resources, can be found at <http://www.sandwellscb.org.uk/>

If you are worried a child may be suffering significant harm, or if you are concerned a child has suffered harm, neglect or abuse, please follow the advice below:

If you believe a child or young person is at immediate risk of harm, you should contact the police by dialling 999.

If you have concerns about a child or young person but believe they are not at immediate risk, you can:

- Contact the Sandwell Safeguarding Team on 0121 569 3100
- Contact the NSPCC on **0808 800 5000** (free service, lines open 24 hours a day). They will listen to your concerns, offer advice and support and can take action on your behalf if a child is in danger. You can also report concerns anonymously. For further information or to report your concerns online visit: [www.nspcc.org.uk/what-you-can-do/report-abuse/](http://www.nspcc.org.uk/what-you-can-do/report-abuse/)

If you have concerns for an adult who may be gambling beyond their means or who may not be able to make informed or balanced decisions about gambling, perhaps due to a mental impairment, alcohol or drugs you can:

- Contact Sandwell Adult Safeguarding Team on **0121 569 2266**.
- Contact Gamcare on **0808 8020 133**.

The offences relating to the protection of children and young persons can be found at Section 46 to 58 of the Act.

The Act details types of gambling which are exceptions such as low risk gambling activities such as private non-commercial betting, Lottery or Pools and a Cat D Gaming Machine.

Where premises are subject to age restrictions there are procedures in place to conduct age verification checks, these checks will be taken into account when considering the licence.

Risks to children and young people should be identified within the premises risk assessment along with controls to mitigate the risks.

The 2005 Act provides for a Code of Practice on access to gambling premises by children and young persons and the Council will work closely with the Police to ensure the appropriate enforcement of the law.

Where premises are subject to age restrictions their procedures must be in place to conduct age verification checks, these checks will be taken into account when considering the licence.

## **6 PREMISES LICENCES**

A premises licence can authorise the provision of gambling facilities at the following:

- Casino premises
- Bingo premises
- Betting premises, including betting tracks
- Adult gaming centres
- Family entertainment centres

Premises can be “any place” but the Act generally prevents more than one premises licence applying to any one place. A single building could be subject to more than one premises licence provided they are for different parts of the building and those parts can be genuinely regarded as being separate “premises”. It is recommended that applicants familiarise themselves with paragraphs 7.5 to 7.11 of the Commission’s Guidance in this respect (**Follow link: [Premises to access information](#)**). With regard to “splitting” premises **Sandwell MBC** has particular regard to paragraphs 7.31 and 7.39 of the



Commission’s Guidance (Follow link: [Multiple Activity Premises to access information](#)). Applicants will need to satisfy Sandwell MBC that premises are genuinely “different” and “separate” in each case.

Any entrances and exits from parts of a building covered by one or more licences need to be separate and identifiable so that the separation of the premises is not compromised, and that people are not allowed to “drift” accidentally into a gambling area. In this context, it should normally be possible to access the premises without going through another licensed premises or premises with a permit.

The relevant access provisions for each premises type is as follows:

Type of Premises	Access Provisions
Casino	<ul style="list-style-type: none"> <li>• The principal entrance to the premises must be from the “street”</li> <li>• No entrance to a casino must be made from premises that are used wholly or mainly by children and/or young persons</li> <li>• No customer must be able to enter a casino directly from any other premises which holds a gambling licence</li> </ul>
Adult Gaming Centers	<ul style="list-style-type: none"> <li>• No customer must be able to access the premises directly from any other licensed gambling premises</li> </ul>
Betting Shops	<ul style="list-style-type: none"> <li>• Access must be from a “street” or from other premises with a betting license</li> <li>• No direct access from a betting shop to another premise used for the retail sale of merchandise or services. In effect, there cannot be an entrance to a betting shop from a shop of any kind unless that shop is itself a licensed betting premises</li> </ul>
Tracks	<ul style="list-style-type: none"> <li>• No customer must be able to access the premises directly from a casino or Adult Gaming Centers.</li> </ul>
Bingo Premises	<ul style="list-style-type: none"> <li>• No customer must be able to access the premises directly from a casino, an Adult Gaming Centers or a betting premises other than a track</li> </ul>

Family Entertainment Centers	<ul style="list-style-type: none"> <li>No customer must be able to access the premises directly from a casino, an Adult Gaming Centers or a betting premises other than a track</li> </ul>
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Other than an application for a betting premises licence in respect of a track, Sandwell MBC is not able to issue a premises licence unless the applicant holds the relevant operating licence from the Gambling Commission.

When considering applications for premises licences Sandwell MBC will consider each case on its own merits without regard to demand. With regard to whether the environment is appropriate to gambling, Sandwell MBC will take into account any representations made by the Commission.

Sandwell MBC will maintain a register of premises licenses issued which will be available for public inspection on request. Please contact the Licensing Team by email to [licensing\\_team@sandwell.gov.uk](mailto:licensing_team@sandwell.gov.uk)

## **7 RESPONSIBLE AUTHORITIES / NOTIFICATION OF APPLICATIONS FOR REPRESENTATION**

These are generally public bodies that must be notified of all applications and who are entitled to make representations to Sandwell MBC if those representations are relevant to the licensing objectives.

Section 157 of the Act defines those authorities; for our purposes they are as follows: -

- The Gambling Commission
- The Chief Officer of Police
- West Midlands Fire and Rescue Service
- The Local Planning Authority
- Environmental Health
- Local Safeguarding Children Board
- HM Revenue and Customs
- A Licensing Authority in whose area the premises are situated

Any concerns expressed by a responsible authority in relation to their own functions cannot be considered unless they are relevant to the application itself and to the licensing objectives.

Each representation will, however, be considered on its own individual merits.

## **8 INTERESTED PARTIES**

Interested parties can make representations about licence applications or apply for a review of an existing licence.

An interested party is someone who:

- lives sufficiently close to the premises likely to be affected by the authorised activities or,
- has business interests that might be affected by the authorised activities or,
- represents persons in either of the two groups above

**Sandwell MBC** is required by Regulations to state the principles it will apply in exercising its powers under the Act to determine whether a person is an Interested Party.

Each case will be determined upon its merits, however, in determining whether someone lives sufficiently close to a particular premise so as to be affected, **Sandwell MBC** will take into account, among other things:

- the size of the premises
- the nature of the premises
- the distance of the premises from the person making the representation
- the nature of the complaint
- the potential impact of the premises

In determining whether a person has a business interest which could be affected **Sandwell MBC** will consider, among other things:

- the size of the premises
- the catchment area of the premises (how far people travel to visit the premises)
- whether the person making the representation has business interests in the catchment area that might be affected

If an existing gambling business makes a representation that it is going to be affected by another gambling business starting up in the area then Sandwell MBC would not normally consider this, unless it is supported by other evidence, as such a representation relates to demand or competition and not to the licensing objectives.

Trade associations, trade unions, residents' and tenants' associations will generally not be viewed as interested parties unless they are representing a specific member or members who are held to be an interested party in accordance with the provisions of Section 158 of the Act.

A school head or governor will generally not be viewed as an interested party unless they are representing the interests of pupils or parents who are held to be interested parties in accordance with the provisions of Section 158 of the Act.

A community group will generally not be viewed as an interested party unless they are representing the interests of vulnerable people who are held to be interested parties in accordance with the provisions of Section 158 of the Act. Sandwell MBC is committed and will encourage improved engagement with agencies including the voluntary and community sector partners who have a vested interest in the young and vulnerable to ensure representations about licence applications or a review of an existing licence. Sandwell MBC administers and monitors the voluntary sector support grants budget and therefore has close links with voluntary and community sector groups via grant agreements and agreed monitoring arrangements. The voluntary and community sector provide support to young and vulnerable groups ranging from debt advice, employment and training opportunities as well as victim support.

Persons who are democratically elected, e.g. Councillors and Members of Parliament, are interested parties. Sandwell MBC will not require such elected persons to provide evidence that they have been asked to represent any particular person providing the elected person represents the area/location that will be affected by the licence/permit application or review.

Sandwell MBC may, in certain circumstances, consider a representation to be either frivolous or vexatious. This will generally be a matter of fact given the

circumstances of each individual case but, before coming to a decision **Sandwell MBC** will normally consider:

- who is making the representation and whether there is a history of making representations that are not relevant
- whether it raises a “relevant” issue or not, or
- whether it raises issues specifically to do with the premises which are the subject to the application

More detailed information on the making of representations can be found in Appendix 1. The guidance note has been prepared in accordance with relevant Statutory Instruments and Gambling Commission guidance.

## **9 LOCAL RISK ASSESSMENTS**

Operators are required to consider local risks to the licensing objectives by the provision of gambling facilities at their premises. They are required to have policies, procedures and controls in place to mitigate those risks. Operators shall ensure that their local risk assessments are up to date, reviewed at least yearly, are kept readily available and retained on the premises.

Operators are required to undertake/update/share with Responsible Authorities (as appropriate in accordance with the Guidance and the Licence Conditions Codes of Practice) a local risk assessment in the following situations: -

- when applying for a new premises licence
- when applying to vary the premises licence
- when significant changes occur in local circumstance (see below)
- when there are significant changes at the premises (see below)
- when requested to do so by Sandwell MBC

In this context risk includes any actual, potential and any possible future emerging risks to the licensing objectives.

The risk assessment should be specific to the local area within which the premises is situated and should be sufficiently detailed to enable Sandwell MBC and the operator to consider whether any conditions are required to mitigate the risks.

When completing the risk assessment Sandwell MBC expects operators to attach significant importance to their local risk assessment and that they must have regard to the local area profile created by Sandwell MBC and to Sandwell MBC's Statement of Principles. Controls to mitigate risk should be relevant and proportionate to the premises.

Where appropriate we would expect the applicant to consider the following matters when carrying out their risk assessments. This is not an exhaustive list and there may be other factors which should be considered. A risk assessment should be undertaken for each new application and matters which should be considered will vary.

The list below gives examples of actual, potential or future emerging risks associated with Locations, this list is not exhaustive and is provided as guidance only:

- The location of schools, sixth form colleges, youth centres etc
- banks and other financial institutions
- playgrounds, leisure/community centres and other areas where children will gather
- hostels or support services for vulnerable people, such as those with addiction issues or who are homeless
- any gambling or addiction support/treatment centres
- any known information about issues with problem gambling in the area and persons vulnerable who may be adversely harmed by entering a gambling premises
- the surrounding night time economy, and possible interaction with gambling premises
- patterns of crime or anti-social behaviour in the area, and specifically linked to gambling premises
- the socio-economic makeup of the area
- the density of different types of gambling
- premises in the area.

This is not an exhaustive list, risks and identified controls to mitigate risks will be individual to each premises.

Examples of actual, potential or future emerging risks associated with underage gambling:

- Ensuring appropriate staffing levels at different times of the day i.e. when a local school or college closes and the students begin to vacate the grounds.
- Proximity of machines to the entrance door
- The position of gambling machines.
- Using age verification policies including 'Think 21' and 'Think 25' to prevent underage gambling.
- Enhanced staff training where the premises is close to a school or college.

This is not an exhaustive list, risks and identified controls to mitigate risks will be individual to each premises.

Local risk assessments shall also:

- Show how vulnerable people, such as people with gambling dependencies are protected.
- Include self-exclusion details as a control measure. Self-exclusion being a process when an individual asks a gambling operator to be excluded from gambling with them for a set length of time. In practice, it means the individual will be refused service in the venues where they have self-excluded. By law, this must be provided as an option by gambling operators in Great Britain.
- Include details of how the premises will share information with nearby agencies, including the frequency and mechanisms it intends to use to do so.
- Include control measures to mitigate risks when the footfall is the highest.

Significant changes in local circumstances:

Operators must consider what is happening in their local area and it is their responsibility to identify significant changes which may require a review and possible amendment to their risk assessment. A significant change can be temporary, and any temporary changes should be considered, and adjustments made to the risk assessments if necessary.

Sandwell MBC will provide information to gambling operators when it feels a significant change has occurred in the local area. Sandwell MBC will set out what that change is and may provide information on any specific concerns it may have that should be considered by operators.

The following lists set out some examples of what the Sandwell MBC considers to be significant changes in local circumstances. The list is not exhaustive, and each premise will be considered on its own merits. Operators must consider whether any change in the locality of their premises is one that may be considered significant

- The local area is classified or declassified by Sandwell MBC as being an area of heightened risk within its Local Area Profile
  - Any substantial building development or conversion of existing premises in the local area which may increase or decrease the number of visitors. For example, where premises are converted to a local supermarket or a new office building is constructed nearby
  - Any new pay day loan establishment or pawn brokers open in the local area
  - Relevant changes are made to the provision, location and/or timings of public transport in the local area, such as a bus stop which is used by children to attend school is moved to a location in proximity to gambling premises
- Educational facilities increase in the local area. This may occur as a result of the construction of a new school/college or
- where a significant change is made to an existing establishment
  - The local area is identified as a crime hotspot by the police and/or Sandwell MBC. Police reports and call outs shall therefore be considered
  - Any vulnerable group is identified by Sandwell MBC or venues relating to those vulnerable groups are opened in proximity to gambling premises e.g. additional homeless hostels or gambling or mental health care/support facilities in the local area
  - A new gambling premises opens in the local area
  - Attempts to gamble by under 18s

Sources of information available to assist operators with completing risk assessments:

### **LOCAL AREA PROFILE**

Sandwell MBC has produced six profiles based on the Six Towns in the Borough which will assess the local environment and identify local concerns and risks.



The profile will take account of a wide range of factors, data and information held by Sandwell MBC and its partners. Responsible authorities and other relevant organisations will be invited to take part in the preparation of the profile. The profile will enable operators to clearly identify the risks and concerns in the community when completing their risk assessment.

The Local Area Profiles can be accessed at:

<https://www.sandwelltrends.info/sandwell-town-profiles/>

## **CENSUS**

The above link for the local area profiles also enables operators to access the Census Town Profiles which provide an overview of the social economic conditions within each of the six towns of Sandwell. The Census Town Profiles provide information on population change and structure, economic status, ethnic background and health.

## **RISK TOOL**

A Risk Tool for Sandwell Gambling Licences has been developed as a guide to applicants applying for new gambling licences or to renew an existing licence. The purpose of the tool is to assist applicants with the completion of applications, and not as the sole means for risk assessment. The tool provides premises information, for premises that are considered at risk and in close proximity to the intended gambling premise location. The tool can be found on the Sandwell Trends website. A link to the page can be found below. Once the page is opened select the **Gambling Location Risk Tool**:

[Sandwell Trends - Gambling Location Risk Tool](#)

The information given when accessing the tool should only be used as a guide to support other methods of intelligence gathering.

## **BE GAMBLE AWARE**

Who provide information to help people make informed decisions about their gambling.

GambleAware is an independent, grant-making charity commissioning prevention and treatment services across England, Scotland and Wales in partnership with expert organisations and agencies, including the NHS, across three areas:

- Commissioning the National Gambling Treatment Service
- Producing public health campaigns on a national scale and providing practical support to local services
- Commissioning research and evaluation to improve knowledge of what works in prevention.

## **10 CONDITIONS OF LICENCE**

The mandatory and default conditions that are attached to all Gambling Act 2005 premises licences are designed to be, and usually are, sufficient to ensure operation that is reasonably consistent with the licensing objectives and that additional conditions will only be imposed by Sandwell MBC where there is a clear risk to the licensing objectives that is not adequately addressed by the mitigation measures, policies and procedures outlined in the applicant's risk assessment.

The risk assessment is a dynamic document which (in accordance with SR code provision 10.1.2) must be reviewed if there is a significant change in local circumstances. As risks change or new risks are identified, the policy, procedures and mitigation measures to address those identified risks may be changed very quickly.

However, if the mitigation measures are the subject of premises licence conditions, then an application for variation of the premises licence will be required to change those conditions. This could delay any change and would cause unnecessary expense and administration for both operators and the licensing authority.

Any conditions imposed by Sandwell MBC will be proportionate to the circumstances they are intended to address. In particular, Sandwell MBC will ensure that any conditions are:

- relevant to the need to make the premises suitable as a gambling facility
- directly related to the premises and the type of licence applied for
- fairly and reasonably related to the scale and type of premises
- reasonable in all other respects

Conditions relating to the good conduct of gambling premises will primarily be set as mandatory or default conditions by the Secretary of State. Sandwell MBC will only consider imposing conditions in this regard in the light of local circumstances, especially where there are specific risks or problems associated with a particular locality, a specific premises or class of premises.

Duplication with other statutory or regulatory regimes will be avoided. Each case will be assessed on its own individual merits.

## **11 CASINOS**

**Sandwell MBC** has re-affirmed a “no casino” resolution on the basis of all material considerations in order to promote the power of wellbeing of the people it represents, to promote the health of the people it represents and to promote the prevention of crime and disorder within the Borough.

Existing casino operators have “grandfather” rights and are entitled to a casino premises licence under the Act issued by **Sandwell MBC**.

**Sandwell MBC** will be mindful when considering applications, of section 152 of the Gambling Act 2005 which states that a premises licence may not be issued in respect of a premises if a premises licence already has effect.

The Gambling Commission are responsible for issuing codes of practice about access to casino premises by children and young persons, which would mean that no one under 18 would be able to enter casino premises and entrances to the casino or gambling area would be required to be properly supervised.

The Gambling Commission may issue further guidance to local authorities generally regarding licence conditions in respect of casino premises.

## **12 BETTING**

Anyone wishing to operate a betting office will require a betting premises licence from **Sandwell MBC**. Children and young persons will not be permitted to enter premises with a betting premises licence.

Betting premises may make available gaming machines for use where there are also substantive facilities for non-remote betting provided and available in the premises.

It is not possible for an operator to offer gaming machines on premises which are licensed for betting without offering sufficient facilities for betting. The Gambling Commission and Sandwell MBC take the view that customers need to be offered a balanced mix of betting and gaming machines, in line with the licensing objective of protecting vulnerable persons from being harmed or exploited by gambling, “betting” should therefore remain the primary element of the gambling facilities being offered. In this regard, betting may be provided by way of betting terminals or over a counter (i.e. face to face).

If Sandwell MBC receives an application to vary a betting premises licence in order to extend the opening hours, it will need to satisfy itself that the reason for the application is in line with the need for operators to ensure that the main gambling activity associated with the licence type is actually going to be offered at the premises and not replaced merely by making gaming machines available.

In other words, applicants will need to demonstrate that the extension of hours is not designed solely to benefit from the gaming machine entitlement and that the use of gaming machines remains ancillary to the “primary” purpose of the licence, i.e. to provide betting on the premises.

In all cases, each application will be considered on its own individual merits.

## **13 TRACKS**

Only one premises licence can be issued for any particular premises at any time unless the premises are a “track”. A track is a site where races or other sporting events take place.

Track operators are not required to hold an “operator’s licence” granted by the Gambling Commission, therefore premises licences for tracks issued by **Sandwell MBC** may contain requirements for premises licence holders about their responsibilities in relation to the proper conduct of betting. Indeed, track operators have an important role to play, for example, in ensuring that betting areas are properly administered and supervised.

Unlike betting offices, a betting premises licence in respect of a track does not give an automatic entitlement to use gaming machines.

When considering whether to exercise its power to restrict the number of betting machines at a track **Sandwell MBC** will consider the circumstances of each individual application and, among other things, will consider the potential space for the number of machines requested, the ability of track staff to supervise the machines, especially if they are scattered around the site, and the ability of the track operator to prevent children and young persons and vulnerable people betting on the machines.

## **14 BINGO**

The holder of a bingo operating licence will be able to provide any type of bingo game including cash and prize bingo.

Commercial bingo halls will require a bingo premises licence from **Sandwell MBC**.

It is important that where children are allowed to enter premises licensed for bingo, they are not allowed to participate in any bingo game. When considering applications of this type, **Sandwell MBC** will therefore take into account, among other things, the location of the games or machines, access to those areas, general supervision of the premises and the display of appropriate notices.

A limited number of gaming machines may also be made available at bingo licensed premises.

Bingo is classed as equal chance gaming and it will be permitted in alcohol licensed premises and in clubs provided it remains within the threshold. The threshold is reached if the bingo played during any seven-day period exceeds £2,000 (either in money taken or prizes awarded) once in a year. If the threshold is exceeded the establishment will be subject to a bingo operating licence which will have to be obtained from the Gambling Commission.

As with the previous section in relation to bettering premises, if an application for variation is made to extend the licensing hours of bingo premises, **Sandwell MBC** will want to establish that the primary purpose of the premises throughout the extended period remains the provision of bingo facilities. Gaming machines

may only be made available for use in licensed bingo premises on days when sufficient facilities for playing bingo are also available for use.

In this regard, in cases where bingo is being offered exclusively by means of Electronic Bingo Terminals (EBTs) there must be more individual player positions made available for bingo than there are gaming machines available for use.

Where playing is permitted, on the licensed premise, using mobile electronic devices, then it should only be permitted within the licensed area.

## **15 GAMING**

A gaming machine can cover all types of gambling activity, including betting on “virtual” events.

The Act itself prescribes the number and category of gaming machines that are permitted in each type of gambling premises.

Subject to the provisions of the Act, gaming machines can be made available in a wide variety of premises, including:

- casinos
- bingo premises
- betting premises (including tracks)
- adult gaming centres
- family entertainment centres
- clubs
- pubs and other alcohol licensed premises
- travelling fairs

A machine is not a gaming machine if the winning of a prize is determined purely by the player’s skill. However, any element of “chance” imparted by the action of the machine would cause it to be a gaming machine.

**Sandwell MBC** will, where appropriate, seek to encourage premises licence holders to adopt and adhere to any codes of practice which may be introduced by the amusement trade industry from time to time.

**Sandwell MBC** will treat every application for a permit on its own merits, regardless of the number of machines applied for. Applicants for permits in respect of alcohol licensed premises may, where the number of machines applied for is 3 or more, be asked to provide additional information, for example in the form of a plan, in order to satisfy **Sandwell MBC** that the premises are suitable for the purpose and will not result in the “primary” use of the premises being changed to one of gambling.

The Gambling Commission have introduced a Code of Practice for gaming machines in clubs and premises with an alcohol licence which can be accessed **via** the Commission’s website. Link: [Gambling Commission Codes of Practice](#)  
The code includes sections relating to:

- the location and operation of machines
- access to gambling by children
- a good practice guide for permit holders

For general information about the issue of permits to relevant premises, including alcohol licensed premises, please direct your enquiries to the Licensing Team by telephone 0121 569 6744 or by email to [licensing\\_team@sandwell.gov.uk](mailto:licensing_team@sandwell.gov.uk)

## **16 LOTTERIES**

All lotteries are unlawful unless they are run in accordance with an operating licence issued by the Gambling Commission or it is an “exempt” lottery as defined by the Act. One of those exemptions is in respect of what are termed “small societies lotteries” and **Sandwell MBC** is responsible for registering these “small” lotteries.

A society will be allowed to register with **Sandwell MBC** if it is a “non-commercial” lottery, in other words, it is established and conducted:

- for charitable purposes
- for the purpose of enabling participation in, or of supporting, sport, athletic or a cultural activity; or
- for any other non-commercial purpose, other than for private gain

**Sandwell MBC** maintains a register of small societies lotteries. Please

contact the licensing team for further information by telephone 0121 569 6744 or by email to [licensing\\_team@sandwell.gov.uk](mailto:licensing_team@sandwell.gov.uk)

The Gambling Commission has strengthened its guidance to licensing authorities as a result of some small society lotteries avoiding applying for an operating licence from the Commission by obtaining 2 or more registrations with the same or different licensing authorities.

A society lottery is a large lottery requiring an operating licence if the arrangements for it are such that its proceeds may exceed £20,000 or the aggregate proceeds in any calendar year exceed £250,000.

If a society has separate branches with different aims and objectives it is acceptable for them to hold more than one Licensing Authority registration.

If **Sandwell MBC** received more than one registration which appears to come from the same society the applicant may well be asked to provide further information in support of the application so that **Sandwell MBC** can satisfy itself that the societies are genuinely separate and the aims and objectives are different.

Similar checks may be carried out on societies at the time the annual registration fees are due and if the limits on proceeds are likely to be exceeded, the matter will be referred to the Gambling Commission for further investigation.

## **17 EXCHANGE OF INFORMATION**

To ensure the licensing objectives **as outlined above in Section 2, Gambling Act 2005** are met, **Sandwell MBC** will establish a close working relationship with the police, the Gambling Commission and, where appropriate, other responsible authorities.

Licensing authorities are **required to include how they will apply their Statement of Principles with** regards to the exchange of information between it and the Gambling Commission, as well as other persons listed in Schedule 6 to the Act.

The principle that **Sandwell MBC** applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which



includes the provision that the Data Protection Act 2018 and the **UK General Data Protection Regulation**. **Sandwell MBC** will also have regard to any guidance issued by the Gambling Commission to local authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

Details of applications and representations which are referred to the Licensing Committee or a Licensing Panel may be published in reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000. The personal details of those making representations may be disclosed to applicants and other parties to a hearing and will normally only be withheld on the grounds of personal safety where **Sandwell MBC** is specifically requested to do so.

The Freedom of Information Act 2000 (**FOIA**) also provides the public with a general right of access to information held by public authorities and subject to exemptions, be supplied with a copy of that information. Information about how the authority handles FOIA requests can be found at the **Sandwell MBC's** website. **Please follow link to access details:** [Freedom of Information](#)

**FOIA** requests must be submitted to the **Sandwell MBC** in writing. You can either fill in the online form **by following the link:** [FOIA Form](#) or send an email or letter stating what information you would like to receive. Emails should be sent to: [info\\_management@sandwell.gov.uk](mailto:info_management@sandwell.gov.uk) and letters should be addressed to:-

Information Management Unit  
Oldbury Council House  
Freeth Street  
Oldbury  
West Midlands  
B69 3DE

Unless restricted by the Gambling Act, details about applications, licenses and representations will be made available in our public register. Representations that we accept will be copied in their entirety to applicants, to provide an opportunity for mediation and to ensure that the rights of the applicant are not compromised.

Operators/premises are expected to share relevant information with the **Sandwell MBC** to enable it to develop its understanding about the risk of gambling in its area such as:

- information about test purchasing exercises (subject to primary authority agreements **where they exist**)
- information as the number of self-exclusion and underage attempts to gamble
- details of where a child or young person repeatedly attempts to gamble on their premises, this may provide **Sandwell MBC** with an opportunity to consider safeguarding concerns.
- information about how vulnerable people will, including those with gambling dependencies be identified and protected

**Sandwell MBC is committed to providing information to gambling operators when it feels a significant change has occurred in the local area. This will enable operators to effectively manage risks by reviewing and updating local risk assessments and for operators to share information appropriately with nearby agencies such as treatment centres. See local risk assessments section for full details of significant changes.**

**Sandwell MBC will also ensure local area profiles based on the Six Towns in the Borough are current in order to assist operators in assessing the local environment, identifying local concerns and risks in the community to fully complete risk assessments. This process will facilitate the effective implementation of control measures by operators to mitigate and manage risks.**

## **18 ENFORCEMENT PROTOCOLS**

**Sandwell MBC** is required by Regulations under the Act to state the principles to be applied by it in exercising the functions under Part 15 of the Act in respect of the inspection of premises and the powers under 346 of the Act to institute criminal proceedings in respect of the offences specified.

**Sandwell MBC** will have regard to the principles of better regulation and the Regulators' Code. In addition, **Sandwell MBC** will act in accordance with the relevant legislation, be guided by the Commissions Guidance and will endeavour at all times to be:

- proportionate – Sandwell MBC will only intervene when necessary any remedies will be appropriate to the risk posed and costs identified and minimised
- accountable – decisions will be justified and subject to public scrutiny
- consistent – any rules and standards will be joined up and implemented fairly
- transparent – Sandwell MBC will be open and any licence conditions will be kept simple and user friendly, and
- targeted – regulation will be focused on the problem with the aim of minimising side effects

We are committed to the objectives of the Black Country Better Business for All (BBFA) initiative which is to:

- Reduce the regulatory burden on businesses.
- Promote dialogue between businesses and regulatory services.
- Improve the business perception of regulators.
- Encourage the right balance between encouragement, education and enforcement.
- Develop a joint offer of support from regulatory services for businesses.
- Build trust between regulators and businesses.

The Black Country Regulators Operating Framework that has been approved and adopted by the four Black Country Authorities including Sandwell MBC and includes:

- A Regulator and Business Charter
- Service Standards, and
- An Enforcement Policy (which takes into account the requirements of the Regulators Code)

This document will ensure the same regulatory approach, aligned to BBFA principles, is applied across all relevant regulatory services within the Black Country region. The Black Country Operating Framework can be viewed [http://www.sandwell.gov.uk/info/200189/trading\\_standards/4056/working\\_with\\_businesses\\_and\\_those\\_we\\_regulate](http://www.sandwell.gov.uk/info/200189/trading_standards/4056/working_with_businesses_and_those_we_regulate)

We aim to prioritise and direct our regulatory effort effectively using intelligence and relevant risk assessment schemes.

Such risk assessments will have regard to all available, relevant and good quality data. We will give due consideration to the combined effect of the potential impact and likelihood of non-compliance; this approach will enable us to focus our resources on the areas that need them most and to ensure that persistent offenders are identified quickly.

In general, the Gambling Commission will take the lead role on the investigation and, where appropriate, the prosecution of illegal gambling.

**Sandwell MBC** will continue to work with the Commission, the police and other enforcing authorities to provide for the targeting of agreed problem or high-risk premises. A lighter touch will be applied to those premises which are shown to be well managed and maintained. Inspections will generally be undertaken on a reactive basis. The overall aim is to permit the use of premises for gambling. With that in mind it is intended that action will generally be taken against “problem” premises through the review process.

Test purchasing is one method by which **Sandwell MBC**, in partnership with The Gambling Commission can measure the compliance of licensed operators, or groups of licensed operators, with aspects of the Gambling Act 2005. In conducting test purchasing, we may work in partnership with Gambling Commission which have the primary responsibility for issues related to individual gambling premises. Test purchasing is also a means by which operators themselves can demonstrate the effectiveness of their policies and procedures. When conducting test purchase operations due regard will be given to the Age Restricted Products and Services: A Code of Practice for Regulatory Delivery 2014

## **19 MODERN DAY SLAVERY**

Human trafficking and other forms of slavery continue to exist.

**Modern slavery can take many forms including people trafficking and forced labour, sexual exploitation and criminal exploitation.**

**The Home Office estimates there are 13,000 potential victims in the UK.**

More about the authorities approach to tackling Modern Day Slavery can be found <https://www.sandwell.gov.uk/modernslavery>

Any concerns should be reported by calling the Police on 101, the UK Modern Slavery Helpline on 08000 121 700 or the independent charity Crimestoppers anonymously on 0800 555 111.

## **20 MONEY LAUNDERING**

Licensed premises have a key role to play in preventing the laundering of money generated by illegal activity. The Gambling Commissions guidance for gambling and betting industry can be viewed at <https://www.gamblingcommission.gov.uk/licensees-and-businesses/aml>

## **21 THE LICENSING PROCESS**

**Sandwell MBC's** licensing functions under the Act will be carried out by the Licensing Committee, supported by a number of Licensing Panels and by officers acting under the delegated authority of the committee.

Where there are no areas of contention it is considered that many of the functions will be largely administrative. In the interests of efficiency and effectiveness these will, for the most part, be carried out by authorised officers (as authorised by the Scheme of Delegations). Please see the most recent Scheme of Delegations which is published on **Sandwell MBC's** website - **Follow link to access [Scheme of Delegation](#)**.

Where there are relevant representations in respect of an application the matter will be determined by the Licensing Committee or one of its sub-committees, as will any application for the review of a licence.

Factors which will be considered when considering applications and reviews include:

- history of premises operation
- compliance history
- attitude of the licence holder
- results of interventions
- consultation with responsible authorities

- the seriousness of non-compliance
- completeness of risk assessments

Guidance for applicants can be found in Appendix 2.

## **22 POLICY REVIEW**

This Statement of Principles is not intended to override the right of any person to make an application under the Act, and to have that application considered on its merits. Equally, this Statement of Principles is not intended to undermine the right of any person to make representations about an application or to seek a review of a licence where provision has been made for them to do so.

In preparing this Statement of Principles, Sandwell MBC has had regard to any guidance issued by the Gambling Commission and has given appropriate weight to any views received as part of the consultation process. This Statement will be kept under review from time to time and, in accordance with the Act, will be subject to review every three years. Before a Statement or revision comes into effect, Sandwell MBC will publish a notice of their intention to publish a Statement or revision. The notice will:

- specify the date on which the statement or revision is to be published
- specify the date on which the statement or revision will come into effect
- specify the internet address where the statement or revision will be published and the address of the premises at which it may be inspected
- be published on the authority's website and in/on one or more of the following places for at least four weeks before it comes into effect:
  - a local newspaper circulating in the area covered by the statement
  - a local newsletter, circular, or similar document circulating in the area covered by the statement
  - a public notice board in or near the principal office of the authority
  - a public notice board on the premises of public libraries in the area covered by the statement.

Sandwell MBC will ensure that upon reviewing this Statement of Principles, consultation shall be undertaken in line with Cabinet Office consultation principles guidance. The guidance is available via the following link: [Cabinet Office consultation principles guidance](#).

## Gambling Act 2005 – Statement of Principles March 2022

Key:

Reference to 'Act' means Gambling Act 2005

SOP – Statement of Principles

Page numbers are subject to change owing to additional text & sections where added or removed.

Changes made to SOP and consulted upon are highlighted by red text under page numbering.

Changes made to SOP as a result of consultation feedback received are highlighted by green text under page numbering.

### Proposed Changes

Page No	Existing	Proposed Change – NB: Section numbers changed owing to amendments
1	From a good practice perspective there is no mention of applicable 3-year period that SOP applies to in line with s349 of Act	Stated January 2022 to January 2025. Assumption implementation date will be January 2022
3-5	Section 1 – INTRODUCTION – As a matter of good practice, Corporate plan objectives, risks and envisaged positive outcomes via implementation of corporate plan key objectives are not included in the introduction	Gambling risks / mitigations associated with Community Resilience, Best Start for Children & Young Adults, Live Well & Age Well and Inclusive Economy included
3-5	Sandwell is one of the larger metropolitan boroughs located at the centre of the West Midlands and is predominantly urban in character. The Borough is composed principally of six towns rather than a single, dominant centre and these form the basis of Sandwell MBC's community focus. The towns are Oldbury, Rowley Regis, Smethwick, Tipton, Wednesbury and West Bromwich. At the last count, the population of the Borough was just under 320,000.	Sandwell is one of the larger metropolitan boroughs located at the centre of the West Midlands and is predominantly urban in character.  The Borough is composed principally of six towns rather than a single, dominant centre. The towns are Oldbury, Rowley Regis, Smethwick, Tipton, Wednesbury and West Bromwich. At the last count, the population of the Borough was 327,378.

	<p>As far as the economy is concerned, Sandwell is still heavily reliant on manufacturing, although service industries now form almost 60% of total employment within the Borough. Sandwell is also a densely-populated area and has the highest number of residents per unit of residential land in the West Midlands. In contrast, the Borough also has the highest proportion of parks and open spaces amongst the seven metropolitan districts in the area.</p> <p>Sandwell has high levels of deprivation and is ranked the 13<sup>th</sup> most deprived local authority area out of 326 (Indices of Multiple Deprivation 2015). Deprivation in Sandwell is not concentrated in pockets, but more widespread across the borough than in other areas, with the worst areas of deprivation following Sandwell’s industrial belt, running from the northwest to the southeast of the Borough. 28.3% of children (<b>under 16</b>) in Sandwell are classed as living in poverty with relatively high volumes of adults experiencing income and employment deprivation (<b>National Child and Maternal Health Intelligence Network (CHIMAT) 2012</b>).</p> <p>The Gambling and betting industry is a key contributor to the UK economy, directly generating an average of £2.3 billion towards the UK GDP. However, it is also recognised that such entertainment can lead to negative impacts on the individual gambler, their family and the wider community. Such negative impacts include financial problems, mental and physical health issues, job loss and absenteeism, criminality, and the well-being of children and carers.</p> <p>According to the British Gambling Prevalence Survey 2010, 0.9% of adults in the UK meet the clinical criteria to be considered pathological Gamblers – for Sandwell this would equate to 2,186 adults. Furthermore, there is evidence that gambling is a particular issue for adolescents, with one survey of British teenagers aged 11-15 years finding that 1.9% met</p>	<p>Sandwell is still heavily reliant on manufacturing, although service industries now form almost 60% of total employment within the Borough. Sandwell is also a densely-populated area and has the highest number of residents per unit of residential land in the West Midlands. In contrast, the Borough also has the highest proportion of parks and open spaces amongst the seven metropolitan districts in the area.</p> <p>Sandwell has high levels of deprivation and is ranked the 12<sup>th</sup> most deprived local authority area out of 317 (Indices of Multiple Deprivation 2019). <a href="#">Previous IMD results</a> for this measure show that Sandwell’s position has declined slightly relative to other districts in England. Sandwell was 13<sup>th</sup> most deprived local authority in 2015.</p> <p>The Gambling and betting industry is a key contributor to the UK economy, directly generating an average of £2.3 billion towards the UK GDP.</p> <p>However, it is also recognised that such entertainment can lead to negative impacts on the individual gambler, their family and the wider community such as financial problems, mental and physical health issues, job loss and absenteeism, criminality, and the well-being of children and carers.</p> <p>The BGPS 2010 referred to two problem gambling screening instruments. One of which was the DSM-IV criteria for pathological gambling (based on a 1994 paper in the US), the other was a Canadian report from 2001. These were used to then calculate <b>problem</b> gambling rates in the UK. In a comparison table with other national prevalence surveys the rates of problem gambling was estimated at 0.7-0.9%. The figures of problem gambling are now much lower. Figures published by the Gambling Commission in February 2022 show</p>
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	<p>the clinical criteria for pathological gambling. This highlights the particular risks of problem gambling for young people.</p> <p>Problematic gambling is also associated with a number of risk factors such as being unemployed, having poor health, being younger, male, binge drinking – factors which affect many of our local residents and therefore increase the propensity towards problematic gambling.</p> <p><b>Sandwell MBC</b> wishes to minimise any negative impact from licensed gambling.</p> <p>The Statement of Principles has a key role in ensuring the <b>Sandwell MBC</b> delivers on its Vision 2030 commitments including:</p> <ul style="list-style-type: none"> <li>• Ambition 1 – “Sandwell is a community where our families have high aspirations and where we pride ourselves on equality of opportunity and on our adaptability and resilience.</li> <li>• Ambition 5 - “Our communities are built on mutual respect and taking care of each other, supported by all the agencies that ensure we feel safe and protected in our homes and local neighbourhoods “and</li> <li>• Ambition 8 “Our distinctive towns and neighbourhoods are successful centres of community life, leisure and entertainment where people increasingly choose to bring up their families”</li> </ul> <p>Furthermore, this statement of principles endeavours to mitigate risks associated with gambling by delivering corporate plan key objectives which includes:</p> <ul style="list-style-type: none"> <li>• Best start for children and young adults - By ensuring licensees complete local area risk assessments, it is envisaged that the potential risk of harm from underaged gambling will be reduced whilst maintaining adequate control measures to support addicted</li> </ul>	<p>that the rate of problem gambling in the year to December 2021 was 0.3%, having fallen from 0.6% over the last 18 months.</p> <p><b>Sandwell MBC</b> wishes to minimise any negative impact from licensed gambling.</p> <p>Operators are expected to take account of the Gambling Objectives to safeguard those who participate in gambling activities.</p> <p>The Statement of Principles has a key role in ensuring that <b>Sandwell MBC</b> delivers on its Vision 2030 commitments including:</p> <ul style="list-style-type: none"> <li>• Ambition 1 – “Sandwell is a community where our families have high aspirations and where we pride ourselves on equality of opportunity and on our adaptability and resilience.</li> <li>• Ambition 5 - “Our communities are built on mutual respect and taking care of each other, supported by all the agencies that ensure we feel safe and protected in our homes and local neighbourhoods “and</li> <li>• Ambition 8 “Our distinctive towns and neighbourhoods are successful centres of community life, leisure and entertainment where people increasingly choose to bring up their families”</li> </ul> <p>The statement of principles endeavours to mitigate risks associated with gambling by delivering corporate plan key objectives which includes:</p> <p>Best start for children and young adults - By ensuring licensees complete local area risk assessments, it is envisaged that the</p> <ul style="list-style-type: none"> <li>• potential risk of harm from underaged gambling will be reduced whilst maintaining adequate control measures to</li> </ul>
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	<p>gamblers and vulnerable persons. Managing risk is critical as addiction to gambling and associated vulnerabilities can have a negative impact on finances and may contribute to food poverty and in turn the wellbeing of children.</p> <ul style="list-style-type: none"> <li>• Community Resilience - Adequate consultation and transparency on licence applications will enable implementation of a regulatory environment which is balanced in terms of encouraging community participation to tackle concerns, educate communities and for Sandwell MBC to take enforcement action as necessary. The community will be able to be at the forefront of tackling gambling related issues which affect them and their lives by preventing gambling through vigilance and raising concerns with Sandwell MBC to prohibit gambling becoming a source of crime or disorder and protecting children and other vulnerable persons from being harmed or exploited by gambling.</li> <li>• Age well and live well – Research has shown that demographics can have a fundamental negative effect on people’s lives and that health equalities can result in stress, inappropriate lifestyles which impact on life expectancy. By supporting vulnerable groups and tackling underaged gambling or crime and exploitation, this will help in people making good choices and leading healthier and balanced lifestyles.</li> <li>• Inclusive Economy – By managing the risk of crime and exploitation of vulnerable groups from gambling, activities relating to licensed premises within the Borough will provide balanced leisure activities for communities and generate sustainable positive economic outputs by existing companies generating income and from the influx of new business to a thriving business environment. This will help with sustainability of employment, the growth in jobs for all including</li> </ul>	<p>support addicted gamblers and vulnerable persons. Managing risk is critical as addiction to gambling and associated vulnerabilities can have a negative impact on finances and may contribute to food poverty and in turn the wellbeing of children.</p> <ul style="list-style-type: none"> <li>• Community Resilience - Adequate consultation and transparency on licence applications will enable implementation of a regulatory environment which is balanced in terms of encouraging community participation to tackle concerns, educate communities and for Sandwell MBC to take enforcement action as necessary. The community will be able to be at the forefront of tackling gambling related issues which affect them and their lives by preventing gambling through vigilance and raising concerns with Sandwell MBC to prohibit gambling becoming a source of crime or disorder and protecting children and other vulnerable persons from being harmed or exploited by gambling.</li> <li>• Age well and live well – Research has shown that demographics can have a fundamental negative effect on people’s lives and that health equalities can result in stress, inappropriate lifestyles which impact on life expectancy. By supporting vulnerable groups and tackling underaged gambling or crime and exploitation, this will help in people making good choices and leading healthier and balanced lifestyles.</li> <li>• Inclusive Economy – By managing the risk of crime and exploitation of vulnerable groups from gambling, activities relating to licensed premises within the Borough will provide balanced leisure activities for communities and generate sustainable positive economic outputs by existing companies generating income and from the influx of new business to a thriving business environment. This will help with sustainability of employment, the growth in jobs for all including young</li> </ul>
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	<p>young and disabled persons and the promotion of Sandwell as a location in which people wish to live, work and raise families.</p>	<p>and disabled persons and the promotion of Sandwell as a location in which people wish to live, work and raise families.</p>
6	<p><b>1.2 OTHER KEY AGENCIES / OFFICERS / RESPONSIBLE AUTHORTIES</b></p> <p>Chief Constable, West Midlands Police, West Midlands Police Headquarters, Lloyd House, Birmingham                  West Midlands Fire and Rescue Service                  Planning and Development Services                  Local Safeguarding Children Board (SSCB)                  Environmental Health (incl. Air Pollution / Noise Control)                  Health and Safety                  HM Revenue and Customs                  Safer Sandwell Partnership</p>	<p><b>1.2 RESPONSIBLE AUTHORTIES</b></p> <p>The Licensing Authority.                  The Gambling Commission.                  Chief Constable, West Midlands Police, West Midlands Police Headquarters, Lloyd House, Birmingham.                  West Midlands Fire and Rescue Service                  Planning Department                  Environmental Health                  Local Safeguarding Children Board (SSCB)                  HM Revenue and Customs                  Any other person Prescribed by secretary of state by regulation (i.e. they can add new ones if they want)</p> <p>For applications for a premises on a vessel on water:</p> <p>The Environment Agency                  The Canal and River Trust</p>
Whole document	<p>Reference made to 'the licensing authority' in expressing requirements of SOP / Gambling Act 2005</p>	<p>To make the SOP specific to Sandwell, transparent in that this is the approach taken to Gambling by Sandwell MBC, reference to 'the licensing authority', 'the Council' and 'the Local Authority' has been changed to Sandwell MBC where applicable</p>
8	<p>Section 2.1 - DECLARATION does not refer to the Gambling Commission's codes of practice and for transparency does not include a link to the Gambling Commission guidance to licensing authorities</p>	<p>Reference to Sandwell MBC considering Gambling Commission codes of practice in producing SOP included in section 2.1 - DECLARATION &amp; link to the Gambling Commission guidance to licensing authorities added</p>

<b>7</b>	Section 2 - GAMBLING ACT 2005 - link not available to codes of practice as a matter of good practice	Link to codes of practice included in Section titled GAMBLING ACT 2005
<b>8</b>	Section 2.1 - DECLARATION does not specifically mention that SMBC has had regard to codes of practice in producing the SOP	Reference to codes of practice included in Section titled DECLARATION
<b>5 &amp; 37</b>	Compliance with Cabinet Office consultation principles guidance is not mentioned in the SOP	Section titled LIST OF CONSULTEES & Section titled POLICY REVIEW amended to state that Sandwell MBC shall complete consultation in line with Cabinet Office consultation guidance
<b>7</b>	Section 2 – GAMBLING ACT 2005 refers to s153 of the Act, principles to be applied but does not specifically state s153	For transparency, Section titled GAMBLING ACT 2005 amended to state that the principles outlined relate to section 153 of the Act
<b>7</b>	Section 1.4 Consultation was carried out during 2019 in accordance with Section 349 on the Gambling Act 2005.	Remove as outdated info
<b>8 &amp; 9</b>	Section 2.2 – THE GAMBLING COMMISSION – Parts of s24(2) of the Act are cited but actual section of Act is not stated; s24(2) (c) of the Act is not included only s24(2) (a) & (b). s24(2) (c) states 'making assistance available to persons who are or may be affected by problems related to gambling; link to codes of practice & guidance to licensing authorities not included; Contact details link to Gambling Commission has changed and an email address is no longer available only telephone number and an online enquiry form	Section titled THE GAMBLING COMMISSION – Amends: <ul style="list-style-type: none"> <li>- S24(2) actually cited;</li> <li>- S24(2) (c) of the Act included to state how the Gambling Commission regulates gambling in the public interest;</li> <li>- Link to codes of practice &amp; guidance to licensing authorities provided;</li> <li>- Telephone number for the Gambling Commission provided and revised link to contact page of Gambling Commission website to access online enquiry form</li> </ul>
<b>9</b>	Section 3 – AUTHORISED ACTIVITIES cites section 14 of the Act detailing the arrangements for lottery. There is a slight omission as per section 14 of the Act	Section titled AUTHORISED ACTIVITIES amended slightly for transparency to state the exact lottery definition in line with s14 of the Act to include the words 'allocated to one or more members of a class'
<b>10</b>	Section 4 - Where children, young persons and other vulnerable people are allowed access to premises where gambling takes place, Sandwell MBC may take whatever steps are considered	Remove paragraph and replace as follows:

	necessary to either limit access generally or by introducing measures to prevent under age gambling where it believes it is right to do so for the prevention of their physical, moral or psychological harm, especially where it receives representations to that effect.	Where children, young persons and other vulnerable people are allowed access a premises where gambling takes place. Each application will be considered on its own merits. <b>Sandwell MBC</b> may take whatever steps are considered necessary to either limit access generally or by introducing reasonable and proportionate measures to safeguard those participating in gambling activities and to prevent under age gambling where it believes it is right to do so, especially where it receives representations to that effect.
<b>10</b>	Section 4 – GENERAL STATEMENT OF PRINCIPLES paragraph 3 refers to Regulator’s code	Section titled GENERAL STATEMENT OF PRINCIPLES paragraph 3 changed to Regulator’s Codes of Practice for completeness
<b>10</b>	Section 4 – GENERAL STATEMENT OF PRINCIPLES paragraph 3 refers to statutory principles of good regulation	Section titled GENERAL STATEMENT OF PRINCIPLES paragraph 3 changed to It is recognised that the statutory principles of good regulation as outlined in the Legislative and Regulatory Reform Act 2006 for completeness
<b>11-14</b>	<b>5.3 PROTECTING CHILDREN AND OTHER VULNERABLE PEOPLE FROM GAMBLING</b>  Within limited exceptions, the intention of the Act is that children and young persons should not be allowed to gamble and should therefore be prevented from entering gambling premises which are “adult only” environments.  In practice, steps are generally taken to prevent children from taking part in, or being in close proximity to gambling, especially with regard to premises situated in areas where there may be a high rate of reported truancy. There may also be some restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.	<b>5.3 PROTECTING CHILDREN AND OTHER VULNERABLE PEOPLE FROM GAMBLING</b>  Within the framework of the act, it is the intention that children and young persons should not be allowed to gamble and should therefore be prevented from entering gambling premises which are “adult only” environments.  In practice, steps are generally taken to prevent children from taking part in, or being in close proximity to gambling which they are not permitted to participate in. There are also some restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.
<b>12-14</b>	The Act details principal offences in relation to the protection of children and young persons. The offences include:	The offences relating to the protection of children and young persons can be found at Section 46 to 58 of the Act.

	<ul style="list-style-type: none"> <li>• Invitation to gamble - Inviting, causing or permitting a child or young person to gamble</li> <li>• Invitation to enter premises - Inviting or permitting a child or young person to enter premises if a casino premises licence has effect in respect of the premises and the premises are being used in reliance on that licence when the child or young person is invited or permitted to enter</li> <li>• Gambling - A young person gambles</li> <li>• Entering premises - A young person enters premises in circumstances where a person would commit an offence if the young person is invited or permitted to enter</li> <li>• Provision of facilities for gambling - A young person provides facilities for gambling</li> </ul>	<p>The Act details types of gambling which are exceptions such as low risk gambling activities such as private non-commercial betting, Lottery or Pools and a Cat D Gaming Machine.</p> <p>Where premises are subject to age restrictions there are procedures in place to conduct age verification checks, these checks will be taken into account when considering the licence.</p> <p>Risks to children and young people should be identified within the premises risk assessment along with controls to mitigate the risks.</p> <p>The 2005 Act provides for a Code of Practice on access to gambling premises by children and young persons and the Council will work closely with the Police to ensure the appropriate enforcement of the law.</p> <p>Where premises are subject to age restrictions their procedures must be in place to conduct age verification checks, these checks will be taken into account when considering the licence.</p>
<p>14 / 15</p>	<p>Part 4 Protection of children and young persons of the Act states the principal offences such as an invitation to gamble or enter gambling premises. This is not included in the SOP</p>	<p>As a matter of good practice, Section titled PROTECTING CHILDREN AND OTHER VULNERABLE PEOPLE FROM GAMBLING has been updated to include principal offences under Part 4 of the Act – Protection of children and young persons</p>
<p>16</p>	<p>Section 6 - When considering applications for premises licences Sandwell MBC will consider each case on its own individual merits without regard to demand. With regard to primary gambling activity issues, Sandwell MBC will take into account any representations made by the Commission.</p>	<p>When considering applications for premises licences Sandwell MBC will consider each case on its own individual merits without regard to demand. With regard to appropriate licensing environment issues, Sandwell MBC will take into account any representations made by the Commission.</p>
<p>16</p>	<p>Section 6 - Other than an application for a betting premises licence in respect of a track, Sandwell MBC is not able to issue</p>	<p>Section 6 - Other than an application for a betting premises licence in respect of a track, Sandwell MBC is not able to issue a</p>

	<p>a premises licence unless the applicant holds the relevant operating licence from the Gambling Commission.</p> <p>When considering applications for premises licences <b>Sandwell MBC</b> will consider each case on its own individual merits without regard to demand. With regard to primary gambling activity issues, <b>Sandwell MBC</b> will take into account any representations made by the Commission.</p> <p><b>Sandwell MBC</b> will maintain a register of premises licenses issued which will be available for public inspection on request. Please contact the Licensing Team on 0121 569 6744 or by email to <a href="mailto:licensing_team@sandwell.gov.uk">licensing_team@sandwell.gov.uk</a></p>	<p>premises licence unless the applicant holds the relevant operating licence from the Gambling Commission.</p> <p>When considering applications for premises licences <b>Sandwell MBC</b> will consider each case on its own merits without regard to demand. With regard to whether the environment is appropriate to gambling, <b>Sandwell MBC</b> will take into account any representations made by the Commission.</p> <p><b>Sandwell MBC</b> will maintain a register of premises licenses issued which will be available for public inspection on request. Please contact the Licensing Team by email to <a href="mailto:licensing_team@sandwell.gov.uk">licensing_team@sandwell.gov.uk</a></p>
<b>17</b>	<p>Section 8 – PREMISES LICENCES recommends that applicants familiarise themselves with paragraphs 7.5 to 7.11 of the Commission’s Guidance but there is no link to the information. Further section 8 states that for “splitting” premises the Licensing Authority has particular regard to paragraphs 7.31 and 7.39 of the Commission’s Guidance but for transparency and ease of reference there is no link available</p>	<p>Links provided in Section titled PREMISES LICENCES to relevant pages of Gambling Commission’s guidance for licensing authorities i.e. for sections 7.5 to 7.11 ‘Premises’ &amp; for sections 7.31 to 7.39 ‘Multiple Activity Premises’</p>
<b>11 – 37</b>	<p>Sections 5, 6 &amp; 7 relate to s1 of the Act and are the licensing objectives. The SOP does not stipulate this. The sections are:</p> <ul style="list-style-type: none"> <li>• PREVENTING GAMBLING FROM BEING A SOURCE OF CRIME OR DISORDER</li> <li>• ENSURING GAMBLING IS CONDUCTED IN A FAIR AND OPEN WAY</li> <li>• PROTECTING CHILDREN AND OTHER VULNERABLE PEOPLE FROM GAMBLING</li> </ul>	<p>For clarity Section 5, 6 &amp; 7 have become sub headings 5.1, 5.2 &amp; 5.3 under a Section titled ‘THE LICENSING OBJECTIVES’</p> <p>Numbering for subsequent sections changed accordingly</p>
<b>20</b>	<p>Section 9 – LOCAL RISK ASSESSMENTS states ‘Operators are required to consider local risks to the licensing objectives by the provision of gambling facilities at their premises’</p>	<p>Section titled LOCAL RISK ASSESSMENTS first paragraph ‘Operators are required to consider local risks to the licensing objectives by the provision of gambling facilities at their</p>

		<p>premises' amended slightly to then state 'in order to manage the risk'</p>
<p>20</p>	<p>Section 9 – LOCAL RISK ASSESSMENT</p> <p>Remove risk factors highlighted green.</p> <p>Examples of actual, potential or future emerging risks associated with Location:</p> <ul style="list-style-type: none"> <li>• The location of schools, sixth form colleges, youth centres etc</li> <li>• banks and other financial institutions</li> <li>• playgrounds, leisure/community centres and other areas where children will gather</li> <li>• hostels or support services for vulnerable people, such as those with addiction issues or who are homeless</li> <li>• any gambling or addiction support/treatment centres</li> <li>• any religious buildings</li> <li>• any known information about issues with problem gambling in the area including vulnerable groups</li> <li>• the demographics of the area in relation to vulnerable groups</li> <li>• known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc.</li> <li>• the surrounding night time economy, and possible interaction with gambling premises</li> <li>• patterns of crime or anti-social behaviour in the area, and specifically linked to gambling premises</li> <li>• the socio-economic makeup of the area</li> <li>• the density of different types of gambling premises in the area</li> </ul>	<p>Section 9 – LOCAL RISK ASSESSMENTS</p> <p>When completing the risk assessment Sandwell MBC expects operators to attach significant importance to their local risk assessment and that they must have regard to the local area profile created by Sandwell MBC and to Sandwell MBC's Statement of Principles. Controls to mitigate risk should be relevant and proportionate to the premises.</p> <p>Where appropriate we would expect the applicant to consider the following matters when carrying out their risk assessments. This is not an exhaustive list and there may be other factors which should be considered. A risk assessment should be undertaken for each new application and matters which should be considered will vary.</p> <p>The list below gives examples of actual, potential or future emerging risks associated with Locations, this list is not exhaustive and is provided as guidance only:</p> <ul style="list-style-type: none"> <li>• The location of schools, sixth form colleges, youth centres etc</li> <li>• banks and other financial institutions</li> <li>• playgrounds, leisure/community centres and other areas where children will gather</li> <li>• hostels or support services for vulnerable people, such as those with addiction issues or who are homeless</li> <li>• any gambling or addiction support/treatment centres</li> <li>• any known information about issues with problem gambling in the area and persons vulnerable who may be adversely harmed by entering a gambling premises</li> </ul>



		<ul style="list-style-type: none"> <li>• the surrounding night time economy, and possible interaction with gambling premises</li> <li>• patterns of crime or anti-social behaviour in the area, and specifically linked to gambling premises</li> <li>• the socio-economic makeup of the area the density of different types of gambling premises in the area.</li> </ul>
<p><b>19-24</b></p>	<p><b>Section 9 – LOCAL RISK ASSESSMENTS</b> – significant changes section contains narrative at the end as to the need to identify significant changes and that SMBC will provide information to gambling operators when significant changes occur in the local area etc</p>	<p><b>Section 9 titled LOCAL RISK ASSESSMENTS</b> – Paragraphs providing an insight into significant changes and responsibility of operators moved to the beginning of the significant changes section from the end for the purposes of clarity</p>
<p><b>19-24</b></p>	<p><b>9 LOCAL RISK ASSESSMENTS</b></p> <p>Operators are required to consider local risks to the licensing objectives by the provision of gambling facilities at their premises <b>in order to manage the risk</b>. They are required to have policies, procedures and controls in place to mitigate those risks. <b>Operators shall ensure that their local risk assessments are up to date (reviewed yearly), readily available and retained on a premises.</b></p> <p>Operators are required to undertake/update/share (as appropriate in accordance with the Guidance and the Licence Conditions Codes of Practice) a local risk assessment in the following situations: -</p> <ul style="list-style-type: none"> <li>• when applying for a new premises licence</li> <li>• when applying to vary the premises licence</li> <li>• when significant changes occur in local circumstance (see below)</li> <li>• when there are significant changes at the premises (see below)</li> <li>• when requested to do so by <b>Sandwell MBC</b></li> </ul>	<p><b>9 LOCAL RISK ASSESSMENTS</b></p> <p>Operators are required to consider local risks to the licensing objectives by the provision of gambling facilities at their premises. They are required to have policies, procedures and controls in place to mitigate those risks. <b>Operators shall ensure that their local risk assessments are up to date, reviewed at least yearly, are kept readily available and retained on the premises.</b></p> <p>Operators are required to undertake/update/<b>share with Responsible Authorities</b> (as appropriate in accordance with the Guidance and the Licence Conditions Codes of Practice) a local risk assessment in the following situations: -</p> <ul style="list-style-type: none"> <li>• when applying for a new premises licence</li> <li>• when applying to vary the premises licence</li> <li>• when significant changes occur in local circumstance (see below)</li> <li>• when there are significant changes at the premises (see below)</li> <li>• when requested to do so by <b>Sandwell MBC</b></li> </ul>

	<p>In this context risk includes any actual, potential and any possible future emerging risks to the licensing objectives.</p> <p>The risk assessment should be specific to the local area within which the premises is situated and should be sufficiently detailed to enable Sandwell MBC and the operator to consider whether any conditions are required to mitigate the risks.</p> <p>When completing the risk assessment, the operator must have regard to the local area profile created by Sandwell MBC and to Sandwell MBC's Statement of Principles.</p> <p>Where appropriate we would expect the applicant to consider the following matters when carrying out their risk assessments. This is not an exhaustive list and there may be other factors which should be considered. A risk assessment should be undertaken for each new application and matters which should be considered will vary.</p> <p><b>Examples of actual, potential or future emerging risks associated with Location:</b></p> <ul style="list-style-type: none"> <li>• The location of schools, sixth form colleges, youth centres etc</li> <li>• banks and other financial institutions</li> <li>• playgrounds, leisure/community centres and other areas where children will gather</li> <li>• hostels or support services for vulnerable people, such as those with addiction issues or who are homeless</li> <li>• any gambling or addiction support/treatment centres</li> <li>• any religious buildings</li> <li>• any known information about issues with problem gambling in the area including vulnerable groups</li> </ul>	<p>In this context risk includes any actual, potential and any possible future emerging risks to the licensing objectives.</p> <p>The risk assessment should be specific to the local area within which the premises is situated and should be sufficiently detailed to enable Sandwell MBC and the operator to consider whether any conditions are required to mitigate the risks.</p> <p>When completing the risk assessment Sandwell MBC expects operators to attach significant importance to their local risk assessment and that they must have regard to the local area profile created by Sandwell MBC and to Sandwell MBC's Statement of Principles. Controls to mitigate risk should be relevant and proportionate to the premises.</p> <p>Where appropriate we would expect the applicant to consider the following matters when carrying out their risk assessments. This is not an exhaustive list and there may be other factors which should be considered. A risk assessment should be undertaken for each new application and matters which should be considered will vary.</p> <p><b>The list below gives examples of actual, potential or future emerging risks associated with Locations, this list is not exhaustive and is provided as guidance only:</b></p> <ul style="list-style-type: none"> <li>• The location of schools, sixth form colleges, youth centres etc</li> <li>• banks and other financial institutions</li> <li>• playgrounds, leisure/community centres and other areas where children will gather</li> <li>• hostels or support services for vulnerable people, such as those with addiction issues or who are homeless</li> <li>• any gambling or addiction support/treatment centres</li> </ul>
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	<ul style="list-style-type: none"> <li>• the demographics of the area in relation to vulnerable groups</li> <li>• known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc.</li> <li>• the surrounding night time economy, and possible interaction with gambling premises</li> <li>• patterns of crime or anti-social behaviour in the area, and specifically linked to gambling premises</li> <li>• the socio-economic makeup of the area</li> <li>• the density of different types of gambling premises in the area</li> </ul> <p>Examples of actual, potential or future emerging risks associated with underage gambling:</p> <ul style="list-style-type: none"> <li>• Ensuring appropriate staffing levels at different times of the day i.e. when a local school or college closes and the students begin to vacate the grounds.</li> <li>• Proximity of machines to the entrance door</li> <li>• The position of gambling machines.</li> <li>• Using age verification policies including 'Think 21' and 'Think 25' to prevent underage gambling.</li> <li>• Enhanced staff training where the premises is close to a school or college.</li> </ul> <p>Local risk assessments shall also:</p> <ul style="list-style-type: none"> <li>• Show how vulnerable people, including people with gambling dependencies are protected.</li> <li>• Include self-exclusion details as a control measure. Self-exclusion being a process when an individual asks a gambling operator to be excluded from gambling with them for a set length of time. In practice, it means the</li> </ul>	<ul style="list-style-type: none"> <li>• any known information about issues with problem gambling in the area and persons vulnerable who may be adversely harmed by entering a gambling premises</li> <li>• the surrounding night time economy, and possible interaction with gambling premises</li> <li>• patterns of crime or anti-social behaviour in the area, and specifically linked to gambling premises</li> <li>• the socio-economic makeup of the area the density of different types of gambling premises in the area.</li> </ul> <p>This is not an exhaustive list, risks and identified controls to mitigate risks will be individual to each premises.</p> <p>Examples of actual, potential or future emerging risks associated with underage gambling:</p> <ul style="list-style-type: none"> <li>• Ensuring appropriate staffing levels at different times of the day i.e. when a local school or college closes and the students begin to vacate the grounds.</li> <li>• Proximity of machines to the entrance door</li> <li>• The position of gambling machines.</li> <li>• Using age verification policies including 'Think 21' and 'Think 25' to prevent underage gambling.</li> <li>• Enhanced staff training where the premises is close to a school or college.</li> </ul> <p>This is not an exhaustive list, risks and identified controls to mitigate risks will be individual to each premises.</p> <p>Local risk assessments shall also:</p> <ul style="list-style-type: none"> <li>• Show how vulnerable people, such as people with gambling dependencies are protected.</li> </ul>
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	<p>individual will be refused service in the venues where they have self-excluded. By law, this must be provided as an option by gambling operators in Great Britain.</p> <ul style="list-style-type: none"> <li>• Include details of how information will be shared with nearby agencies.</li> <li>• Include control measures to mitigate risks when the footfall is the highest.</li> <li>• Can we add sharing voluntary exclusive agreements MOSES – can we add this is it in our remit</li> </ul> <p>Significant changes in local circumstances:</p> <p>Operators must consider what is happening in their local area and it is their responsibility to identify significant changes which may require a review and possible amendment to their risk assessment. A significant change can be temporary, and any temporary changes should be considered, and adjustments made to the risk assessments if necessary.</p> <p>Sandwell MBC will provide information to gambling operators when it feels a significant change has occurred in the local area. Sandwell MBC will set out what that change is and may provide information on any specific concerns it may have that should be considered by operators.</p> <p>The following lists set out some examples of what the Sandwell MBC considers to be significant changes in local circumstances. The list is not exhaustive and each premise will be considered on its own merits. Operators must consider whether any change in the locality of their premises is one that may be considered significant</p> <ul style="list-style-type: none"> <li>• The local area is classified or declassified by Sandwell MBC as being an area of heightened risk within its Local Area Profile</li> </ul>	<ul style="list-style-type: none"> <li>• Include self-exclusion details as a control measure. Self-exclusion being a process when an individual asks a gambling operator to be excluded from gambling with them for a set length of time. In practice, it means the individual will be refused service in the venues where they have self-excluded. By law, this must be provided as an option by gambling operators in Great Britain.</li> <li>• Include details of how the premises will share information with nearby agencies, including the frequency and mechanisms it intends to use to do so</li> <li>• Include control measures to mitigate risks when the footfall is the highest.</li> </ul> <p>Significant changes in local circumstances:</p> <p>Operators must consider what is happening in their local area and it is their responsibility to identify significant changes which may require a review and possible amendment to their risk assessment. A significant change can be temporary, and any temporary changes should be considered, and adjustments made to the risk assessments if necessary.</p> <p>Sandwell MBC will provide information to gambling operators when it feels a significant change has occurred in the local area. Sandwell MBC will set out what that change is and may provide information on any specific concerns it may have that should be considered by operators.</p> <p>The following lists set out some examples of what the Sandwell MBC considers to be significant changes in local circumstances. The list is not exhaustive, and each premise will be considered on its own merits. Operators must consider whether any change in the locality of their premises is one that may be considered significant</p>
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	<ul style="list-style-type: none"> <li>Any substantial building development or conversion of existing premises in the local area which may increase or decrease the number of visitors. For example, where premises are converted to a local supermarket or a new office building is constructed nearby</li> <li>Any new pay day loan establishment or pawn brokers open in the local area</li> <li>Relevant changes are made to the provision, location and/or timings of public transport in the local area, such as a bus stop which is used by children to attend school is moved to a location in proximity to gambling premises</li> <li>Educational facilities increase in the local area. This may occur as a result of the construction of a new school/college or where a significant change is made to an existing establishment</li> <li>The local area is identified as a crime hotspot by the police and/or Sandwell MBC. Police reports and call outs shall therefore be considered</li> <li>Any vulnerable group is identified by Sandwell MBC or venues relating to those vulnerable groups are opened in proximity to gambling premises e.g. additional homeless hostels or gambling or mental health care/support facilities in the local area</li> <li>A new gambling premises opens in the local area</li> <li>Attempts to gamble by under 18s</li> </ul>	<ul style="list-style-type: none"> <li>The local area is classified or declassified by Sandwell MBC as being an area of heightened risk within its Local Area Profile</li> <li>Any substantial building development or conversion of existing premises in the local area which may increase or decrease the number of visitors. For example, where premises are converted to a local supermarket or a new office building is constructed nearby</li> <li>Any new pay day loan establishment or pawn brokers open in the local area</li> <li>Relevant changes are made to the provision, location and/or timings of public transport in the local area, such as a bus stop which is used by children to attend school is moved to a location in proximity to gambling premises Educational facilities increase in the local area. This may occur as a result of the construction of a new school/college or</li> <li>where a significant change is made to an existing establishment</li> <li>The local area is identified as a crime hotspot by the police and/or Sandwell MBC. Police reports and call outs shall therefore be considered</li> <li>Any vulnerable group is identified by Sandwell MBC or venues relating to those vulnerable groups are opened in proximity to gambling premises e.g. additional homeless hostels or gambling or mental health care/support facilities in the local area</li> <li>A new gambling premises opens in the local area</li> <li>Attempts to gamble by under 18s</li> </ul>
<p><b>19-24</b></p>	<p>Section 9 – LOCAL RISK ASSESSMENTS states ‘Operators must consider what is happening in their local area and it is their responsibility to identify significant changes which may require a review and possible amendment to their risk assessment’</p>	<p>Section titled LOCAL RISK ASSESSMENTS, list stating examples of significant changes requiring review / amendments of a risk assessment amended to include:</p> <ul style="list-style-type: none"> <li>Attempts to gamble by under 18s</li> </ul>

		<ul style="list-style-type: none"> <li>- Bullet point 'The local area is identified as a crime hotspot by the police and/or Sandwell MBC' extended to state 'Police reports and call outs shall therefore be considered'</li> </ul>
<b>19-24</b>	Section 9 – LOCAL RISK ASSESSMENTS does not specifically state that local risk assessments shall be retained on premises	Section titled LOCAL RISK ASSESSMENTS – First paragraph amended to state 'Operators shall ensure that their local risk assessments are up to date, readily available and retained on premises'
<b>19-24</b>	Section 9 – LOCAL RISK ASSESSMENTS states risks associated with location and also risks associated with underage gambling	<p>Section titled LOCAL RISK ASSESSMENTS – to emphasise to operators that risk is future not just current, wording added before statements 'Risks associated with location' &amp; 'Risks associated with underage gambling' to read 'Examples of actual, potential or future emerging risks associated with...'</p> <p>Bullet point added: 'the demographics of the area in relation to vulnerable groups' within list of risks associated with location</p> <p>Section added after listed risks associated with 'location' and also 'underage gambling' to state, 'Local risk assessments shall also:</p> <ul style="list-style-type: none"> <li>- Show how vulnerable people, including people with gambling dependencies are protected.</li> <li>- Include self-exclusion details as a control measure</li> <li>- Include details of how information will be shared with nearby agencies</li> <li>- Include control measures to mitigate risks when the footfall is the highest'</li> </ul>
<b>16-17</b>	Section 7 – PROTECTING CHILDREN AND OTHER VULNERABLE PEOPLE FROM GAMBLING refers to the Local Safeguarding Children Board which has been abolished	Section titled PROTECTING CHILDREN AND OTHER VULNERABLE PEOPLE FROM GAMBLING, reference to the Local Safeguarding Children Board changed to the Sandwell Children's Safeguarding Partnership (SCSP)

		Section also amended to include narrative of agencies making up the Sandwell Children's Safeguarding Partnership to outline the means of encouraging engagement with agencies which have a vested interest in the young and vulnerable
<b>17-19</b>	Section 8 – INTERESTED PARTIES – States 'a community group will generally not be viewed as an interested party unless they are representing the interests of vulnerable people	Section titled INTERESTED PARTIES amended to outline how SMBC encourage improved engagement with the V&CS groups who have a vested interest in the young and vulnerable. Outlined Sandwell MBC administers and monitors the voluntary sector support grants budget and therefore has close links with voluntary and community sector groups via grant agreements and agreed monitoring arrangements etc., to demonstrate engagement channels
<b>30-32</b>	Section 17 - EXCHANGE OF INFORMATION – Includes narrative on sharing information in line with Schedule 6 of the Act which includes the Police, Her Majesty's Commissioners of Customs and Excise and other enforcement and regulatory bodies but not therefore specifically operators. The section also includes a requirement for operators/premises to share information with SMBC	Section titled EXCHANGE OF INFORMATION amended as a matter of good practice to include details of Sandwell MBC's commitment to sharing information with operators such as significant changes and ensuring local area profiles are current and available. Requirement included for operators to share information appropriately with nearby agencies such as treatment centres
<b>19-24</b>	There are separate sections covering risk assessments and local area profiles. Section 11 - LOCAL RISK ASSESSMENTS and Section 12 - LOCAL AREA PROFILE  This risk assessment section also provides information on a risk tool developed to provide premises information, for premises that are considered at risk and in close proximity to the intended gambling premise location	Section titled LOCAL AREA PROFILE incorporated into section titled LOCAL RISK ASSESSMENTS as the profiles assist operators in completing risk assessments  LOCAL RISK ASSESSMENTS section reconfigured so that the risk tool section and local area profiles are together as both provide information on risks to assist operators in completing risk assessments  Section included on the Census Town Profiles which provide an overview of social economic conditions within each of the six

		towns. This is to provide operators with background information whilst completing risk assessments  Numbering for subsequent sections changed accordingly
<b>23</b>	<p><b>RISK TOOL</b></p> <p>A Risk Tool for Sandwell Gambling Licences has been developed as a guide to applicants applying for new gambling licences or to renew an existing licence. The purpose of the tool is to assist applicants with the completion of applications, and not as the sole means for risk assessment. The tool provides premises information, for premises that are considered at risk and in close proximity to the intended gambling premise location. The tool can be found on the Sandwell Trends website. A link to the page can be found below. Once the page is opened select the Gambling Location Risk Tool_Nov2019_Final:</p> <p><a href="#"><u>Sandwell Trends - Gambling Location Risk Tool</u></a></p>	<p><b>RISK TOOL</b></p> <p>A Risk Tool for Sandwell Gambling Licences has been developed as a guide to applicants applying for new gambling licences or to renew an existing licence. The purpose of the tool is to assist applicants with the completion of applications, and not as the sole means for risk assessment. The tool provides premises information, for premises that are considered at risk and in close proximity to the intended gambling premise location. The tool can be found on the Sandwell Trends website. A link to the page can be found below. Once the page is opened select the <b>Gambling Location Risk Tool</b>:</p> <p><a href="#"><u>Sandwell Trends - Gambling Location Risk Tool</u></a></p>
<b>6</b>	Section 1.3 - OTHER KEY AGENCIES / RESPONSIBLE AUTHORTIES includes a list of responsible authorities and key agencies and includes the Director of Public Health who is not classed as a responsible authority but should be consulted on all premise licences applications	Heading for section titled 'OTHER KEY AGENCIES / RESPONSIBLE AUTHORTIES' amended for clarity to 'OTHER KEY AGENCIES / OFFICERS / RESPONSIBLE AUTHORTIES' so that the Director of Public Health remains listed in this section
<b>19-24</b>	Section 9 - RESPONSIBLE AUTHORITIES – Public Health is not a responsible authority, but the Director of Public Health needs to be consulted on all premises licences applications	Section titled RESPONSIBLE AUTHORITIES changed to RESPONSIBLE AUTHORITIES / NOTIFICATION OF APPLICATIONS FOR REPRESENTATION to enable the Director of Public Health to be included in this section as the Director of Public Health is not classed as a responsible authority  Included caveat in section that the Director of Public Health will be consulted on all premises licences applications



<p><b>19-24</b></p>	<p>Section 9 – LOCAL RISK ASSESSMENTS</p>	<p>Added further sections including paragraph on Local Area Profile, Census, Risk Tool and Be Gamble Aware.</p>
<p><b>24-25</b></p>	<p><b>Sandwell MBC</b> will not normally impose conditions that limit the use of premises for gambling unless it is deemed to be necessary because of the requirement to act in accordance with the Gambling Commission’s guidance, any codes of practice issued by the Commission, this Statement of Principles or in a way that is reasonably consistent with the licensing objectives.</p> <p>Any conditions imposed by <b>Sandwell MBC</b> will be proportionate to the circumstances they are intended to address, in particular, <b>Sandwell MBC</b> will ensure that any conditions are:</p> <ul style="list-style-type: none"> <li>• relevant to the need to make the premises suitable as a gambling facility</li> <li>• directly related to the premises and the type of licence applied for</li> <li>• fairly and reasonably related to the scale and type of premises</li> <li>• reasonable in all other respects</li> </ul> <p>Examples of some conditions which are likely to be attached in certain circumstances include those relating to opening hours, age limits, or keeping children and young person’s away from gaming machines.</p> <p><b>Sandwell MBC</b> will not consider imposing conditions:</p> <ul style="list-style-type: none"> <li>• which make it impossible to comply with an operating licence condition imposed by the Gambling Commission</li> <li>• relating to gaming machine categories, numbers or methods of operation</li> <li>• which specify that membership of a club or other body is required and;</li> </ul>	<p>The mandatory and default conditions that are attached to all Gambling Act 2005 premises licences are designed to be, and usually are, sufficient to ensure operation that is reasonably consistent with the licensing objectives and that additional conditions will only be imposed by Sandwell MBC where there is a clear risk to the licensing objectives that is not adequately addressed by the mitigation measures, policies and procedures outlined in the applicant’s risk assessment.</p> <p>The risk assessment is a dynamic document which (in accordance with SR code provision 10.1.2) must be reviewed if there is a significant change in local circumstances. As risks change or new risks are identified, the policy, procedures and mitigation measures to address those identified risks may be changed very quickly.</p> <p>However, if the mitigation measures are the subject of premises licence conditions, then an application for variation of the premises licence will be required to change those conditions. This could delay any change and would cause unnecessary expense and administration for both operators and the licensing authority.</p> <p>Any conditions imposed by <b>Sandwell MBC</b> will be proportionate to the circumstances they are intended to address, in particular, <b>Sandwell MBC</b> will ensure that any conditions are:</p> <ul style="list-style-type: none"> <li>• relevant to the need to make the premises suitable as a gambling facility</li> <li>• directly related to the premises and the type of licence applied for</li> <li>• fairly and reasonably related to the scale and type of premises</li> </ul>

	<ul style="list-style-type: none"> <li>• in relation to stakes, fees, winnings or prizes</li> </ul> <p>Conditions relating to the good conduct of gambling premises will primarily be set as mandatory or default conditions by the Secretary of State. Sandwell MBC will only consider imposing conditions in this regard in the light of local circumstances, especially where there are specific risks or problems associated with a particular locality, a specific premises or class of premises.</p> <p>Duplication with other statutory or regulatory regimes will be avoided as far as possible. Each case will be assessed on its own individual merits.</p>	<ul style="list-style-type: none"> <li>• reasonable in all other respects</li> </ul> <p>Conditions relating to the good conduct of gambling premises will primarily be set as mandatory or default conditions by the Secretary of State. Sandwell MBC will only consider imposing conditions in this regard in the light of local circumstances, especially where there are specific risks or problems associated with a particular locality, a specific premises or class of premises.</p> <p>Duplication with other statutory or regulatory regimes will be avoided. Each case will be assessed on its own individual merits.</p>
<p>25-26</p>	<p>Anyone wishing to operate a betting office will require a betting premises licence from Sandwell MBC. Children and young persons will not be able to enter premises with a betting premises licence.</p> <p>Betting premises will be able to provide a limited number of gaming machines and some betting machines.</p> <p>Sandwell MBC has powers under the Act to restrict the number of betting machines, their nature and the circumstances in which they are made available. It will not normally exercise this power unless there is clear evidence that such machines have been, or are likely to be used in a way, which adversely affects the promotion of the licensing objectives. In such cases Sandwell MBC will consider, among other things, the size of the premises, the level of management and supervision especially where children, young persons and vulnerable people (add to paragraph 1) are concerned and also the ability of staff to closely monitor the use of such machines.</p> <p>It is not possible for an operator to offer gaming machines on premises which are licensed for betting without offering</p>	<p>Anyone wishing to operate a betting office will require a betting premises licence from Sandwell MBC. Children and young persons will not be permitted to enter premises with a betting premises licence.</p> <p>Betting premises may make available gaming machines for use where there are also substantive facilities for non-remote betting provided and available in the premises.</p> <p>It is not possible for an operator to offer gaming machines on premises which are licensed for betting without offering sufficient facilities for betting. The Gambling Commission and Sandwell MBC take the view that customers need to be offered a balanced mix of betting and gaming machines, in line with the licensing objective of protecting vulnerable persons from being harmed or exploited by gambling, “betting” should therefore remain the primary element of the gambling facilities being offered. In this regard, betting may be provided by way of betting terminals or over a counter (i.e. face to face).</p> <p>If Sandwell MBC receives an application to vary a betting premises licence in order to extend the opening hours, it will need</p>

	<p>sufficient facilities for betting. The Gambling Commission and <b>Sandwell MBC</b> take the view that customers need to be offered a balanced mix of betting and gaming machines, in line with the licensing objective of protecting vulnerable persons from being harmed or exploited by gambling, “betting” should therefore remain the primary element of the gambling facilities being offered. In this regard, betting may be provided by way of betting terminals or over a counter (i.e. face to face).</p> <p>If <b>Sandwell MBC</b> receives an application to vary a betting premises licence in order to extend the opening hours, it will need to satisfy itself that the reason for the application is in line with the need for operators to ensure that the main gambling activity associated with the licence type is actually going to be offered at the premises and not replaced merely by making gaming machines available.</p> <p>In other words, applicants will need to demonstrate that the extension of hours is not designed solely to benefit from the gaming machine entitlement and that the use of gaming machines remains ancillary to the “primary” purpose of the licence, i.e. to provide betting on the premises.</p> <p>In all cases, each application will be considered on its own individual merits.</p>	<p>to satisfy itself that the reason for the application is in line with the need for operators to ensure that the main gambling activity associated with the licence type is actually going to be offered at the premises and not replaced merely by making gaming machines available.</p> <p>In other words, applicants will need to demonstrate that the extension of hours is not designed solely to benefit from the gaming machine entitlement and that the use of gaming machines remains ancillary to the “primary” purpose of the licence, i.e. to provide betting on the premises.</p> <p>In all cases, each application will be considered on its own individual merits.</p>
<p><b>28-29</b></p>	<p>Section 15 – GAMING contains a link to the Gambling Commission website to access the code of practice for gaming machines in clubs and premises</p>	<p>For transparency, link to code of practice for gaming machines in clubs and premises in section titled GAMING changed so that the reader is taken to the actual Gambling Commission codes of practice web page rather than the Gambling Commission website home page</p>
<p><b>34-35</b></p>	<p>Section 19 – MODERN DAY SLAVERY Human trafficking and other forms of slavery continue to exist. The International Labour Organisation estimates that the trade in human beings generates an enormous £150 billion of profit a</p>	<p>Amend Section 19 to, Human trafficking and other forms of slavery continue to exist.  Modern slavery can take many forms including people trafficking</p>

	year.	<p>and forced labour, sexual exploitation and criminal exploitation.</p> <p>The Home Office estimates there are 13,000 potential victims in the UK.</p> <p>Removed quote of profit amount as unidentified source. Replaced with text above from Sandwell MBC Modern Slavery webpage.</p>
<b>30 &amp; 32</b>	<p>Section 17 - EXCHANGE OF INFORMATION, paragraph one mentions the licensing objectives</p> <p>Paragraph three refers to the Data Protection Regulations 2018</p> <p>The section includes information relating to the Freedom of Information Act 2000</p> <p>Section states 'how the authority handles FOIA requests can be found at the Sandwell MBC's website'.</p>	<p>In section titled EXCHANGE OF INFORMATION, for transparency the reader is reminded that the licensing objectives are outlined in Section 2 – GAMBLING ACT 2005</p> <p>Reference to Data Protection Regulations 2018 changed to UK General Data Protection Regulation</p> <p>For clarity, after Freedom of Information Act 2000 in relevant paragraph, FOIA stated in brackets as the abbreviation FOIA is used near the end of the paragraph. As the subsequent paragraph then starts with the word 'Request', for clarity FOIA stated before the word request.</p> <p>Link provided to freedom of information SMBC webpage which details how FOIA requests are processed</p> <p>Link provided to access online FOIA form on the SMBC website</p>
<b>32-33</b>	Section 18 - ENFORCEMENT PROTOCOLS – Refers to the Black Country Better Business for All initiative	For clarity as abbreviation BBFA is used in section titled ENFORCEMENT PROTOCOLS, BBFA stated after initial reference to 'Black Country Better Business for All'
<b>35</b>	Section 20 - MONEY LAUNDERING – Link available to Gambling Commission's website, however there is a now a link available to a new anti-money laundering webpage	Section titled MONEY LAUNDERING, link changed to take the reader to the Gambling Commission's new anti-money laundering web page which includes anti-money laundering responsibilities for gambling businesses

<p><b>35-36</b></p>	<p>Section 21 - THE LICENSING PROCESS refers to the scheme of delegations</p>	<p>Section titled THE LICENSING PROCESS, link added to take the reader to the pdf version of the Scheme of Delegation which is available on Modern.Gov</p>
	<p>Appendix 1 – Guide to making a representation</p>	<p>Reviewed and updated no significant changes</p>
	<p>Appendix 2 – Guidance for applicants</p>	<p>Reviewed and updated no significant changes</p>

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# Sandwell

## Metropolitan Borough Council

### **Applying for a Premise Licence**

#### **Guidance for Applicants (Appendix 2)**

#### **The Gambling Act 2005**

All gambling activities (with the exception of the National Lottery and spread betting) are regulated by the Gambling Act 2005. Gambling is defined in the Act as either gaming, betting or taking part in a lottery. The type of activities covered by the act includes:

- Betting
- Bingo
- Casino gaming
- Prize gaming
- Use of gaming machines
- Lotteries, raffles

As the Licensing Authority we are responsible for licensing premises where gambling takes place, and provide authorisations to gamble in premises where gambling is not the main activity (for example gaming machines in pubs). The Gambling Commission are responsible for licensing operators and individuals involved in providing gambling and betting facilities.

#### **About a Premises licence**

Any premises where gambling facilities are provided must have a premises licence, issued under the Gambling Act 2005. A Premises Licence is a permanent licence, granted in respect of a specific location, which authorises the licence holder to carry out licensable activities. As well as the main activity, a premises licence may also allow the use of certain categories of gaming machines.

Under the Gambling Act 2005 we are the licensing authority for:

- **Betting shops:** Premises such as high street shops, at which a licensed bookmaker will take bets on races and sporting events happening elsewhere
- **Betting at tracks:** Areas at racecourses and other premises where a race or other sporting event takes place (e.g. a venue staging a boxing match), at which licensed bookmakers will be taking bets on a race or sporting event happening at that location
- **Bingo halls:** Premises at which games of commercial prize bingo are regularly played
- **Casinos:** Premises where people can participate in one or more casino games. Casinos licensed under the previous legislation are able to continue to operate. New casino licences are restricted under the Gambling Act 2005. This authority has resolved not to issue new casino premises licences. Neither are there any casinos in the borough with preserved entitlement.
- **Adult gaming centres:** Amusement arcade premises making gaming machines available for use by over-18s only
- **Family entertainment centres:** Amusement arcade premises making gaming machine available for use by persons of all ages

Except in the case of betting at tracks, a premises licence cannot allow the use of premises for more than one of the activities listed above. Only one licence can be held.

Once a licence is granted it will be valid for the life of the business, or until it is surrendered or revoked. A licence holder can apply to vary the terms and conditions of the licence at any time.

Where a premises creates problems which impact on any of the three licensing objectives, a licence can be called in for review by interested parties or responsible authorities.

An annual fee is payable on the anniversary of the grant of the licence.

### **Gaming machine entitlements**

In addition to permitting specific types of gambling activity, Premises Licences also allow a number of gaming machines to be operated within the licensed premises. Under the Act, gaming machines are divided into



categories, dependent on their maximum stake and prize amounts, and where they may be provided. More information on gaming machines can be found on the [Gambling Commission website](#).

### **Who can apply for a premises licence**

Only people (and that includes companies or partnerships):

- Who have the right to occupy the premises
- Who have an operator's licence or have applied for an operator's licence from the [Gambling Commission](#)
- Are over the age of 18

### **Applying for a licence**

The following guidance explains the procedures needed to apply for a premises licence under the Gambling Act 2005.

The Council's policy on the Gambling Act should be read before completing the application form.

The standard hours for the opening of premises are set by the Government. You can, however, apply to modify those hours when you make your application. Details of the standard hours (known as the default conditions) are contained within this document.

An operating licence from the Gambling Commission must be in force prior to the premises licence being granted.

This is not statutory guidance and does not form any part of the Licensing Authority's Policy (which is available separately). The leaflet does not replace the 'Act' or any statutory guidance issued under it, so reference should always be made to that before submitting applications.

The application form is available from the [Gambling Commission Website](#)

### **The Application**

This will involve advertising the application in the paper and on the premises and serving notification of the application on responsible authorities.

The following must be presented for a premise application:

- One application form
- Appropriate fee
- A scale plan of the premises (see notes below)
- Serve notice of your application (see notes below)
- Advertise your application (see notes below)

Application forms are available on request by emailing [licensing\\_team@sandwell.gov.uk](mailto:licensing_team@sandwell.gov.uk)

### **Notification to Responsible Authorities**

In compliance with the regulations the applicant must serve each responsible authority with a notice (Form B) of the application where a variation is sought. The authorities to be served are:

- West Midlands Police
- West Midlands Fire and Rescue Service
- HM Customs and Revenue
- Safeguarding Children Board
- Planning & Building Control
- Environmental Health
- Gambling Commission

*Details of addresses can be found at Appendix A in this document.*

### **Display and Publishing of a Notice**

Details of the application must be published in a local newspaper on at least one occasion during the period of 10 working days starting on the day after the day on which the application is made.

A notice must be displayed on the premises to which the application relates in a place at which it can be conveniently read by members of the public from the exterior of the premises for a period of not less than 28 consecutive days starting on the day on which the application is made.

A copy of the notice is available upon request via email to [licensing\\_team@sandwell.gov.uk](mailto:licensing_team@sandwell.gov.uk)

## Representations

Representations should be lodged within 28 days of the application being made to the licensing authority. Representations must be consistent with the licensing objectives.

## Plans

A plan in the specified form for the following type or premises licence:

- a) drawn to the scale
- b) showing the extent of the boundary or perimeter of the premises
- c) showing where the premises include, or consist of, one or more buildings, the location of any external or internal walls of each such building.
- d) showing where the premises form part of a building, the location of any external or internal walls of the building which are included in the premises.
- e) Showing where the premises are a vessel or part of a vessel, the location of any part of the sides of the vessel, and of any part of the sides of the vessel, and any internal walls of the vessel, which are included in the premises.
- f) showing the location of each point of entry to and exit from the premises, including in each case a description of the place from which entry is made or to which the exit leads; and where the sale of alcohol for consumption on the premises is to take place
- g) any other matter required in accordance with the following provisions of this regulation.

## Local Risk Assessments

The Gambling Commission (the Commission) introduced new provisions in its social responsibility code within the Licence Conditions and Codes of Practice (LCCP), which require gambling operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures and control measures to mitigate those risks. This change in national policy is intended to provide a well evidenced and transparent approach to considering and implementing measures to address the risks associated with gambling.

Such risk assessments are required from new applicants, and from existing premises licensees seeking to vary a licence and are to be presented to the licensing authority upon application. The code requires all operators of; Casino's, AGC's, Bingo Premises, FEC's, Betting shops and remote betting intermediaries to assess local risks to the licensing objectives, and to have policies, procedures and control measures in place to mitigate those risks.

Operators are required by the SR code to make the risk assessment available to licensing authorities when an application is submitted either for new premises licence or variation of a premises licence, or otherwise on request, and this will form part of the council's inspection regime and may be requested when officers are investigating complaints.

### **Bingo premises (where children or young persons have permitted access)**

- a) the location and extent of any part of the premises which will be used to provide facilities for gaming in reliance on the licence (other than those parts which include Category B or C gaming machines.
- b) The location and extent of any part of the premises in which Category B or C gaming machines will be made available for use in reliance on the licence;
- c) the nature and location of any barrier or other thing separating any part of the premises in which Category B or C gaming machines will be available for use from any other part of the premises.

### **Adult Gaming Centre**

- a) the location and extent of any part of the premises in which gaming machines will be made available for use in reliance on the licence.

### **Family Entertainment Centre**

- a) The location and extent of any part of the premises in which Category C gaming machines will be made available for use in reliance on the licence;
- b) The location and extent of any part of the premises in which Category D gaming machines will be made available for use in reliance on the licence;
- c) the nature and location of any barrier or other thing separating any part of the premises in which Category C gaming machines will be available for use from any other part of the premises.

## **Betting Premises Licence (other than in respect of a track)**

a) the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

### **Hearings**

Should outstanding representations not be withdrawn the application must proceed to a hearing, which should be commenced as soon as is reasonably practicable.

### **Conditions**

#### **Mandatory conditions attaching to bingo premises licences**

1. A notice stating that no person under the age of 18 years is permitted to play bingo on the premises shall be displayed in a prominent place at every entrance to the premises.

2. No customer shall be able to enter the premises directly from any other premises in respect of which one of the following permissions has effect:

(a) a casino premises licence;

(b) an adult gaming centre premises licence;

(c) a betting premises licence other than a track premises licence

3. (1) This paragraph shall apply where children or young persons or both are permitted by the licence holder to enter the premises, and Category B or C gaming machines are made available for use on the premises.

(2) Any area of the premises to which category B and C gaming machines are located

(a) shall be separated from the rest of the premises by a physical barrier which is effective to prevent access other than by an entrance designed for the purpose;

(b) shall be supervised at all times to ensure children or young persons or both do not enter the area; and

(c) shall be arranged in such a way that ensures all parts of the area can be observed by the persons mentioned in sub-paragraph

(3) The reference to supervision in this paragraph means supervision by:

(a) one or more persons whose responsibilities include ensuring children or young persons or both do not enter the area; or

(b) closed circuit television which is monitored by one or more persons whose responsibilities include ensuring that children or young persons or both do not enter the area.

(4) A notice stating that no person under the age of 18 years is permitted to enter the area shall be displayed in a prominent place at the entrance to any area of the premises in which Category B or C gaming machines are made available for use. Gambling Act – Premises Guidance – April 2016.

4. (1) In the case of a charge for admission to the premises, a notice of that charge shall be displayed in a prominent place at the principal entrance to the premises.

(2) In the case of any other charges in respect of gaming, a notice setting out the information in sub-paragraph 3.

(3) shall be displayed at the main point where payment for the charge is to be made.

(4) The notice in sub-paragraph (2) shall include the following information—

(a) the cost (in money) of each game card (or set of game cards) payable by an individual in respect of a game of bingo;

(b) in respect of each game card (or set of game cards) referred to in paragraph (a) the amount that will be charged by way of a participation fee for entitlement to participate in that game; and

(c) a statement to the effect that all or part of the participation fee may be waived at the discretion of the person charging it.

(5) The notice may be displayed in electronic form.

(6) A reference in this paragraph to a charge in respect of gaming does not include an amount paid for an opportunity to win one or more prizes in gaming to which section 288 of the 2005 Act (meaning of "prize gaming") applies.

5. (1) The rules of each type of game that is available to be played the premises other than games played on gaming machines shall be made available to customers within the premises.

(2) The condition in sub-paragraph (1) may be satisfied by—

(a) displaying a sign setting out the rules,

(b) making available leaflets or other written material containing the rules,

or

(c) running an audio-visual guide to the rules prior to any bingo game being commenced

6. Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling in order to do so. Gambling Act – Premises Guidance – April 2016

### **Default conditions attaching to bingo premises licences**

1. Subject to paragraph 2, no facilities for gambling shall be provided on the premises between the hours of midnight and 9am.

2. The condition in paragraph 1 shall not apply to making gaming machines available for use.

### **Mandatory conditions attaching to adult gaming centre premises licences**

1. A notice stating that no person under the age of 18 years is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises.

2. No customer shall be able to access the premises directly from any other premises in respect of which a licence issued under Part 8 of the

Act, or a permit issued under Schedule 10, 12 or 13 to the Act, has effect.

3. Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so.

4. (1) No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises. (2) A notice stating the condition in sub-paragraph (1) shall be displayed in a prominent place at every entrance to the premises.

### **Mandatory conditions attaching to betting premises licences (other than track premises licences)**

1. A notice stating that no person under the age of 18 years is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises.

2. (1) Access to the premises shall be from a street or from other premises with a betting premises licence. (2) Without prejudice to sub-paragraph (1), there shall be no means of direct access between the premises and other premises used for the retail sale of merchandise or services.

3. Subject to anything permitted by virtue of the 2005 Act, or done in accordance with paragraphs 4, 5, 6 and 7 below, the premises shall not be used for any purpose other than for providing facilities for betting.

4. Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to leave any gaming machine or betting machine in order to do so.

5. No apparatus for making information or other material available in the form of sounds or visual images may be used on the premises, except for apparatus used for the following purposes—

- (a) communicating information about, or coverage of, sporting events, including—
  - (i) information relating to betting on such an event; and
  - (ii) any other matter or information, including an advertisement, which is incidental to such an event;



(b) communicating information relating to betting on any event (including the result of the event) in connection with which betting transactions may be or have been effected on the premises.

**6.** No publications, other than racing periodicals or specialist betting publications, may be sold or offered for sale on the premises.

**7.** No music, dancing or other entertainment shall be provided or permitted on the premises, save for entertainment provided in accordance with paragraph 5.

**8.** (1) No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises. (2) A notice stating the condition in sub-paragraph (1) shall be displayed in a prominent place at every entrance to the premises.

**9.** A notice setting out the terms on which customers are invited to bet on the premises shall be displayed in a prominent place on the premises to which customers have unrestricted access.

**Default conditions attaching to betting premises licences (other than in respect of tracks)**

No facilities for gambling shall be provided on the premises between the hours of 10pm on one day and 7am on the next day.

## ***APPENDIX A***

### RESPONSIBLE AUTHORITIES

West Midlands Police  
Police Licensing Officer  
C/o Administration Unit  
LPU Headquarters  
Moor Street  
West Bromwich  
B70 7AQ

West Midlands Fire and Rescue Service  
Fire Safety Officer  
Tipton Fire Station  
Alexandra Road  
Tipton  
West Midlands  
DY4 7NZ

HM Customs and Revenue  
National Registration Unit  
Portcullis House  
21 India Street  
Glasgow  
G2 4PZ

Safeguarding Childrens Board  
Sandwell Council House  
PO Box 2374,  
Oldbury,  
West Midlands,  
B69 3DE

Planning & Building Control  
Sandwell Council House  
PO Box 2374,  
Oldbury,  
West Midlands,  
B69 3DE

Environmental Health  
335-337 High St, Court House  
B70 8LU West Bromwich  
County:  
West Midlands

Gambling Commission  
The Gambling Commission  
Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP

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**Sandwell**  
Metropolitan Borough Council

## **Guidance on representations about gambling premises (Appendix 1)**

The Gambling Act 2005 requires that 'responsible authorities' such as the police, the gambling commission and others are notified of every application for a new gambling premises licence or variation of an existing premises licence.

An applicant is also obliged to advertise their application in a local paper and place a notice outside the premises for 28 days.

Objections can only be made by responsible authorities or interested parties. Interested parties are defined as a person who:

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities
- b) has business interests that might be affected by the authorised activities
- c) represents persons who satisfy paragraph (a) or (b)

An interested party or responsible authority must make representations or objections in writing that must be received by us within the 28 day notice period (which will be specified on the application details).

A representation may be an objection or a positive comment.

If no relevant representations are made, the licence or variation must be granted in the form that the application was made.

Any representations made must relate to the licensing objectives.

**The licensing objectives are:**

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- ensuring that gambling is conducted in a fair and open way, and
- protecting children and other vulnerable persons from being harmed or exploited by gambling

Objections must be relevant and can only be made based on one or more of these three licensing objectives.

**Putting forward your views on applications**

Representations must have submitted to us in writing within the 28 day notice period. This time period is stated on the public notice at the premises and in the advert in the local paper.

Applications are also available for inspection at our offices at Court House West Bromwich. Please telephone for an appointment before attending to ensure an officer is available to see you.

A representation can be a positive comment or an objection.

You can either write to us or email us with your representation. Our contact details are on the right of this page. You'll need to tell us:

- your full name, address and contact details
- details of the application you are making a representation about
- what your interest in the application is
- what your concerns are and how they relate to the licensing objectives
- if there are any changes you would like to see made to the application which would address your concerns
- you will need to state clearly on the letter or email that this is a representation and if writing in, you will need to sign and date your letter

**What will happen next?**

If we think the representations are relevant we must hold a hearing to determine the application (unless all agree that this is unnecessary).

At the hearing, a sub-committee (three councillors) of the council's Licensing and Enforcement Committee may do one of the following:

- Decide to grant or vary the licence in the same terms as it was applied for
- Decide to grant or vary the licence, but to modify the conditions
- Decide to refuse to issue or vary the licence
- Decide to exclude a licensable activity from the licence

The applicant for a licence or variation and any objectors can address the sub-committee. The sub-committee will listen to the evidence of both sides before making their decision. If a person who has made a representation cannot attend the hearing the sub-committee will consider the person's written representation.

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## Report to Council

12 April 2022

<b>Subject:</b>	Proposed departure from the Development Plan at Land at Brandon Way, West Bromwich, B70 8JL
<b>Director:</b>	Tony McGovern Director of Regeneration & Growth - Neighbourhoods
<b>Contact Officer:</b>	William Stevens Principal Planning Officer <a href="mailto:William_stevens@sandwell.gov.uk">William_stevens@sandwell.gov.uk</a>


### 1 Recommendations

- 1.1 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).

### 2 Reasons for Recommendations

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

### 3 How does this deliver objectives of the Corporate Plan?

	A strong and inclusive economy
---	--------------------------------



## 4 Context and Key Issues

- 4.1 Planning Committee granted conditional approval on the meeting held 30<sup>th</sup> March 2022, which considered 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)).
- 4.2 The application was publicised by neighbour notification letters, site notice and press notice with objections which are contained within the original planning committee report attached.
- 4.3 Planning Committee Members approved the application on the 30<sup>th</sup> March 2022, and now Council will need to approve the departure from the Development Plan before planning permission can be granted.
- 4.4 The site is currently allocated for residential use under the Site Allocations and Delivery Plan Policies Map and has been in private ownership for a number of years. The site has remained undeveloped due to surrounding industrial uses. It is necessary for the Council to consider whether or not to grant an exception to adopted policy to allow the application to proceed.
- 4.5 The purpose of this report is to discuss the 'departure' from the Development Plan only. It is not the role of Council to reconsider the wider planning merits of the application which have already been considered by Planning Committee.
- 4.6 The application has been publicised by neighbour notification letters, and site and press notice, with response. The Council's Highways, Planning Policy, and Environmental Health teams have also been consulted on the proposal. No overall objections have been received from consultees which cannot be overcome by condition.



## 5 Alternative Options

- 5.1 Refusing the departure is an option, in doing so clear planning justification would have to be provided as any refusal of planning permission could result in an appeal and costs being awarded against the Council.

## 6. Implications

<b>Resources:</b>	The granting of exceptions to the Development Plan would not have any implications for the resources of the Council.
<b>Legal and Governance:</b>	The Planning Committee has delegated powers to determine planning applications within current Council policy. The decision to grant permission for this proposal would be contrary the Development Plan. Consequently, the Committee has referred the application to the Council to consider whether or not an exception to the development plan should be granted.
<b>Risk:</b>	None Relevant.
<b>Equality:</b>	None Relevant.
<b>Health and Wellbeing:</b>	None Relevant.
<b>Social Value</b>	The proposal would create jobs and apprentices during the construction phase.

## 7. Appendices

None

## 8. Background Papers

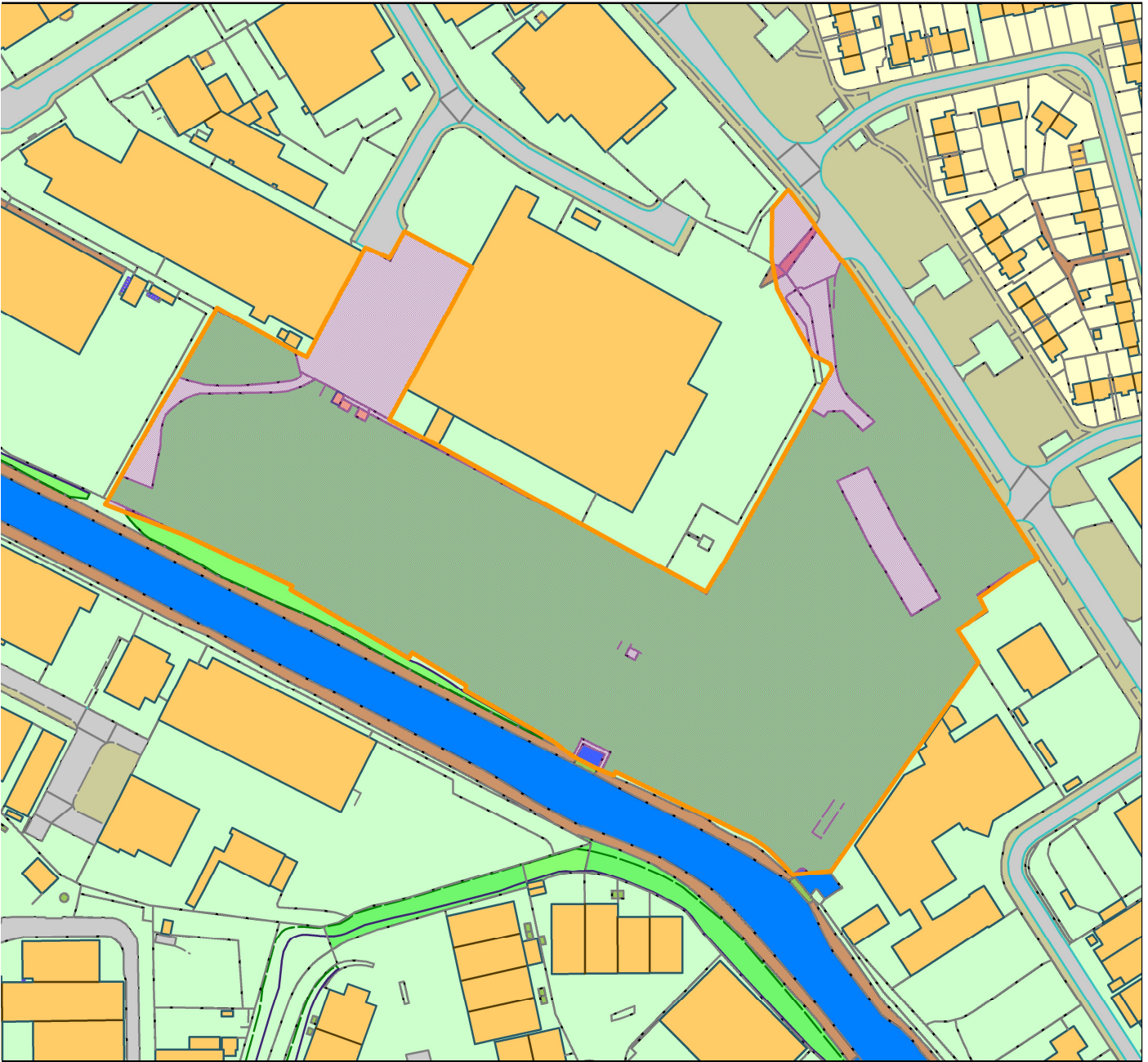
- 8.1 Planning application reference DC/21/66365



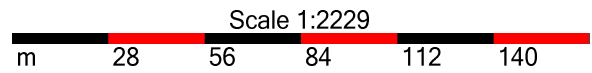
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DC/21/66365

Land At Brandon Way, West Bromwich



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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	22 February 2022
<b>OS Licence No</b>	

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# Report to Council

12<sup>th</sup> April 2022

<b>Subject:</b>	Proposed departure from the Development Plan at Land at Brandon Way, West Bromwich, B70 8JL
<b>Director:</b>	Tony McGovern Director of Regeneration & Growth - Neighbourhoods
<b>Contact Officer:</b>	William Stevens Principal Planning Officer <a href="mailto:William_stevens@sandwell.gov.uk">William_stevens@sandwell.gov.uk</a>


## 1 Recommendations

- 1.1 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.

## 2 Reasons for Recommendations

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

## 3 How does this deliver objectives of the Corporate Plan?

	A strong and inclusive economy
---	--------------------------------



## 4 Context and Key Issues

- 4.1 Planning Committee granted conditional approval on the meeting held 30<sup>th</sup> March 2022, which considered 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).
- 4.2 The application was publicised by neighbour notification letters, site notice and press notice with objections which are contained within the original planning committee report attached.
- 4.3 Planning Committee Members approved the application on the 30<sup>th</sup> March 2022, and now Council will need to approve the departure from the Development Plan before planning permission can be granted.
- 4.4 The site is currently allocated for residential use under the Site Allocations and Delivery Plan Policies Map and has been in private ownership for a number of years. The site has remained undeveloped due to surrounding industrial uses. It is necessary for the Council to consider whether or not to grant an exception to adopted policy to allow the application to proceed.
- 4.5 The purpose of this report is to discuss the 'departure' from the Development Plan only. It is not the role of Council to reconsider the wider planning merits of the application which have already been considered by Planning Committee.
- 4.6 The application has been publicised by neighbour notification letters, and site and press notice, with response. The Council's Highways, Planning Policy, and Environmental Health teams have also been consulted on the proposal. No overall objections have been received from consultees which cannot be overcome by condition.

## 5 Alternative Options

- 5.1 Refusing the departure is an option, in doing so clear planning justification would have to be provided as any refusal of planning permission could result in an appeal and costs being awarded against the Council.





## 6. Implications

<b>Resources:</b>	The granting of exceptions to the Development Plan would not have any implications for the resources of the Council.
<b>Legal and Governance:</b>	The Planning Committee has delegated powers to determine planning applications within current Council policy. The decision to grant permission for this proposal would be contrary the Development Plan. Consequently, the Committee has referred the application to the Council to consider whether or not an exception to the development plan should be granted.
<b>Risk:</b>	None Relevant.
<b>Equality:</b>	None Relevant.
<b>Health and Wellbeing:</b>	None Relevant.
<b>Social Value</b>	The proposal would create jobs and apprentices during the construction phase.

## 7. Appendices

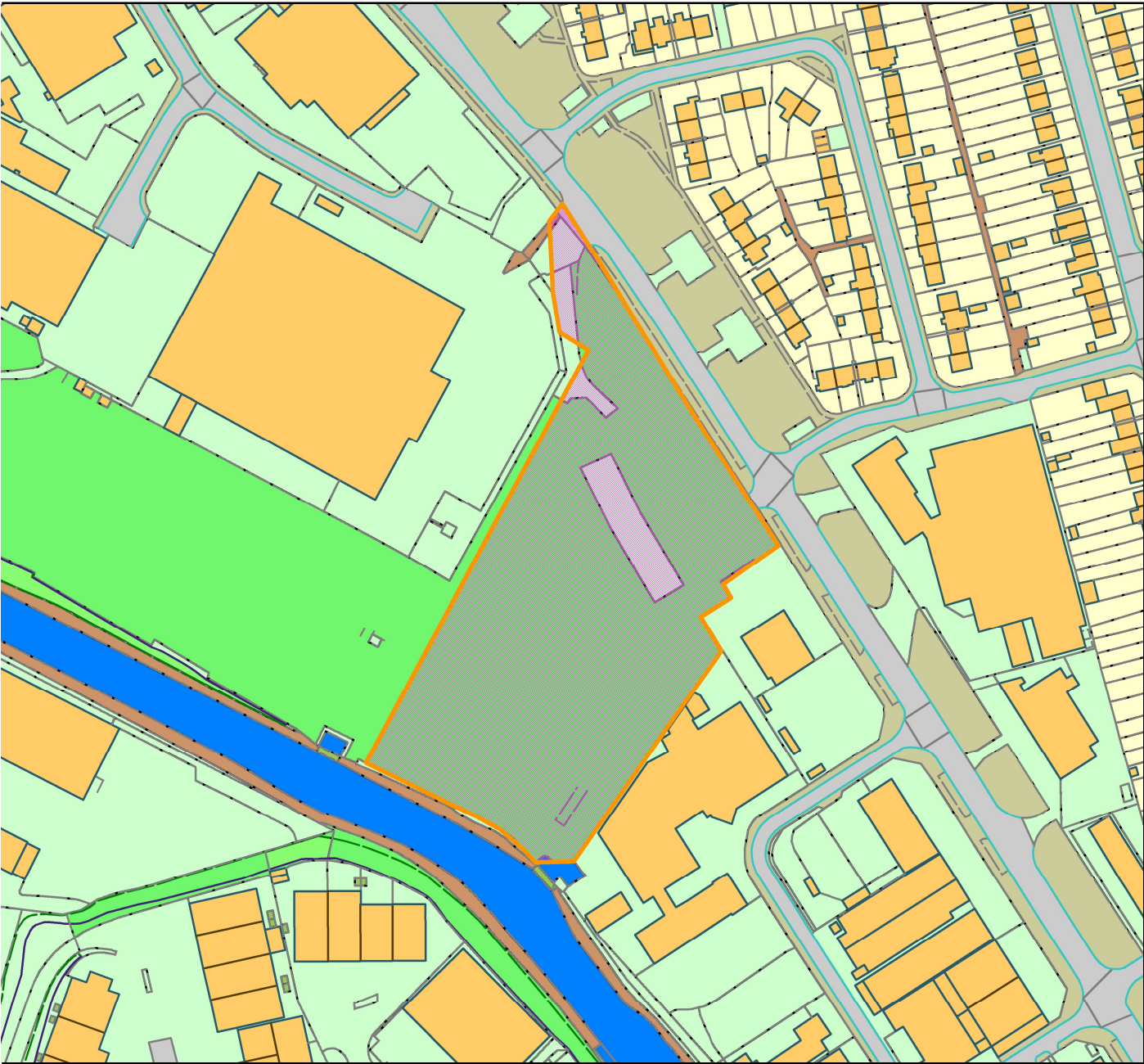
None

## 8. Background Papers

8.1 Planning application reference DC/22/66482



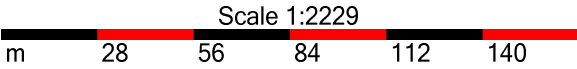
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<b>Organisation</b>	Not Set
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<b>Comments</b>	Not Set
<b>Date</b>	22 February 2022
<b>OS Licence No</b>	

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# Report to Council

**12 April 2022**

<b>Subject:</b>	Proposed departure from the Development Plan at 1 Providence Place and Land Off Sandwell Road, West Bromwich
<b>Director:</b>	Tony McGovern Director of Regeneration & Growth - Neighbourhoods
<b>Contact Officer:</b>	William Stevens Principal Planning Officer <a href="mailto:William_stevens@sandwell.gov.uk">William_stevens@sandwell.gov.uk</a>


## 1 Recommendations

- 1.1 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).

## 2 Reasons for Recommendations

The proposal is on land allocated for office use and as such is contrary to adopted council policy. The Council no longer has need for this space.

## 3 How does this deliver objectives of the Corporate Plan?

	Best start in life for children and young people
---	--



## 4 Context and Key Issues

- 4.1 Planning Committee granted conditional approval on the meeting held 30<sup>th</sup> March 2022, which considered 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).
- 4.2 The application was publicised by neighbour notification letters, site notice and press notice with objections which are contained within the original planning committee report attached.
- 4.3 Planning Committee Members approved the application on the 30<sup>th</sup> March 2022, and now Council will need to approve the departure from the Development Plan before planning permission can be granted.
- 4.4 The site is currently allocated for office use under the Site Allocations and Delivery Plan Policies Map and is in the ownership of the Council. It is necessary for the Council to consider whether or not to grant an exception to adopted policy to allow the application to proceed.
- 4.5 The purpose of this report is to discuss the 'departure' from the Development Plan only. It is not the role of Council to reconsider the wider planning merits of the application which have already been considered by Planning Committee.
- 4.6 The application has been publicised by neighbour notification letters, and site and press notice, with response. The Council's Highways, Planning Policy, and Environmental Health teams have also been consulted on the proposal. No overall objections have been received from consultees which cannot be overcome by condition.

## 5 Alternative Options

- 5.1 Refusing the departure is an option, in doing so clear planning justification would have to be provided as any refusal of planning permission could result in an appeal and costs being awarded against the Council.



## 6. Implications

<b>Resources:</b>	The granting of exceptions to the Development Plan would not have any implications for the resources of the Council.
<b>Legal and Governance:</b>	The Planning Committee has delegated powers to determine planning applications within current Council policy. The decision to grant permission for this proposal would be contrary the Development Plan. Consequently, the Committee has referred the application to the Council to consider whether or not an exception to the development plan should be granted.
<b>Risk:</b>	The site is Council owned.
<b>Equality:</b>	None Relevant.
<b>Health and Wellbeing:</b>	None Relevant.
<b>Social Value</b>	The proposal would create jobs and apprentices during the construction phase.

## 7. Appendices

None

## 8. Background Papers

8.1 Planning application reference DC/22/66501

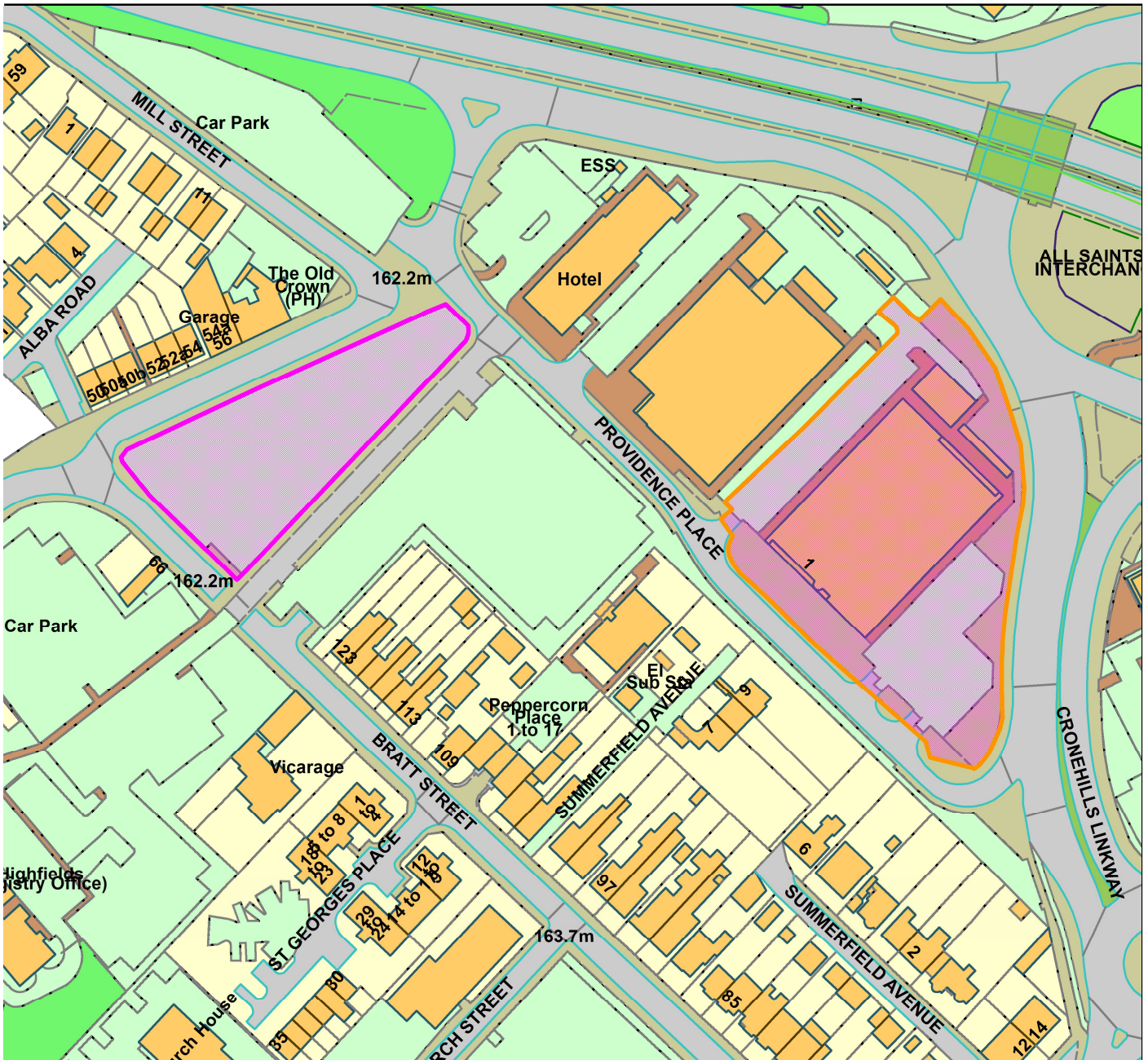


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DC/22/66501

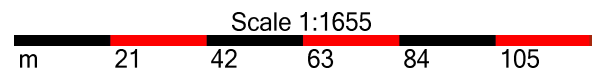
1 Providence Place And Land Off Sandwell Road



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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	24 February 2022
<b>OS Licence No</b>	

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# Report to Council

**12 April 2022**

<b>Subject:</b>	Proposed departure from the Development Plan at James W Shenton Limited, Tinsley Street, Tipton, DY4 7LQ
<b>Director:</b>	Tony McGovern Director of Regeneration & Growth - Neighbourhoods
<b>Contact Officer:</b>	William Stevens Principal Planning Officer <a href="mailto:William_stevens@sandwell.gov.uk">William_stevens@sandwell.gov.uk</a>


## 1 Recommendations

- 1.1 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).

## 2 Reasons for Recommendations

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

## 3 How does this deliver objectives of the Corporate Plan?

	A strong and inclusive economy
---	--------------------------------



## 4 Context and Key Issues

- 4.1 Planning Committee granted conditional approval on the meeting held 30<sup>th</sup> March 2022, which considered 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).
- 4.2 The application was publicised by neighbour notification letters, site notice and press notice with objections which are contained within the original planning committee report attached.
- 4.3 Planning Committee Members approved the application on the 30<sup>th</sup> March 2022, and now Council will need to approve the departure from the Development Plan before planning permission can be granted.
- 4.4 The site is currently allocated for residential use under the Site Allocations and Delivery Plan Policies Map and has been in private ownership for a number of years. The site has remained undeveloped due to surrounding industrial uses. It is necessary for the Council to consider whether or not to grant an exception to adopted policy to allow the application to proceed.
- 4.5 The purpose of this report is to discuss the 'departure' from the Development Plan only. It is not the role of Council to reconsider the wider planning merits of the application which have already been considered by Planning Committee.
- 4.6 The application has been publicised by neighbour notification letters, and site and press notice, without response. The Council's Highways, Planning Policy, and Environmental Health teams have also been consulted on the proposal. No overall objections have been received from consultees which cannot be overcome by condition.

## 5 Alternative Options

- 5.1 Refusing the departure is an option, in doing so clear planning justification would have to be provided as any refusal of planning permission could result in an appeal and costs being awarded against the Council.



## 6. Implications

<b>Resources:</b>	The granting of exceptions to the Development Plan would not have any implications for the resources of the Council.
<b>Legal and Governance:</b>	The Planning Committee has delegated powers to determine planning applications within current Council policy. The decision to grant permission for this proposal would be contrary the Development Plan. Consequently, the Committee has referred the application to the Council to consider whether or not an exception to the development plan should be granted.
<b>Risk:</b>	None Relevant.
<b>Equality:</b>	None Relevant.
<b>Health and Wellbeing:</b>	None Relevant.
<b>Social Value</b>	The proposal would create jobs and apprentices during the construction phase.

## 7. Appendices

None

## 8. Background Papers

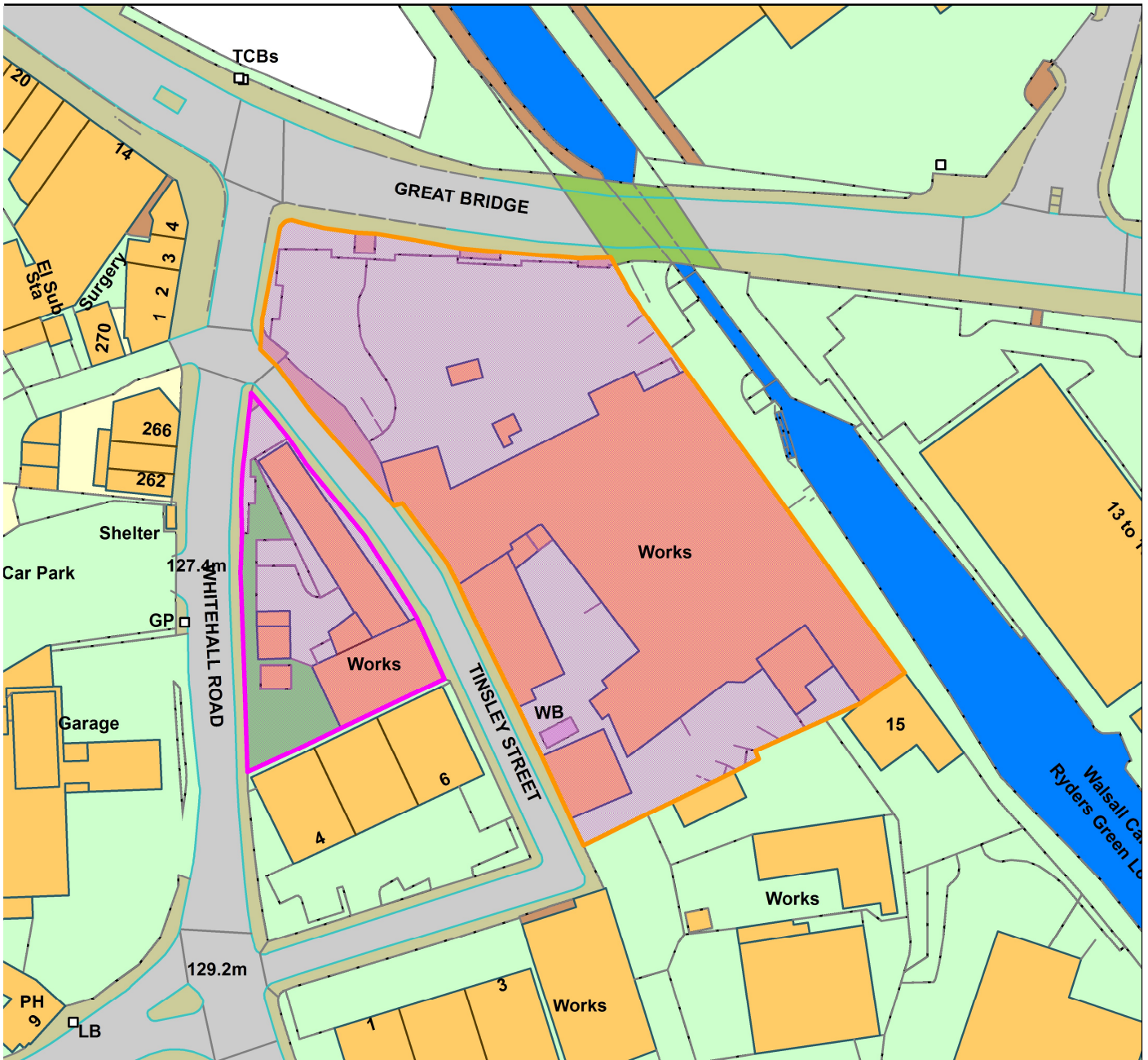
8.1 Planning application reference DC/22/66538



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DC/21/66538

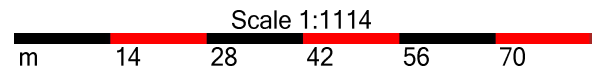
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## Report to Council

**12 April 2022**

<b>Subject:</b>	Annual Report of the Planning Committee 2021
<b>Director:</b>	Tony McGovern – Director – Regeneration and Growth
<b>Contact Officer:</b>	John Baker Service Manager; Development Planning and Building Consultancy <a href="mailto:John_baker@sandwell.gov.uk">John_baker@sandwell.gov.uk</a>

### 1 Recommendations







- 1.1 That Council receive the Planning Committee Annual Report for 2021.

### 2 Reasons for Recommendations

- 2.1 The Committee is required to submit an Annual Report to Council each year detailing the work undertaken throughout the year.



### 3 How does this deliver objectives of the Corporate Plan?

		The planning decision-making process contributes significantly to a number of elements of the Sandwell Vision. These include the regeneration of Sandwell; helping create homes that meet people's current and future needs; helping provide the right number of school places; establishing training facilities; and investing in businesses, people and jobs.
		
		

### 4 Context and Key Issues

4.1 The Council establishes the Planning Committee each year to deal with matters relating to the Town and Country Planning Acts and related legislation, which mainly concerns the determination of planning applications.

### 5 Alternative Options

5.1 The purpose of the report is for Council to receive the Annual Report of the Planning Committee, which details the work undertaken throughout the year. As such, there are no alternative options.

### 6 Implications

<b>Resources:</b>	Officer time and legal costs for dealing with planning applications are resourced from application fees and existing budgets.
<b>Legal and Governance:</b>	The Council, as local planning authority, has a statutory duty to provide a Development Management service as required by the Planning Acts and associated legislation.
<b>Risk:</b>	There are no direct risks associated with this report.
<b>Equality:</b>	There is no requirement for an equality impact assessment.
<b>Health and Wellbeing:</b>	There are no direct health and wellbeing implications from this report.
<b>Social Value</b>	There are no direct social value implications from this report.



## 7 Appendices

Annual Report of the Planning Committee 2021.

## 8. Background Papers

None.



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# Annual Report of the Planning Committee



# Chair's Foreword

## Chair's introduction

As Chair of the Planning Committee it gives me great pleasure to provide the foreword for this annual report for 2021.

My role is to chair, lead and co-ordinate the activities of the Planning Committee and with the continued hard work and dedication of our planning officers, ably supported by the Members of the Committee, we have achieved continued success throughout the challenging times faced in 2021.

We have been able to build on changes to working practices that have improved the swiftness of dealing with applications to respond to customer needs as well as giving officers the freedom to engage, provide guidance and give every assistance to encourage new development within Sandwell.

This progress is largely down to increased delegated powers to officers to meet Government performance targets, coupled with a rolling programme of Member training regarding new planning regulations and related matters.

During 2021 we all unfortunately became too well aware of the continued challenges brought about by the pandemic. However, I am extremely pleased with how well working practices have been adapted which has enabled us to carry on. These changes, for example, have previously included the use of 'virtual' planning committee meetings and, coupled with the flexibility shown by colleagues to take account of the necessary restrictions placed upon us, has meant that the planning process has continued to perform well.

In 2022 the Planning Committee will continue to seek to add value to new development in Sandwell by ensuring the effective and efficient determination of planning applications in a fair, open and transparent manner.





Councillor Zahir Hussain - Chair of Planning Committee

## Introduction to the Planning Committee

### What is the role of the Committee

The Council establishes the Planning Committee each year to deal with matters relating to the Town and Country Planning Acts and related legislation, which mainly concerns the determination of planning applications.

The Committee is required to submit an Annual Report to Council each year detailing the work undertaken throughout the year. This report now provides an overview of the work of Planning Committee for 2021.

### Who sits on the Committee

From January 2021 to May 2021 the following Members were appointed to the Planning Committee:-

Councillor Downing (Chair);

Councillor Hevican (Vice-Chair);

Councillors Ahmed, Allen, Chidley, Dhallu, S. Davies, Gill, P.M. Hughes, M. Hussain, I. Jones, Mabena, Millar, Piper, Rouf and Simms.









At its annual meeting in May 2021 the Council appointed the following Members to the Planning Committee:-

Councillor Z. Hussain (Chair);  
 Councillor Webb (Vice-Chair);  
 Councillors Allcock, Allen, Chapman, Chidley, Dhallu, Fenton, S. Gill, O. Jones, Kalari, Kaur, Millar, C.S. Padda, Rouf and K. Singh.

**How does the work of the Committee Contribute to the Corporate Plan?**

The granting of planning permission can contribute significantly to all of the key corporate aspirations listed below by, for example, providing new school and leisure facilities; allowing existing businesses to be extended in order to grow to meet demand; providing a range of accommodation to meet all housing needs; as well as seeking financial contributions from development where appropriate which can then be used to support community groups or enhance local facilities.

	Best start in life for children and young people
	People live well and age well
	Strong resilient communities
	Quality homes in thriving neighbourhoods
	A strong and inclusive economy
	A connected and accessible Sandwell





## Committee Development Activity

The following training sessions were undertaken during 2021:-

February – Changes to permitted development rights

July – Introduction to Planning

August – The Development Plan

November – Houses in Multiple Occupation

## Legislation Reference

The determination of planning applications is taken in accordance with the provisions of the Town and Country Planning Act 1990 (as amended) and associated legislation.

# Committee Activity Overview

## Work Programme Spotlight

During 2021, Planning Committee generally met on a monthly basis. Below is a breakdown of each Committee meeting in terms of numbers of applications determined and whether the decision at the particular Committee was in accordance with the officer's recommendation or not. It should be noted that Members, after considering the facts of a case, can decide to visit to see the application site for themselves or defer in order to seek further information.



Date of Committee	No of Applications On Agenda	Decision With Officer Recommendation	Decision Against Officer Recommendation	Application Withdrawn	Visit	Deferred
Jan	<b>No Committee</b>					
Feb	8	6	2	0	0	0
March	4	4	0	0	0	0
Apr	6	5	0	0	0	1
May	7	6	0	0	0	1
June	<b>No Committee</b>					
July	8	6	0	1	1	0
Aug	3	3	0	0	0	0
Sept	7	6	0	0	1	0
Oct	4	4	0	0	0	0
Nov	6	6	0	0	0	0
Dec	10	7	2	0	1	0
<b>Total</b>	<b>63</b>	<b>53</b>	<b>4</b>	<b>1</b>	<b>2</b>	<b>2</b>

### **Numbers of applications received and determined in 2021;**

1262 planning applications received of which 1224 applications were determined.

Of the 1224 applications determined, 1164 (95%) were dealt with by officers using delegated powers.

Of those applications determined:-

1113 were approved (91%)

111 were refused permission (9%)

By way of comparison, figures for the previous year are listed below:-

### **Numbers of applications received and determined in 2020;**

1067 planning applications received of which 953 applications were determined.

Of the 953 applications determined, 905 (95%) were dealt with by officers using delegated powers.



Of those applications determined:-

898 were approved (94%)

55 were refused permission (6%)

The figures above indicate that the overall number of planning applications received during 2021 increased significantly compared to those submitted in 2020 which reflects the national increase of around 25%. (These numbers are also affected by the fact that in 2013, the Government introduced a new 'Prior Approval' system which is intended to primarily allow householders greater scope above and beyond existing regulations to extend their properties. Before this date such extensions would have required a formal planning application to be submitted. These Prior Approvals do not appear in the formal figures for the numbers of applications dealt with but in essence, the process and the work required is the same as dealing with a full planning application. The Council received **248** such applications in 2021, compared to **219** in 2020).

The large percentage of applications approved in part reflects the openness of the service in encouraging developers and prospective applicants to engage in pre-application discussions. A charge for such discussions was introduced at Sandwell from September 2019 to offer a complete service to potential applicants and bring the Council in line with neighbouring authorities. This approach sends the message that the Council, despite the existing economic difficulties, is very much open for business and ready to facilitate development opportunities.

The positive outcome of the vast majority of planning applications submitted at Sandwell is also in part a reflection of where there are problems with a proposed scheme, officers will endeavour to negotiate workable solutions within the prescribed time scales.

In addition to the above planning applications, the Development Management section in 2021 also dealt with around 300 complaints regarding alleged breaches of planning control. (A similar number of investigations were carried out in 2020). Officers remain acutely aware of the fact that the credibility of the planning system as a whole rests on the ability to take timely and appropriate enforcement action.



A further 150 sites in 2021 were also investigated by officers as potentially requiring tidy up work using in the main powers available under Section 215 of the Town and County Planning Act 1990. This power allows the local planning authority to deal with privately owned land or buildings, the condition of which is adversely affecting the amenity of a particular area. (Again, this number of cases is similar to the numbers received in 2020). This area of work has grown in recent years on the back of the Council's own 'Grot Spots' programme. Officers continue to strive to build on the good work to date and the partnerships already created both within the Council and with outside bodies such as the Police and Fire Service.

## **Performance**

The local planning authority is monitored closely by the Government regarding the time taken to determine planning applications. (Applicants have a right to appeal to the Planning Inspectorate if their application is not dealt within the prescribed time).

The Government targets are as follows:-

- 60% of major applications to be determined in 13 weeks
- 70% of minor applications to be determined in 8 weeks
- 80% of other applications to be determined in 8 weeks

*("Major" developments are defined as applications for 10 or more dwellings; where the floor space of the proposal exceeds 1000 square metres or if the application site area exceeds 1 hectare.*

*"Minor" developments include schemes for less than 10 dwellings and where floor area is less than 1000 square metres.*

*"Others" includes changes of use and householder extensions).*

The Planning service has consistently continued to exceed these performance targets throughout 2020 and 2021. The on-going commitment of all staff, coupled with the assistance of Planning Committee, has very much helped to achieve this;



## **2021**

Major applications: 53; No. determined in 13 weeks: 48

**Performance** - 90.6%

Minor applications: 270; No. determined in 8 weeks: 224

**Performance** - 83.0%

Other applications: 901; No. determined in 8 weeks: 816

**Performance** - 90.6%

Again, by way of comparison, the figures for 2020 are as follows:-

## **2020**

Major applications: 29; No. determined in 13 weeks: 28

**Performance** - 96.6%

Minor applications: 222; No. determined in 8 weeks: 196

**Performance** - 88.3%

Other applications: 702; No. determined in 8 weeks: 624

**Performance** - 88.9%

## **Case Studies**

One notable focus area for the Committee in 2021 has been around the increased submission in the number of applications for changes of use to create Houses in Multiple Occupation (HMOs). Members have been acutely aware of the housing need that well-run HMOs can meet balanced against the anxiety that such changes of use can create within local communities. With colleagues from Private Sector Housing who license HMOs, a training session has been run for Committee members and as part of the current review of the Council's Development Plan, new policy and guidance will eventually be included for the first time.



## Community Feedback

Speed of decision making is important but is just one aspect of the service provided. With each decision notice sent out, a customer satisfaction survey is attached. For 2021, 81% of applicants and/ or agents who responded were Very Satisfied or Fairly Satisfied with the overall service.

## Looking Ahead

The Council will continue to strive to deal with planning applications in an effective and efficient manner. The continued support shown by Committee Members is invaluable in order for planning officers to continue to achieve the high performance and customer satisfaction levels that they have to date.



## Report to Council

**12 April 2022**

<b>Subject:</b>	Annual Report of the Ethical Standards and Member Development Committee 2021-2022
<b>Director:</b>	Director of Law and Governance and Monitoring Officer - Surjit Tour
<b>Contact Officer:</b>	Surjit Tour Director of Law and Governance and Monitoring Officer <a href="mailto:surjit_tour@sandwell.gov.uk">surjit_tour@sandwell.gov.uk</a>







### **1 Recommendations**

- 1.1 That Council considers the Annual Report of the Ethical Standards and Member Development Committee 2021-2022, as set out in Appendix 1.

### **2 Reasons for Recommendations**

- 2.1 The Council established an Ethical Standards and Member Development Committee to promote and maintain high standards of conduct and ethical governance by Elected and Co-opted Members of the Council.
- 2.2 The Committee is required to submit an annual report to Council detailing the work undertaken throughout the year.

### 3 How does this deliver objectives of the Corporate Plan?

		Through its work in promoting high standards of conduct, the Committee makes a positive contribution to the Council's governance and decision-making arrangements of the authority
		
		

### 4 Context and Key Issues

4.1 The Ethical Standards and Member Development Committee's terms of reference requires the committee to produce an annual report detailing the activities undertaken throughout the municipal year.

### 5 Alternative Options

5.1 The Ethical Standards and Member Development Committee is required to submit its Annual Report to Council, there are no alternative options.

### 6 Implications

<b>Resources:</b>	There are no resource implications arising from this report.
<b>Legal and Governance:</b>	The Authority has a statutory duty under the Localism Act 2011 to promote and maintain high standards of conduct by Members. The Authority is also obliged to have in place a Code of Conduct, a procedure for investigating complaints against Members and ensure that any complaints made are investigated in accordance with that procedure.



	The new standards arrangements are set out in chapter 7 of the Localism Act 2011, and in secondary legislation made under the Act, particularly in The Relevant Authorities (Disclosure of Pecuniary Interests) Regulations 2012.
<b>Risk:</b>	There are no direct risk implications arising from this report.
<b>Equality:</b>	There are no direct equality implications arising from this report.
<b>Health and Wellbeing:</b>	There are no direct implications for health and wellbeing from this report.
<b>Social Value</b>	This report contains no social value implications.

## 7. Appendices

Appendix 1 - Annual Report of the Ethical Standards and Member Development Committee 2021-2022.

## 8. Background Papers

No background papers.

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# Annual Report of the Ethical Standards and Member Development Committee 2021-2022



# Chair's Foreword

I am pleased to present the Annual Report of the Ethical Standards and Member Development Committee for 2021-22.

I became Chair of the Committee in October 2021 and welcomed the new challenge. The role is completely different to those I have undertaken previously.

I would like to take this opportunity to reflect on all of the hard work undertaken by the previous Chairs of the Committee. In particular, the member engagement sessions around the review of the Code, Arrangements and all the member policies in this area was a hugely successful piece of work leading to more stringent and workable policies which are clearly demonstrating positive outcomes and improvement.

In particular, I would also like to refer to the new MyCouncillor Portal, a very successful tool which is continuously being improved upon to assist members in their roles.

Similarly, I am looking forward to working on enhancing the member development programme and induction training in the coming months.

Alongside all the positive work, there has been some sadness following the tragic event involving Sir David Amess MP, triggering an urgent review of our own processes. I can give assurance that further work is being undertaken to ensure the safety of elected members when undertaking their duties.

I would also like to take this opportunity to emphasise to all members the importance of attending the standards training that is offered every year. These sessions are essential to your understanding of the Code of Conduct and are also a useful discussion forum for members about ethical issues.



Finally, I would like to thank members of the Ethical Standards and Member Development Committee and the Independent Persons for their attendance and contributions during the past year and also the Monitoring Officer and his officers who have provided support throughout the year.



**Councillor Keith Allcock**  
**Chair of the Ethical Standards**  
**and Member Development Committee**



# Committee Activity Overview

## 1.1 Work Programme Spotlight

Following on from the comprehensive review of the Members' Code of Conduct and Arrangements for Dealing with Standards Allegations undertaken last year, the Committee's work programme has continued to look at those matters identified as part of the review and also its regular programme in relation to member development programme, personal safety of elected members, gifts and hospitality, national cases and the work of the Committee on Standards in Public Life. In particular the business of the Committee included:-

## 1.2 Ministry of Housing, Communities and Local Government – Response to Local Authority remote meetings: call for evidence

On 25 March 2021, the Ministry of Housing, Communities and Local Government opened a call for evidence to seek views on the use of the arrangements which had provided express provision for local authorities to hold meetings remotely or in a hybrid format during the coronavirus pandemic.

The call for evidence sought to understand the experience of local authorities in the whole of the UK regarding remote meetings.

The Committee considered that for smaller committees, virtual meetings had led to improved attendance and engagement. It was also considered that online meetings provided extra convenience to members of the public who could watch the livestream or an online recording of the meeting.

The Committee recognised that physical meetings were still necessary, especially for larger committees and full council meetings.

The Committee noted the wider benefits associated with remote meetings such as reduced travel costs and CO<sub>2</sub> emissions and greater participation by members and public alike.



The Director – Law and Governance and Monitoring Officer prepared a response behalf of Sandwell based on the views of the Committee.

### 1.3 Gifts and Hospitality

The Monitoring Officer maintains a public register of members' interests and also a record of any gift or hospitality received. The revised Gifts and Hospitality guidance was approved by Full Council on 23 March 2021. The value of gifts and hospitality required to be declared by members was reduced to £50.00 (previously set at £100.00).

Following the Committee on Standards in Public Life Best Practice recommendations (attached), gifts and hospitality has been added as a standing item for each meeting of the Ethical Standards and Member Development Committee, allowing the Committee to review new entries to the Council's register for elected members' gifts and hospitality declarations.

Guidance is available to all Members on how to treat offers of gifts and hospitality and the process for declaring such offers. This guidance forms part of the Council's Constitution.

### 1.4 Complaints Updates

An updated on the activity of the Council's Monitoring Officer in relation to complaints received under the Councillor Code of Conduct is submitted to each meeting of the Ethical Standards and Member Development Committee.

Analysis below setting out statistics for a three-year period highlights the volume of cases dealt with compared to the most current period showing a more manageable caseload.

<b>Member Complaints</b>	
<b>Calendar Year</b>	<b>Number of Cases</b>
2019	6
2020	20
2021	12
2022	4



## 1.5 Review of Personal Safety of Elected Members

The Committee had considered personal safety of elected members in October 2019 with a further review to be undertaken in 12 months' time. The review had, however, been delayed due to the pandemic.

There was an ongoing programme of personal safety training for elected members.

Councillors had received revised guidance notes on general personal safety in the wake of the recent incident involving an MP (i.e. lone-working, undertaking surgeries and walking to their vehicles).

A further review of personal safety for elected members will be undertaken by the Ethical Standards Working Group to ensure all options had been considered and addressed.

## 1.6 Member Development Programme

The Elected Member Development Programme has been designed and led by members since phase one began in 2018.

At its inception, a Local Government Association Peer Review team were briefed on the progress relating to the Member Development Programme. Their feedback was outstanding, describing the progress relating to the MDP as 'phenomenal', adding that the programme was an 'exemplar' in relation to the approach taken and delivery to date. Officers from the LGA have kept in regular contact since to observe progress and help on request.

Since phase one of the Member Development Programme commenced in October 2018, over 130 sessions have been delivered. An inevitable switch to virtual learning in light of the pandemic has not affected the quality and effectiveness of the training delivered. Phase two of the programme has taken on board feedback from Member Personal Development Plan (PDP) meetings and emphasis on key issues affecting the borough have been introduced. These include Climate Change, Universal Credit, Understanding Extremism, Midland Metro briefings, hate crime and much more. Take up continues to be encouraging.





These phases have served member development well over the past 3 years, but it is time to refresh the member development programme from the new Municipal Year. Currently, a Member Development Strategy is being drafted that will take on board feedback from the Governance and LGA peer reviews. A new member development programme will include essential, important, specialist and bespoke learning that is underpinned by robust support arrangements and development plans where applicable. PDP's will continue to act as a key review mechanism at timely intervals of the monitoring process.

## 1.7 Review of Independent Persons for Dealing with Standards Matters

There are currently two Independent Persons in place. Mr Tew's term of office had been extended by Full Council in January 2022 for a further four year period. Mr Phillips' term of office is until March 2024. There is currently one vacancy.

Following a recent recruitment exercise, a further review is being carried out by the Ethical Standards Working Group as to options available.

The Protocol for Independent Persons appointed under the Localism Act 2011 has been reviewed and will be included in the suite of documents submitted to Council following the annual review of the Members' Code of Conduct, Arrangements for Dealing with Complaints under the Code and Social Media Policy.

## 1.8 MyCouncillor Portal

The MyCouncillor portal was introduced in March 2021 as a platform hosting a range of tools and information to support elected members in their roles. Governance arrangements and a phased approach were agreed with high member participation in focus groups and workshops.

Member usage of the portal has continued to increase in line with the roll-out. The member enquiry mechanism continues to prove popular, between 65 councillors a total of 5,850 enquiries have been routed through the portal's 'Raise a new Case' (4,446 enquiries) and Report it (1,404 enquiries) functions up to 18 January 2022. On average around 50 councillors per month are using the portal. The average rating of the system, as scored by Councillors remains high at 4.8 out of 5.



The portal is more than a casework management system and signposts members to important information such as crime maps, planning applications, ASB incidents, FAQ's, press releases and coronavirus updates that can be utilised at surgeries or as part of their day to day roles.

To ensure that the platform continues to evolve in line with member needs, feedback has been actively sought via training sessions, member briefings, 1-1's and e-mail exchanges.

Based on 75 items of feedback the following changes, new functions and improvements have been developed which went live in January 2022. Members were encouraged to adopt these changes as they added improvements to make the system more intuitive, as well as provide added functionality.

An updated version of the Councillor User Guide was circulated to all members to adopt these improvements.

To further develop the portal to meet member's needs, and to ensure that we are working with the latest technology available by the MyCouncillor supplier (Granicus), the look and feel of the 'Dashboard' & MyCasework' list functions in the portal is being updated and will be rolled out when extensive testing has taken place.

Governance arrangements and extensive reporting is in place to inform Senior Officers and Members of key performance statistics that are driving continuous improvement to achieve response times in line with service level agreements established. These will be reviewed at regular intervals.

In February, Sandwell entered the Municipal Journal awards for the design, implementation and performance of the portal in the category of 'Digital Transformation'. The shortlist will be announced at the end of March.



## 1.9 DBS Checks for Elected Members

The Council is under a statutory duty to promote and maintain high standards of conduct, as set out in the Localism Act 2011. The introduction of DBS checks for members was raised as part of the consideration of this duty at the Member Engagement sessions held in December 2020.

One of the recommendations was that further consideration be given to the benefits of DBS checks and whether they should be introduced at this Council. There are 3 levels of checks, a basic DBS check, a Standards DBS Check (for certain defined roles) and an enhanced DBS Check.

The matter was reported to the Ethical Standards Working Group at its meeting on 5 October 2021. There was also a motion submitted to Full Council at its meeting on 7 December 2021 proposing that all elected members should be vetted.

The Committee has considered the matter and recommended that members in specific roles should be asked to consent to enhanced DBS checks and a protocol has been prepared for consideration by Full Council.

## 1.10 Annual Review of the Members' Code of Conduct and Arrangements for Dealing with Complaints under the Code

On 23 March 2021, the Council adopted the Local Government Association's (LGA) Model Code of Conduct. It also updated its Arrangements for dealing with Complaints under the Code of Conduct to ensure they were effective.

It was agreed by the Ethical Standards and Member Development Committee that the Code of Conduct and Arrangements would be reviewed on an annual basis, alternating between a desktop review and an annual review. A desktop review of the Arrangements has been completed and no amendments are recommended at this stage.



However, the LGA has made some amendments to the model Code of Conduct, and the Committee therefore recommended that the same amendments are made to the Council's Code of Conduct.

### **1.11 Review of the Committee on Standards in Public Life Best Practice Recommendations**

As part of its review of ethical standards in local government, the Committee on Standards in Public Life set out a number of Best Practice Recommendations.

Following the Council's response to the recommendations and the review of the Member Code of Conduct and Arrangements last year, a further review of the Best Practice Recommendations has been undertaken to highlight the Council position and progress made (see attached).

### **1.12 Review of Social Media Policy**

The Social Media Policy was approved in March 2021 and an annual review has been undertaken.

The Committee determined that the content is still relevant, as such, no changes are required, other than some minor amendments for clarity.

Social media can be a fantastic tool for members in promoting themselves and the Council when it is used properly. It is necessary to have a Social Media Policy and also provide member training on all aspects of social media so they are equipped to use it to their advantage and avoid some of the pitfalls.

As part of the Member Development Programme, Social Media Training will be offered to all members. Given this is a specialist area, it is considered that this would best be delivered by an external trainer. Options for the training are being investigated.



# The Committee

- 2.1 The Localism Act 2011 removed the requirement for a national code of conduct and statutory standards committees and set out a light touch framework for a new ethical regime. The Act places a general obligation on the Council to promote and maintain high standards of member conduct.
- 2.2 Whilst there is no requirement to have a standards committee, standards issues and casework need to be dealt with due to the statutory obligation for a council to promote high ethical standards. The Council decided to retain a standards committee in 2021-22, including the wider remit of member development.
- 2.3 The main functions of the Ethical Standards and Member Development Committee are to:-
- (a) promote and maintain high standards of conduct and ethical governance by members and co-opted members of the Council;
  - (b) assist members and co-opted members of the Council to observe the Council's Code of Conduct;
  - (c) advise the Council on the adoption or revision of a Code of Conduct for members and co-opted members;
  - (d) monitor the operation of the Council's Code of Conduct for members and co-opted members;
  - (e) advise, train or arrange for training for members and co-opted members of the Council on matters relating to the Council's Code of Conduct;
  - (f) develop and offer to all members an annual programme of development activities which provides members with development opportunities that support the Council's corporate priorities, identifying sufficient resources to deliver an effective Member Development Programme.



- 2.4 The Committee also appoints to two sub-committees which form part of the arrangements for dealing with complaints about breaches of the Member Code of Conduct. These sub-committees may consider investigation reports referred to them by the Monitoring Officer and conduct hearings (including the imposition of sanctions).

These sub-committees operate according to the principles of natural justice and human rights legislation and ensure that both the complainant and the subject member receive a fair hearing.

### **Membership of the Committee**

- 2.5 Inclusion of experience from all areas of the decision-making process gives the Committee a broad base of experience from which to make well-rounded decisions on ethical matters.
- 2.6 The Council's Constitution includes role descriptions for the Chair of the Ethical Standards and Member Development Committee and for its members. The role descriptions emphasise the impartial and non-political nature of the conduct of the Ethical Standards and Member Development Committee.

### **Independent Persons**

- 2.7 Section 28(7) of the Localism Act 2011 requires local authorities to appoint at least one Independent Person to advise the Council before it makes a decision on an allegation. The Independent Person also advises a member facing an allegation who has sought the views of that person. There are restrictions on who can be appointed as the Independent Person, in general the Independent Person cannot be a councillor, officer of Sandwell Council or their relative or close friend.
- 2.8 The Act gives discretion to appoint one or more Independent Persons but provides that the Independent Person must be consulted before any decision is taken on a complaint which has been investigated.
- 2.9 The Council currently has two Independent Persons; Mr John Tew and Mr Richard Phillips. A recruitment exercise is underway (see para 1.7).



- 2.10 The remit of the Independent Persons has been extended by The Local Authorities (Standing Orders)(England)(Amendment) Regulations 2015 in relation to changes to statutory dismissal procedures for heads of paid service, monitoring officers and chief finance officers. In the case of a proposed disciplinary action against one of the statutory officers, the Council is required to invite Independent Persons who have been appointed for the purposes of the members' conduct regime under section 28(7) of the Localism Act 2011 to form an independent panel.
- 2.11 Independent Persons are invited to attend all meetings of the Ethical Standards and Member Development Committee as observers.

### **Officer Support to the Committee**

- 2.12 The Monitoring Officer is one of the Council's statutory officers, appointed under Section 5(1) of the Local Government and Housing Act, 1989. The Monitoring Officer is responsible for ensuring that the Council and its members act lawfully; do not cause maladministration; and comply with the Code of Conduct for Members. He is the primary source of advice for members on the requirements of the Code of Conduct and also has specific statutory duties such as securing the investigation of complaints of member misconduct.
- 2.13 The Monitoring Officer is also the principal adviser to the Ethical Standards and Member Development Committee and its Sub-Committees and is assisted by the Deputy Monitoring Officer. More information about the role of the Monitoring Officer can be found in Article 12 of the Council's Constitution.

## **The Ethical Framework**

### **Members' Code of Conduct**

- 2.14 The Council's Code of Conduct assists members and co-opted members to meet the provisions of the Localism Act 2011 and is available on the Council's website.



- 2.15 All elected members are issued with a copy of the Code of Conduct and on appointment are required to sign an undertaking to comply with the Code. Members also receive induction training and subsequent refresher training on the provisions of the Code and how to carry out their duties in line with the Code. This training is delivered by the Monitoring Officer/Deputy Monitoring Officer. The Monitoring Officer also issues guidance to councillors appointed to outside bodies by the Council to assist them in understanding the impact of the Members' Code of Conduct.
- 2.16 Part 2 of the Members' Code of Conduct requires elected and co-opted members to give written notification to the Monitoring Officer of any disclosable pecuniary interests and other registerable interests to be included in the Council's statutory Register of Interests within 28 days of election or appointment, and to update their declarations as appropriate by notifying any amendments or new interests within 28 days of becoming aware of them.
- 2.17 This register of interest is available for public inspection, and individual members' declarations of interest can be inspected at any time on the Council's website through the committee management information system. The Register of Interests and Declarations of Interest are periodically reviewed by the Monitoring Officer and are made available for inspection by the Ethical Standards and Member Development Committee on a regular basis.
- 2.17 Members are also obliged to disclose any interests at meetings where those matters are to be discussed. These declarations are recorded in a register open for public inspection and are also noted on the committee management information system.
- 2.18 The Monitoring officer also maintains a register of sensitive data which is recorded on the elected members declaration but not the public record. The elected member must make a case to the Monitoring Officer to have information placed on the sensitive register.





- 2.19 A review of the Code of Conduct was undertaken following the publication of the LGA Model Code of Conduct. As part of the Best Practice Recommendations of the Committee on Standards in Public Life, an annual review is taken of the Code of Conduct (a desktop review one year and a full review the following year). A desktop review has been undertaken and no changes have been recommended. However, some changes have been recommended by the LGA and these have been submitted to the Committee/Full Council for approval.
- 2.20 The Council has a protocol for members on gifts and hospitality giving additional guidance on the requirement of the Members' Code of Conduct for members to declare gifts and hospitality received. These declarations are recorded in a register which is open for public inspection and are also recorded in their individual entries on the committee management information system. The Register of Gifts and Hospitality is periodically reviewed by the Monitoring Officer and an update is provided to each meeting of the Ethical Standards and Member Development Committee, following the Committee on Standards in Public Life Best Practice Recommendations.

### **Arrangements for Dealing with Standards Allegations**







- 2.21 The Localism Act 2011 requires authorities to adopt arrangements for dealing with complaints about breaches of the Member Code of Conduct. The arrangements for dealing with standards allegations have been revised, alongside the review of the Member Code of Conduct (see paragraph 2.1 above).
- 2.22 Details of complaints received in relation to member conduct and the progress and outcome of consideration of these complaints are reported to each Ethical Standard and Member Development Committee.



## Allegations of Misconduct by Members

- 2.23 Under the new ethical framework, all complaints of misconduct come direct to the Monitoring Officer. The Monitoring Officer will review every complaint received and take a decision as to whether it merits formal investigation. Where the Monitoring Officer is unable to resolve the complaint informally and feels it merits formal investigation after consultation with the Independent Person(s), he will appoint an Investigating Officer who will prepare a report concluding whether or not there is evidence of a failure to comply with the Code of Conduct.
- 2.24 The Monitoring Officer receives the draft report and determines if the report is sufficient. If the Monitoring Officer concludes that there is evidence of a failure to comply with the Code of Conduct, he will either send the matter for local hearing before a sub-committee or, after consulting the Independent Person, seek local resolution.

## How the work of the Committee contributes to the Corporate Plan

		Through its work in promoting high standards of conduct, the Committee makes a positive contribution to the quality of governance of the authority.
		
		The standards of conduct influence public trust in the authority and enables Members to work effectively in the community.

## Continuous Development

- 3.1 The Ethical Standards and Member Development Committee is responsible for advising, training or arranging for training for members and co-opted members of the Council on matters relating to the Council's Code of Conduct. The Monitoring Officer, his deputy(s) and a senior legal officer deliver relevant training to all members and co-opted members on behalf of the Committee.



- 3.2 The Committee considers summaries of cases of national interest to ensure that it is up to date with how complaints about member misconduct are being dealt with in other authorities around the country, so that members can bring this knowledge to any cases in Sandwell.
- 3.3 The Committee also considers the Annual Report of the Committee on Standards in Public Life to broaden understanding and current topics.
- 3.4 The Ethical Standards and Member Development Committee continues to develop its own skills and expertise.

## Looking Ahead

To help promote high standards and conduct and continuous development of elected members, the Committee will continue to work on the Member Development Programme, developing the MyCouncillor Portal and building on the review of the Members' Code of Conduct, Arrangements for Dealing with Complaints under the Code and the suite of supporting documents.



## CSPL local government ethical standards 15 best practice recommendations

Name of local authority: Sandwell MBC

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**1:** Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

**Progress:** The Council has embarked upon a full review of its Code along with the Arrangements for dealing with Standards Complaints as part of a wider ongoing Governance Review. It is also carrying out a review of the Council's Ethical Framework. Any BPRs that have not been fully met will be addressed as part of this review. Prohibition on bullying already included in current Code, but not harassment. Intention is to adopt New Model Code which will have definitions of both in the definition section. The authority will include examples of bullying and harassment as an appendix to Code.

[Update 28.02.2022](#)

The Council has adopted the new Model Code of Conduct with effect from March 2021, which includes prohibitions on bullying and harassment.

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**2:** Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors.

**Progress:** Code currently states 'You must at all times facilitate and engage with the council and its committees on probity and ethical matters and submit yourself to the scrutiny necessary to ensure this without any undue delay.' This will be broadened to require councillors to comply with any formal standards investigation when the New Model Code is adopted.

[Update 28.02.2022](#)

Paragraph 8 of the new Model Code of Conduct deals with the requirement to engage with any code of conduct investigations.

Prohibiting trivial or malicious allegations is covered by the more general aspects of the code. The Council's updated Arrangements also set out the preliminary considerations when a complaint is received, which includes at stage 2 whether the complaint is "malicious, trivial, politically motivated or 'tit-for-tat'". Councillors will be aware through their training on the code of conduct that such complaints are unlikely to progress.



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**3:** Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

**Progress:** An annual report is submitted to Council. The Council is currently reviewing its Code along with the Arrangements for dealing with Standards Complaints. Arrangements for future reviews is part of discussions with the working group working on the current review.

[Update 28.02.2022](#)

The Council undertook a large scale review of the code of conduct and arrangements for dealing with standards complaints throughout October 2020 – March 2021. The Council will conduct an annual review, alternating between a desktop exercise and a consultation based exercise.

The Council conducted its desktop review in February 2022.

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**4:** An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

**Progress:** Currently accessible to all. The Council is however looking to update the website to include an Ethical Framework page to make the documents more prominent as part of its continuous improvement drive.

[Update 28.02.2022](#)

The code of conduct is available on the Council's website through modern.gov. It is accessible through clicking the relevant tabs, or by using the search facility, but it could be made more prominent on the Council's homepage. This is something that needs to be improved.

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**5:** Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

**Progress:** This is already included as standing item for Ethical Standards Committee which meets quarterly. Each member's register is published on the Council's Committee Management Information System (CMIS) and is easily accessible. We are looking at options with regard to publication of full register.



[Update 28.02.2022](#)

Standing item on Ethical Standards Committee which meets quarterly. The gifts and hospitality register is not currently published on the website.

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**6:** Councils should publish a clear and straightforward public interest test against which allegations are filtered.

**Progress:** The public interest test is currently considered in all allegations and this is clearly referenced in the decision notices. Once the Model Code is finalised, the Council will address this issue as part of the ongoing review of the ethical framework and include the publication of the public interest test.

[Update 28.02.2022](#)

The public interest test is included at Stage 3 of the Council's Arrangements for dealing with standards complaints.

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**7:** Local authorities should have access to at least two Independent Persons.

**Progress:** Already achieved. We are looking at the possibility of engaging a third Independent Person and exploring regional resilience through a collaborative approach with other West Midland Councils. Also, we are investigating whether there is any merit in introducing a remuneration package.

[Update 28.02.2022](#)

As above this has already been achieved.

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**8:** An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

**Progress:** Requirement of Localism Act – already in place. Explicitly referenced in the Arrangements for dealing with Standards Complaints.

[Update 28.02.2022](#)

As above, this is already achieved.



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**9:** Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

**Progress:** Already achieved – agenda,/minutes and decision are published and considered by Standards Sub Committee.

[Update 28.02.2022](#)

As above, already achieved.

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**10:** A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

**Progress:** Webpage includes this information which is easily accessible. With regard to timescales, once instructed the investigator should be able to give a time estimate to ensure it is reasonable/realistic.

[Update 28.02.2022](#)

This is set out in the Council's updated Arrangements for dealing with Standards Complaints. This includes a copy of the complaint form, with clear guidance on how to complete it, together with a flow chart setting out the process and timescales involved.

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**11:** Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.

**Progress:** n/a

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**12:** Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

**Progress:** n/a

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**13:** A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

**Progress:** Arrangements include the ability for the Deputy Monitoring Officer to be utilised and the possibility of using the MO from another authority or other external person (independent investigator) to address any conflicts of interest and capacity issues to ensure complaints are managed effectively and consistently and in a timely fashion.

[Update 28.02.2022](#)

As above, this has been achieved. The process where a conflict arises is set out in the updated Arrangements for dealing with Standards Complaints.

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**14:** Councils should report on separate bodies they have set up or which they own as part of their annual governance statement, and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness, and publish their board agendas and minutes and annual reports in an accessible place.

**Progress:** Wherever appropriate and practicable to do so, subject to other legal arrangements or agreements that oversee the operational arrangements of that body and other primary legislation governing operations, the council does provide performance and other information on such bodies such as to its Audit Committee, Scrutiny Boards. However, different companies/bodies have separate accountability arrangements depending on nature of company. The Council will consider this issue further as part of the ongoing review of the ethical framework.

[Update 28.02.2022](#)

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**15:** Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

**Progress:** Monitoring Officer will be addressing this issue as part of the ongoing review of the Ethical Framework. The MO will be proposing that there be regular meetings with the Group Leader/Whip/Chair/Vice Chair. These arrangements will be formalise arrangements as part of the Arrangements for dealing with Standards Complaints refresh.

[Update 28.02.2022](#)

This has been included as part of the Council's updated Arrangements for dealing with Standards Complaints. Paragraph 12: Review Meetings states there will be quarterly meetings between CEO, MO, Group Leader(s) and Group Whips.







## Minutes of The Cabinet

**23 February 2022 at 3.30pm  
at Council Chamber, Sandwell Council House**

**Present:** Councillor Carmichael (Leader of the Council)  
Councillors Ahmed, Crompton, Hartwell, Millard, Piper  
and Simms.

**Also present:** Councillors E M Giles, Moore and Shackleton.

**Officers:** Rashpal Bishop (Director of Adult Social Care), Alice Davey (Director of Borough Economy), Gillian Douglas (Director of Housing), Simone Hines (Director of Finance), Tony McGovern (Director of Regeneration and Growth), Surjit Tour (Director of Law and Governance and Monitoring Officer) and Elaine Newsome (Service Manager – Democracy).

### 35/22 **Apologies for Absence**

Apologies for absence were received from Councillors Bostan, L Giles, Mabena and I Padda.

### 36/22 **Declarations of Interest**

Councillor Ahmed declared a personal interest in Minute No. 45/22 (Sandwell Health Inequalities Programme: Grant funding for Sandwell Consortium CIC to deliver interventions to address health inequalities) on the basis that he volunteered as a Director at community centre that had been consulted upon within the report.

Councillor Hartwell declared a personal interest in Minute No. 45/22 (Sandwell Health Inequalities Programme: Grant funding for Sandwell Consortium CIC to deliver interventions to address health inequalities) on the basis that she was an employee of an organisation that had been consulted upon within the report.

Councillor Simms declared a pecuniary interest in Minute No. 49/22 (Q3 Budget Monitoring 2021/22) due to the nature of her employment.

**37/22 Additional Item of Business**

There were no additional items of business to consider.

**38/22 Capital Investment Proposal – Housing for Young People**

Approval was sought for the Director of Housing to be authorised to negotiate a suitable agreement with St Basils for the management and maintenance of apartments, to include 100% nomination rights for Sandwell Council and allocate £666,734 from the commuted sum pot of money (derived from Section 106 Agreements), as a contribution towards the refurbishment of 3 low rise blocks at Hallam Close, West Bromwich for the provision of 54 one-bedroom affordable rented apartments for young people.

Approval was also sought for the Director of Law and Governance to be authorised to execute (under seal if necessary) the agreement negotiated by the Director of Housing, and any ancillary documentation to secure the Council's contribution to, and rights in respect of the development.

The Chair of the Children Services and Education Scrutiny Board enquired whether young people could apply directly for this housing provision or whether it was based on recommendations.

In response, the Cabinet Member for Housing stated that Sandwell Council would have 100% nomination rights to the flats and could therefore assess the young person's needs and prioritise referrals to the scheme. Where young people approached St Basils directly, the Council would work with St Basils to assess the young person's housing needs and, if appropriate, put them through the nomination process. The details of the nominations agreement were yet to be worked out.

The Chair of Children Services and Education Scrutiny Board asked further questions regarding the criteria moving on from the provision.

In response, the Cabinet Member for Housing stated the accommodation was designed and reserved for young people up to the age of 24. There was no fixed time limit on how long the young person could stay up until this age. However, experience from phase 1 had shown that young people's circumstances changed, and most young people moved on of their own volition. The Council and St Basils would support young people with future housing options well before they reach the upper age limit.

The Chair of Children's Services and Education Scrutiny Board enquired whether care leavers in the provision would continue to be supported by the Council. The Cabinet Member for Housing stated that the Council's corporate parenting responsibilities would apply, and any care leaver would still have access to support.

### **Reason for Decision**

The report sought agreement to the allocation of £666,734 of commuted sum monies (derived from Affordable Housing Section 106 Agreements) as a capital contribution towards the refurbishment of 3 existing but unused residential apartment blocks near the site of Sandwell General Hospital in West Bromwich. The refurbished buildings would provide 54 self-contained affordable apartments to help prevent and relieve homelessness affecting young people in Sandwell.

The Council would act as the catalyst for bringing 54 additional affordable homes in to use and could secure 100% nomination rights to these properties for an investment contribution of only £12,347 per home.

The intended recipient of this investment, St Basils (a Registered Provider, Number H3994), would be required to enter into a suitable agreement with the Council to ensure that the allocation of the funding was in accordance with the specified purpose of the Section 106 Agreements and would meet the relevant legal requirements. The scheme would be phase 2 of the development of the project, phase 1 having opened in 2015 with 32 shared apartments.

### **Alternative Options Considered**

There were no other alternative options contained within the report.

#### **Agreed:-**

- (1) that, subject to planning consent and negotiation of a suitable agreement in accordance with Resolution (2) below on terms to be agreed by the Director of Housing, approval be given to allocate £666,734 from the commuted sum pot of money (derived from Section 106 Agreements), as a contribution towards the refurbishment of 3 low rise blocks at Hallam Close, West Bromwich for the provision of 54 one-bedroom affordable rented apartments for young people;
- (2) that the Director of Housing be authorised to negotiate a suitable agreement with St Basils, a registered provider of social housing, for the management and maintenance of these apartments by St Basils, to include 100% nomination rights for Sandwell Council;

- (3) that the Director of Law & Governance be authorised to execute (under seal if necessary) the agreement negotiated by the Director of Housing, and any ancillary documentation to secure the Council's contribution to, and rights in respect of the development.

39/22

## **Review of Council Tenancy Conditions**

Approval was sought to adopt the revised tenancy conditions and, that in compliance Section 103 of the 1985 Housing Act, the Director – Housing be authorised to issue a Notice of Variation to all tenanted households in due course.

### **Reason for Decision**

The Council had recently concluded a statutory consultation regarding proposed amendments to the Council's Tenancy Agreement. The Tenancy Agreement was the legal contract between the Council and tenant and detailed the tenant's rights and responsibilities and the Council's rights and responsibilities.

Last reviewed in 2009, the current tenancy conditions had been reviewed to both update and align them with the modernisation of the Council's Housing Service.

The Council needed to ensure that the conditions were fit for purpose specifically to support the sustainment of tenancies, to continue to tackle anti-social behaviour, to help the Council to maintain housing standards and to contribute toward preventing homelessness.

### **Alternative Options Considered**

There were no alternative options other than to retain the current Tenancy Conditions that took effect from October 2009.

**Agreed** that approval be given to adopt the revised tenancy conditions, as submitted, and that in compliance Section 103 of the 1985 Housing Act, the Director – Housing be authorised to issue a Notice of Variation to all tenanted households in due course.

40/22

### **Approval for consultation of the Draft Statement of Community Involvement 2022**

Approval was sought to consult on the Statement of Community Involvement and to authorise the Director of Regeneration and Growth to make any minor amendments to the Statement of Community Involvement prior to circulation.

#### **Reason for Decision**

As the planning system had the potential to affect everyone, it was considered important that communities within Sandwell were able to contribute to the preparation of plans and policies. The Statement of Community Involvement (SCI) outlined how Sandwell Council would involve stakeholders such as; the public, developers, businesses and other agencies in the preparation of its planning policy documents and in the determination of planning applications. An SCI was adopted by Cabinet in 2016. This report proposed consultation on the revision of that document.

It was proposed that this draft Statement of Community Involvement was subject to a six-week consultation period. Responses would be considered, and any amendments would be the subject of a further report prior to adoption of the SCI.

#### **Alternative Options Considered**

The alternative option would be to continue to use the SCI adopted in 2016. However, this document would not be up to date and would not tackle issues surrounding the Coronavirus (Covid-19) pandemic.

**Agreed:-**

- (1) that approval be given to consult on the Statement of Community Involvement;
- (2) that the Director of Regeneration and Growth be authorised to make any minor amendments to the Statement of Community Involvement prior to circulation.

41/22      **Approval to proceed with Small Sided Spaces project**

Approval was sought to apply for external funding via the Football Foundation to develop and deliver a portfolio of 'Small sided' multi-sport facilities within the Borough of Sandwell as part of the legacy of the Commonwealth Games.

The Chair of Children's Services and Education Scrutiny Board raised a question regarding the identification of suitable spaces for the projects and whether they would be at least one in each town in Sandwell.

In response, the Cabinet Member for Culture and Tourism stated that the external investment into local projects would be subject to strategic evidence and demonstrating clear demand, via the Playing Pitch Strategy and Local Football Facilities Plan. Smethwick had been identified for the pilot project due to the location of the Aquatics Centre and the Commonwealth Games links. Further projects would also be delivered elsewhere in Sandwell with further scoping and consultation required. It was endeavoured to ensure that the projects reflect a reasonable spread around Sandwell.

In response to a question by the Chair of Children Services and Education Scrutiny Board regarding the inclusion of other sports within the projects, the Cabinet Member for Culture and Tourism stated that it was a requirement of the funding and a key objective of the project for other sports to be delivered as well as football. The facilities should be developed to accommodate other sports and activation of other activities.

The Chair of Children Services and Education Scrutiny Board enquired whether all-weather pitches would be considered as part of the project. In response, the Cabinet Member for Culture and Tourism stated that in most instances, a 'hard court' would be most appropriate although in some instances either a polymeric or hard wearing 3G surface may be used. Further details would be available once the community engagement had been carried out.

### **Reason for Decision**

Inward investment from the Football Foundation would enable the delivery of Small Sided multi-sport facilities. These may be 'refurbishment' of existing facilities that had fallen into disrepair or the creation of brand-new facilities. Approval to apply for external funding would enable officers to complete and submit the necessary grant paperwork.

The project would be leaving a lasting 'Legacy' from the Commonwealth Games and recognised Sandwell's contribution as a 'host Borough'. It would also assist in the Council's efforts to help residents engage in sporting activities, combat inactivity and encourage healthy lifestyles.

### **Alternative Options Considered**

No alternative options had been considered for this project. The 'Do nothing' approach would result in the loss of potential inward investment along with a missed opportunity to upgrade sports facilities and engage communities in sport/leisure.

### **Agreed:-**

- (1) that approval be given to apply for external funding via the Football Foundation to develop and deliver a portfolio of 'Small sided' multi-sport facilities within the Borough of Sandwell with the facilities being a 'legacy' from the Commonwealth Games and will be either refurbishments of existing facilities or new builds;



- (2) that the Director of Borough Economy in consultation with the Section 151 Officer be authorised to:
- Prepare any necessary Tendering documentation
  - Procure, in accordance with the public procurement rules, the Council's procurement and financial regulations a contractor(s) to carry out works on site; to award a contract and to enter into or execute under seal any financial agreement(s) as may be deemed necessary in relation to the project
  - Accept Grant funding from the Football Foundation on terms and conditions to be agreed by the Director of Borough Economy in consultation with Legal services.
  - Commit 'Capital' match funding of £100,000 towards the project (£50,000 from Public Health and £50,000 from Sport & Leisure). The minimum funding ratio is 75 : 25. Therefore a maximum total project cost for the main project would be £400,000 with the Football Foundation investing £300,000 along with a £100,000 match funding amount from Sandwell Council
- (3) that a 'Front Runner' project is delivered, completed ahead of the Commonwealth Games.

42/22

**Provision of a Revenues and Benefits application, a corporate document management solution and scanning and indexing services**

Approval was sought to authorise the Director of Business Strategy and Change to award a contract to NEC Software Solutions (formerly Northgate Public Services) for the period 1 April 2022 to 31 March 2027 with an option to extend for a further 2 years up to 31 March 2029 for the following services:

- a) Provision of a hosted NEC Revenues and Benefits System
- b) Scanning and Indexing Services
- c) Provision of a hosted NEC Document Management solution (formerly Images@work)
- d) An optional back-scanning service

### **Reason for Decision**

Approval is sought to award a 5-year contract with an option to extend for a further 2 years to ensure continuity and ongoing maintenance and support for core business systems used by the council. Throughout this period the contract would also allow other service areas to be integrated into the use of the systems and enable full compliance with the requirements of framework agreement.

### **Alternative Options Considered**

The applications and services are considered essential for the delivery of key council services. Going out to the market was considered however the cost of change would be greater than the cost of this direct award.

### **Agreed:-**

- (1) that the Director of Business Strategy and Change be authorised to award a contract to NEC Software Solutions (formerly Northgate Public Services) for the period 1 April 2022 to 31 March 2027 with an option to extend for a further 2 years up to 31 March 2029 for the following services:
  - a) Provision of a hosted NEC Revenues and Benefits System
  - b) Scanning and Indexing Services
  - c) Provision of a hosted NEC Document Management solution (formerly Images@work)
  - d) An optional back-scanning service

At a total cost for the above services over a 5-year period of £2,174,554.

- (2) that the Director Law and Governance – Monitoring Officer be authorised to execute any documentation necessary to enable the course of action set out in Resolution (1) above to proceed;
- (3) that any necessary exemptions be made to the Council’s Procurement and Contract Procedure Rules to enable the course of action referred to in Resolution (1) above to proceed.

43/22

### **eCapture and Webcapture Services**

Approval was sought to authorise the Director of Finance to make a direct award of a contract to Govtech Solutions Limited for providing automation services for Council Tax, Benefits and Business Rates to the Revenues and Benefits Service, procured through the G-Cloud 12 Framework Agreement , for the period 1 April 2022 to 31 March 2024 with an option to extend for a further 2 years up to 31 March 2026.

The value of the new contract was £168,110 per year making the total including the 2-year optional extension period £672,440.

#### **Reason for Decision**

The Revenues and Benefits Service had been using Govtech’s automated services since 2006.

The current contract was due to come to an end on 31 March 2022. It had delivered front and back-office productivity gains by automating transactions enabling Revenues and Benefits staff to focus on the more complex incoming work streams which cannot be automated. During the last financial year, over 174,500 transactions were handled by the Govtech solution.

#### **Alternative Options Considered**

Govtech Solutions Limited were the sole provider of eCapture and Webservices. One other provider resells Govtech Solutions Limited services through a package of digital services, however, this provider had been approached and confirmed that they would not bid for Sandwell's requirements.

An alternative would be to discontinue the use of Govtech however significant additional resource would be required to carry out the manual processing of notifications and both speed of processing and accuracy of data would be adversely affected.

**Agreed:-**

- (1) that the Director of Finance be authorised to make a direct award of a contract to Govtech Solutions Limited for providing automation services for Council Tax, Benefits and Business Rates to the Revenues and Benefits Service, procured through the G-Cloud 12 Framework Agreement (Framework reference: RM1557.12), for the period 1 April 2022 to 31 March 2024 with an option to extend for a further 2 years up to 31 March 2026;
- (2) that the Director Law and Governance – Monitoring Officer be authorised to execute any documentation necessary to enable the course of action referred to in Resolution (1) above to proceed;
- (3) that any necessary exemptions be made to the Council's Procurement and Contract Procedure Rules to enable the course of action referred to in Resolution (1) above to proceed.

44/22 **Direct Award of Microsoft Server Cloud Enrolment (SCE) License renewal using KCS framework agreement**

Approval was sought to authorise the Director of Business Strategy and Change to make a direct award of contract

using the Kent County Suppliers (KCS) framework to Phoenix Software Limited for the renewal of the existing Microsoft Server Cloud Enrolment (SCE) license agreement for continued support and licensing arrangements for a three (3) year period from 1 April 2022 to 31 March 2025 at a total cost of £377,555.76.

### **Reason for Decision**

The current three-year Microsoft SCE agreement was due to expire on the 31 March 2022

The renewal of the Microsoft SCE license agreement was required for the continued use of the technology products being delivered through the agreement and for continued usage, vendor support and software license compliancy. These products made up a large part of existing ICT infrastructure.

### **Alternative Options Considered**

A full tender exercise could have been conducted. However, there was an essential need to maintain service continuity across both existing Microsoft agreements with Phoenix Software Limited. Were the contract to be let to another supplier, there could be several operational problems. A direct award through the KCS framework allowed these issues to be negated in a compliant manner.

### **Agreed:-**

- (1) that the Director – Business Strategy and Change be authorised to make a direct award of contract using the Kent County Suppliers (KCS) framework to Phoenix Software Limited for the renewal of the existing Microsoft SCE license agreement for continued support and licensing arrangements for a three (3) year period from 1st April 2022 to 31st March 2025 at a total cost of £377,555.76;
- (2) that the Director Law and Governance – Monitoring Officer be authorised to execute any documentation necessary to enable the course of

action referred to in Resolution (1) above to proceed;

- (3) that any necessary exemptions be made to the Council's Procurement and Contract Procedure Rules to enable the course of action referred to in Resolution (1) above to proceed.

45/22

### **Sandwell Health Inequalities Programme: Grant funding for Sandwell Consortium CIC to deliver interventions to address health inequalities**

Approval was sought to award a 3-year grant (April 2022 – March 2025) to Sandwell Consortium CIC to address health inequalities within ethnic minority communities in Sandwell, prioritising mental health and wellbeing and prevention of long-term conditions. The 3-year grant was for £178,000 per annum to commence on 1 April 2022, for three years until 31 March 2025.

#### **Reason for Decision**

Throughout the coronavirus pandemic, Black, Asian, and minority ethnic (BAME) people had been acutely affected by pre-existing health inequalities. Many of these underlying inequalities made the impact of the pandemic far more severe for BAME people than their White British counterparts (House of Commons Women & Equalities Committee, 2000).

This grant to Sandwell Consortium would form just one part of a wider programme of Public Health work to address health inequalities that were widened during the pandemic. Other key groups had been adversely affected and specific work would be required to meet a wider range of needs.

#### **Alternative Options Considered**

There was an option to not invest in this grant. Without investment, health inequalities in Sandwell that widened during the pandemic would continue to worsen and become an increasing difficult challenge to address.

Services could be commissioned from provider companies on the open market. However, this would be out of line with Public Health England's recommendation that COVID recovery be achieved through "working in partnership with local BAME and faith communities". It would also potentially move resources out of Sandwell and fail to sustain the local community organisations that COVID recovery depends on.

**Agreed:-**

- (1) that approval be given to award a 3-year grant (April 2022 – March 2025) to Sandwell Consortium CIC to address health inequalities within ethnic minority communities in Sandwell, prioritising mental health and wellbeing and prevention of long-term conditions;
- (2) that in connection with Resolution (1) above, the Director of Public Health be authorised to award a 3-year grant of £178,000 per annum to Sandwell Consortium CIC;
- (3) that in connection with (2) above, the Director of Public Health be authorised to enable the grant to commence on 1 April 2022, for three years until 31 March 2025.

[Councillor Ahmed and Hartwell left the meeting for the duration of this item]

46/22

**Communications and Corporate Affairs Team**

Approval was sought for the proposed structure for a Communications and Corporate Affairs Team as the basis for consultation with employees and trade unions.

Approval was also sought for the revised structure for the Communications and Corporate Affairs team to be implemented with effect from 1 April 2022 and for the assimilation of relevant staff pursuant to the appointment process, should the Director of Business Strategy and Change, in consultation with the Cabinet Member for

Finance and Resources, be satisfied with the outcome consultation process.

In the event there were any issues arising from the consultation process on the revised structure deemed to be significant by the Director – Business Strategy and Change, a further report would be submitted to Cabinet.

### **Reason for Decision**

The council's new corporate plan: Big Plans for a Great Place, set out its ambition to deliver Vision 2030, and demonstrated a clear ambition and a key role for Communications as a core, strategic service in achieving the outcome of instilling a One Council, One Team culture across the organisation which underpinned the delivery of all strategic objectives within the plan. Therefore, it was vital that a skilled, fit for purpose communications and corporate affairs team was in place to support this ambition. In addition, as the Local Government landscape and the needs of the Council change, it was important that the Communications Team adapted effectively to meet those changes and needs

### **Alternative Options Considered**

Three options were explored as follows: Option 1 – Do nothing- continue with the existing communications team arrangements.

- Options 2 – Engage with other local authorities to create a 'shared' service.
- Option 3 – Restructure the existing communications team, adding additional resource to create a Communications and Corporate Affairs Team, as recommended by the external review.

### **Agreed:-**

- (1) that the proposed structure for a Communications and Corporate Affairs Team, as set out in Appendix 2, be approved as the basis for consultation with employees and trade unions;
- (2) that subject to the Director of Business Strategy and Change, in consultation with the Cabinet



Member for Finance and Resources, being satisfied that all significant concerns or issues raised during the consultation referred in Resolution (1) above being satisfactorily responded to, the revised structure for the Communications and Corporate Affairs team be approved and implemented with effect from 1 April 2022;

- (3) that subject to Resolutions (1) and (2) above being approved, the Director – Business Strategy and Change be authorised to assimilate relevant staff pursuant to the appointment process (and the council’s Human Resources policies and procedures) as soon as possible after consultation responses have been considered.

47/22

### **Information Governance- Records Retention**

Approval was sought for the Council’s Corporate Retention Policy, Email retention Policy and the Information Rights Policy for the purposes of complying with UKGDPR and in line with good practice as required.

Approval was also sought for the Director of Law and Governance and SIRO, in consultation with the Leader, to undertake requisite steps to ensure the Council complied with the approved E-mail Retention Policy, Corporate Retention Policy and Information Rights Policy and aligned with changes in good practice and legislation as and when required.

#### **Reason for Decision**

There was a legal responsibility for the Council to comply with its legal obligation in relation to the collection, use and retention of information relating to individuals.

The purpose of the policies was to ensure that the Council managed the data that it holds appropriately and in accordance with the legislative framework as principally set out in UKGDPR and the Data Protection Act 2018.

### **Alternative Options Considered**

The current state and management of email information is an area which lacked compliance and governance controls and therefore there were no other known options to consider.

#### **Agreed:-**

- (1) that approval be given to the council's Corporate Retention Policy, Email Retention Policy and the Information Rights Policy, as now submitted, for the purposes of complying with UKGDPR and in line with good practice as required;
- (2) that the Director Law and Governance and SIRO, in consultation with the Leader, be authorised to undertake requisite steps to ensure the Council complies with the approved E-mail Retention Policy, Corporate Retention Policy and Information Rights Policy;
- (3) that the Director Law and Governance and SIRO, in consultation with the Leader, be authorised to amend the E-mail Retention Policy, Corporate Retention Policy and Information Rights Policy to comply with changes in good practice and legislation as and when required.

48/22

### **Social Housing Decarbonisation Fund – Wave 1**

Approval was sought to authorise acceptance of grant funding from the Government's Department for Business, Energy and Industrial Strategy (BEIS) of £2,888,327 (2/3 of £4,332,800) to fund proposed energy-efficiency improvements to council-owned dwellings in Smethwick and to seek approval to allocate the sum of £1,444,473 (1/3 of £4,332,800) from the Housing Revenue account (HRA), to match-fund the proposed works.

Approval was also sought to authorise the Director of Housing to instruct agencies procured via the West Midlands Combined Authority (WMCA) to carry out specialist duties,

on behalf of Sandwell MBC, in relation to the Social Housing Decarbonisation Fund.

Authorisation was also sought to enter into a grant funding agreement with BEIS, subject to a satisfactory financial appraisal being completed by the Strategic Investment Unit.

### **Reason for Decision**

This initiative supported the current drive towards a greener, low carbon economy and a need to address Climate Change priorities. It also aimed to help address high levels of fuel poverty in the Smethwick area.

Acceptance of the proposals would enable:

- A reduction in fuel poverty levels
- Improved living conditions for tenants of 273 Council homes
- Improved EPC ratings for the properties concerned
- Promote the Council's reputation as being serious about climate
- change and the move towards a carbon-neutral economy.

### **Alternative Options Considered**

Should the Council decline this offer and still wish to continue with the projects, then alternative arrangements would need to be made in order to fund an extra £2,888,327 in addition to a proposed commitment of £1,444,473. This option was ruled out because it was important that we draw down funding for retrofitting. All registered providers of social housing, including local authorities, will need access to grant funding in order to meet climate change targets in housing.

### **Agreed:-**

(1) that approval be given to authorise the Director of Housing to accept grant funding, from the Government's Department for Business, Energy and Industrial Strategy (BEIS) for £2,888,327 (2/3 of £4,332,800) to fund proposed energy efficiency improvements to council-owned dwellings in Smethwick;

- (2) that subject to (1) above, the Director of Finance allocate the sum of £1,444,473 (1/3 of £4,332,800) from the Housing Revenue Account (HRA), to match-fund proposed energy-efficiency improvements to council-owned dwellings in Smethwick;
- (3) authorise the Director of Housing to instruct the Council's External Improvement Programme construction partner (Vinci Facilities Ltd), to deliver associated energy improvement works in accordance with existing contractual arrangements;
- (4) authorise the Director of Housing to instruct agencies procured via the West Midlands Combined Authority (WMCA) to carry out specialist duties, on behalf of Sandwell MBC, in relation to the Social Housing Decarbonisation Fund.

49/22

### **Q3 Budget Monitoring 2021/22**

Consideration was given to the financial monitoring position as at 31 December 2021 (Quarter 2021/22) and the projected financial position.

Approval was sought to a number of budget virements and changes to the Council's capital programme.

The Chair of the Economy Skills Transport and Environment Scrutiny Board questioned whether the Council would consider undertaking an external review of the property maintenance account and the way in which this operated. In response, the Cabinet Member for Finance and Resources stated that the Scrutiny Board was reviewing the workings of the Property Maintenance Account and were meeting with officers imminently.

In response to the question raised by the Chair of the Economy Skills Transport and Environment Scrutiny Board regarding the date for the competition of the refresh of the

corporate Medium-Term Financial Strategy, the Cabinet Member for Finance and Resources stated it was aimed to be completed by the end of June.

### **Reason for Decision**

Section 151 of the 1972 Local Government Act required the Chief Financial Officer to ensure the proper administration of the council's financial affairs. Budgetary control, which included the regular monitoring and reporting of budgets was an essential element in discharging this statutory responsibility.

### **Alternative Options Considered**

There were limited decisions within the recommendations, Cabinet could vary the proposed transfer of Covid funding to the Sandwell Children's Trust or the requested virements within Public Health which reflect increases in the available resources since the 2021/22 budgets were approved.

### **Agreed:-**

- (1) that the financial monitoring position as at 31 December 2021 (Quarter 3 2021/22) be noted and referred to the Budget and Corporate Scrutiny Management Board for consideration and comment;
- (2) that the projected financial position and where services are projecting an overspend of £5.233m against allocated budgets and an underspend of £7.822m after adjusting for the movement on reserves, use of corporate resources and the application of centrally held Covid-19 grant funding be noted;
- (3) that the following budget virements above the higher of £0.250m or 1% of the Gross Budget of the service area be approved:

<b>Virements above £0.250m or 1% of Gross Budget for approval by Cabinet</b>	<b>£'000</b>	<b>£'000</b>
<b><u>Adult Social Care</u></b>		
Transfer of Hospital Team posts to STAR service	292	
Transfer of Hospital Team posts to STAR service		292

Creation of Workforce Grant within ledger	1,251	1,251
Creation of Workforce 2 Grant within ledger	2,310	2,310
Creation of Omicron support grant within the ledger	462	462
Creation of Rapid Testing Grant (October to March)	684	684
Creation of Infection Prevention & Control Grant (October to March)	1,249	1,249
Creation of Vaccine Grant (October to March)	92	92
<b><u>Regen &amp; Growth</u></b>		
Markets and Street Trading move from Borough Economy to Regeneration and Growth	405	
<b><u>Borough Economy</u></b>		
Community Safety and Resilience from Housing to BE		621
Markets and Street Trading move from Borough Economy to Regeneration and Growth		405
<b><u>Housing</u></b>		
Community Safety and Resilience from Housing to BE	621	
<b>TOTAL</b>		
	<b>7,366</b>	<b>7,366</b>

- (4) that the following changes to the Council's capital programme be approved:-

£0.400m to be added into the 2022/23 capital programme in relation to the West Bromwich Town Hall Quarter project within Borough Economy. These resources are essentially match funding for the larger Towns Fund project.

A virement of £0.068m in 2022/23 from the Blackheath Library project within Borough Economy to further contribute match funding towards the West Bromwich Town Hall Quarter project mentioned above.

[Councillor Simms left the meeting for duration of this item]

50/22

**General Fund, Housing Revenue Account and Capital Programme Budgets 2022/23**

Approval was sought for the proposals for the General Fund and Housing Revenue Account Budget, Capital Programme and Treasury Management Strategy 2022/23.

The Chair of the Economy Skills Transport and Environment Scrutiny Board enquired whether the Council would review its proposal to increase garage rent fees further to the comments made by the Budget and Corporate Scrutiny Management Board.

In response, the Cabinet Member for Finance and Resources stated that the increase reflected the fact that no rent increase had been applied for a number of years and the new charge was favourable when benchmarked with neighbouring local authorities and storage companies. It was not felt that there would be equalities implications arising from this action as the service was discretionary and not based on an assessment of needs. On that basis, the proposal was to proceed with the increase in charges but the Council would monitor any terminations of garage tenancies as a result of the rent increase to consider if a further Equality Impact Assessment or mitigation was necessary.

The Chair of the Economy Skills Transport and Environment Scrutiny Board asked a further question regarding when the new telephony system was expected to be in place. In response, the Cabinet Member for Finance and Resources stated that it was aimed to be in place within 12 months.

### **Reason for Decision**

The Local Government Finance Act 1972 required the Council to set a balanced, risk assessed budget each year and approve a Council Tax precept by 11th March.

### **Alternative Options Considered**

Cabinet could request that alternative savings options be proposed and agreed, although there was limited time to do this and still be able to carry out the appropriate consultation on alternative savings. Cabinet could also consider an alternative Council Tax increase, subject to adhering to the Referendum Principles, or alternative increases in Fees and Charges.

**Agreed:-**

- (1) that the key points from the Local Government Finance Settlement and the impact on the budget position for 2022/23 be noted;
- (2) that the feedback on the draft budget proposals from the Budget and Corporate Scrutiny Management Board be noted;
- (3) that the feedback received on the draft budget from business representatives be noted;
- (4) that there be due regard to the feedback from Equality Impact Assessments and consultation feedback, as now submitted;
- (5) that the fees and charges increase for 2022/23, as submitted, be approved;
- (6) that the contract sum for Sandwell Children's Trust of £70.474m be approved;

- |   |
|---|
| <ol style="list-style-type: none"><li>(7) that the Council be recommended to approve the final General Fund budget position, as now submitted;</li><li>(8) that the Council be recommended to approve the Housing Revenue Account budget for 2022/23 as now submitted;</li><li>(9) that the Council be recommended to approve the Council Tax precept for 2022/23 of £117,967,934, representing a 1.99% increase in Council Tax and a further 3% increase in the Adult Social Care precept;</li></ol> |
|---|

- (10) that the Director of Finance's assurance statement on the robustness of the budget estimates and reserves, as now submitted, be noted;



- (11) that the Council be recommended to approve the Treasury Management Strategy and Prudential Indicators, as now submitted;
- (12) that the Council be recommended to approve the Capital Programme for the General Fund and Housing Revenue Account for 2022/23, as now submitted;

- (13) that the Director of Finance be authorised to make transfers to or from reserves during the financial year to ensure that adequate reserves are maintained and adjusted when spend from earmarked reserves is required;
- (14) that the Director of Finance be authorised to adjust the funding sources applied to the Capital Programme during the year to maximise flexibility in use of capital resources and minimise borrowing costs where possible;
- (15) that a fundamental review of the Medium-Term Financial Plan and Capital Strategy be undertaken in the first quarter of 2022/23 and a further report submitted to Cabinet for approval;
- (16) that the Director of Finance, in consultation with the Cabinet Member for Finance and Resources, be authorised to approve and administer the Council Tax rebate scheme for 2022/23 and approve a policy for the discretionary element of the scheme.

51/22

**Recommendations of the Scrutiny Review of the Performance and Management of the Waste Partnership Contract**

The Cabinet considered the recommendations from the Economy Skills Transport and Environment Scrutiny Board in

respect of the Scrutiny Review of the Performance and Management of the Waste Partnership Contract.

On behalf of the Cabinet Member for the Environment, the Leader thanked the Economy, Skills, Transport and Environment Scrutiny Board for their comprehensive report and recommendations.

The Cabinet Member for Community Safety highlighted the thorough scrutiny report and welcomed the recommendation to introduce a Scrutiny Board to monitor the management and performance of the Council's contracts and to look at contracted services.

The efforts of the frontline staff during the pandemic were highlighted and emphasised that the inquiry focused on the wider management and performance of the contract.

### **Reasons for Decision**

In response to both public and political concern, the Economy, Skills, Transport and Environment Scrutiny Board decided to undertake a review of the performance and management of the waste partnership contract.

The repercussions of Covid-19 had undoubtedly provided additional challenges for Serco in delivering its contractual requirements. That aside, the Scrutiny Board felt that significant issues remained with the performance and management of the contract.

The findings and recommendations set out in the report were based on evidence gathered between October and December 2021, from a variety of sources.

The Cabinet was requested to consider the recommendations and determine what action it wished to take. In accordance with the Localism Act 2011, the Cabinet was requested to respond to the recommendations of the scrutiny board within two months, setting out any approved recommendations and how they would be implemented. Progress against these recommendations would be monitored by the Children and Education Scrutiny Board.

### **Alternative Options Considered**

The waste partnership contract was a high value contract. The risk of default would have a significant impact on both Serco and the Council, and ultimately our Council taxpayers if the contract were to fail. To do nothing was not an option. Whilst the former Interim Director Borough Economy had begun to address some of the areas of concern, this review had strengthened and complemented that work.

**Agreed** that the Cabinet consider the following recommendations from the Economy Skills Transport and Environment Scrutiny Board in respect of the Scrutiny Review of the Performance and Management of the Waste Partnership Contract and respond to the recommendations within two months, setting out any approved recommendations and how they will be implemented.:

- (1) that Serco sets out within its Service Delivery Plan 2022/23 how it will increase recycling rates, including options for recycling in communal living areas;
- (2a) that Serco provides a contractually compliant communication and engagement plan and that this is aligned to the Council's functions;
- (2b) that the plan is monitored through the agreed governance structures for the monitoring of the contract, including the Waste Partnership Board;
- (3) that arrangements for the reintroduction of food waste collections in 2022 be shared and agreed with the Authorised Officer by end of March 2022;
- (4) that Serco works with the Director of Borough Economy to develop a plan for the promotion of re-use options (i.e. for

furniture), including working with voluntary sector partners;

- (5a) that Serco reviews its approach to street cleansing, and submits a Street Cleansing Improvement Plan to the Director of Borough Economy by end March 2022, setting out a revised approach that moves away from the current and ineffective zone-based approach and takes into account population density, seasonality and data on areas of highest need;
- (5b) that the Plan is monitored and improvement progress/delivery/KPIs is reported and monitored through the agreed governance structures for the monitoring of the contract, including the Waste Partnership Board;
- (6a) that Serco completes an audit of Sandwell's street litter bin stock and its condition by end of March 2022;
- (6b) that Serco submits plans for consideration of a pilot scheme to implement smart technology linked to suitable locations for street bins;
- (7a) that the progress made with the Fleet Replacement Programme is maintained and that Serco submits the delayed Fleet Replacement Programme, which should be aligned with operational requirements and the Street Cleansing Improvement Plan, and include options for a more sustainable fleet, to the Director of Borough Economy by end of April 2022;
- (7b) that the delivery of the Fleet Replacement Programme is monitored through the agreed governance structures for the monitoring of the contract, including the Waste Partnership Board;

- (8) that both Serco and the Council consider reviewing the resources and funding provided to Litter Watch, with a view to increasing these if possible;
- (9) that Serco informs the Authorised Officer of any changes to its senior management teams, in connection with the contract, within 10 days of the new post-holder's start date;
- (10a) that Serco provides an update to the Scrutiny Board, in six months, on the progress made to improve morale and resolve workforce issues, including the establishment of the joint internal working group referred to in evidence gathering;
- (10b) that the Director Borough Economy ensures that Serco is carrying out its contractual requirements in relation to undertaking regular staff surveys and that the results of such surveys are acted upon appropriately;
- (11) that the constitution and terms of reference of the Waste Partnership Strategic Board are reviewed, and consideration is given to including the relevant scrutiny Chair as a member of the Board;
- (12) that the Director of Law and Governance ensures that the Joint Consultative meets regularly (e.g. quarterly) to enable any staffing issues in relation to the contract to be addressed in a timely manner;
- (13a) that the Governance and Constitution Review Committee is asked to recommend to the Council that an additional scrutiny board is established, with effect from the 2022/23 municipal year, to monitor the management and performance of the

Council's contracts with Serco, Sandwell Children's Trust and Sandwell Leisure Trust;

- (13b) that the new board considers how stakeholders and the public can contribute to its work and monitoring processes;
- (14) that the Director of Borough Economy reviews the structure of the Waste Client Team to ensure that it is sufficiently resourced to support a higher level of oversight and contract monitoring;
- (15) that a review is undertaken, and a process established, within 12 months, to ensure that there is clarity between the Council and Serco in terms of ownership and responsibility in the public realm.

52/22

### **Action Taken on a Matter of Urgency**

Cabinet noted details of the urgent action taken by the Leader of the Council, in relation to giving approval to the Director of Adult Social Care to distribute the Workforce Recruitment Retention Fund (Round 1 November 2021 and Round 2 December 2021), Social Care Omicron Support Fund (January 2022) and the Adult Social Care Infection Control and Testing Fund (October 2021) as per the Department of Health and Social Care guidance.

### **Reasons for Decision**

The matters were urgent and could not be delayed until the next Cabinet meeting given the short timescales to distribute and spend the Department of Health and Social Care (DHSC) Workforce Recruitment and Retention Fund for adult social care (round 1 & 2) and the DHSC adult social care Omicron Support Fund, as required in the DHSC guidance by 31 March 2022. The DHSC expected a reporting return in February 2022 on how these funds had been utilised. Failure to submit a return would mean the funds being reclaimed

back by the DHSC, at a critical time, when care providers in Sandwell were struggling for financial support.

An urgent decision was required in order to distribute and spend Adult Social Care Infection Control and Testing Funding (round 3) as per the DHSC guidance and to prevent the need to return any unused resources back to the DHSC.

### **Alternative Options Considered**

No other options were considered, the Council must comply with the DHSC guidance. This set out the Workforce Recruitment and Retention Fund and Omicron Support for adult social care including information on the distribution of funds and reporting requirements.

**Agreed** that the following details of the urgent actions taken by the Leader of the Council be noted:-

- (1) in relation to authorising the Director of Adult Social Care to distribute the Workforce Recruitment and Retention fund (Round 1 November 2021 and Round 2 December 2021) as per the Department of Health and Social Care (DHSC) guidance;
- (2) to authorise the Director of Adult Social Care to distribute the Adult Social Care Omicron Support Fund (January 2022) as per the Department of Health and Social Care (DHSC) guidance;
- (3) in relation to authorising the Director of Adult Social Care to distribute the Adult Social Care Infection Control and Testing Fund (October 2021) as per the Department of Health and Social Care guidance.

53/22

### **Exclusion of the Public and Press**

**Resolved** that the public and press be excluded from the rest of the meeting to avoid the possible disclosure of exempt information under paragraph 3 of Schedule

12A to the Local Government Act, 1972, as amended, by the Local Government (Access to Information) (Variation) Order 2006, relating to the financial and business affairs of any person, including the authority holding that information.

54/22      **Acquisition of Kings Square Shopping Centre, West Bromwich**

Approval was sought for the acquisition of the leasehold interest in Kings Square Shopping Centre, West Bromwich.

Approval was also sought for the Director of Regeneration and Growth to be authorised to undertake a procurement process and appoint a specialist firm of management surveyors to manage the centre on the Council's behalf.

The Chair of the Economy Skills Transport and Environment Scrutiny Board enquired whether strategic finance was asked to conduct an appraisal of the proposal.

On behalf of the Cabinet Member for Regeneration and Growth, the Cabinet Member for Community Safety stated that the acquisition of Kings Square was part of the West Bromwich Retail Diversification Project within the government-funded Towns Fund Programme.

Due to the number of Business Cases required to be submitted to government within a short timescale, Cabinet agreed that the completion of the Full Business Cases would be carried out by an external consultant rather than the Council's Strategic Investment Unit (SIU). The SIU then review the full business case before it was submitted to the Council's Towns Fund Assurance Panel. This process had been completed and the overall Benefit Cost Ratio of the Retail Diversification Project is 1.05, which was above the minimum level required under the Towns Fund criteria. The Assurance Panel approved the Business Case and SIU review on 21 February and it would now be submitted to government in March.



The Chair of the Economy Skills Transport and Environment Scrutiny Board also raised a question regarding the contingency plans that would be implemented if the Council failed to find someone suitable to run the shopping centre on its behalf.

In response, the Cabinet Member for Community Safety stated that the property management industry in the UK was very well served by experienced managing agents who acted for the owners of shopping centres and other commercial property assets throughout the UK, so there was no reason to think that SMBC would not be able to find a suitable firm to manage Kings Square. As a contingency officer had the in-house capability to manage the centre but consider that by appointing a firm with specific experience in shopping centre management it would reduce the risk of income deterioration.

In response to the question raised by the Chair of the Economy Skills Transport Scrutiny Board regarding whether recent building condition and asbestos surveys had been undertaken, the Cabinet Member for Community Safety stated that these would be undertaken shortly after Cabinet approval, prior to the exchange of contracts.

### **Reason for Decision**

The acquisition of Kings Square Shopping Centre would facilitate the delivery of the West Bromwich Masterplan.

The redevelopment of Kings square would play a vital role in transforming West Bromwich Town Centre and realising the ambitions set out in the West Bromwich Masterplan. Due to its prominence in the town centre, it would be critical to help change the current perception of place/place making and, crucially, it would unlock economic growth by significantly reconfiguring the retail landscape of the town, reducing surplus retail space across the wider retail submarket and increasing demand for new retail space. Savills research suggested that Kings Square offered the most transformational opportunity in the town and that this redevelopment would be key in setting the town on a different growth trajectory, which would directly impact future land values and viability, improving the likelihood of organic growth and investment in future.

### **Alternative Options Considered**

The Council could refrain from purchasing any property, relying instead on private developers bringing sites forward and submitting planning applications. However, there was no guarantee that owners would progress innovative schemes of the quality required, and in fact it was unlikely that any schemes would be brought forward for several years. Without intervention, the deliverability of the West Bromwich Masterplan would be extremely uncertain and public expectations would need to be managed accordingly.

#### **Agreed:-**

- (1) that the acquisition of the leasehold interest in Kings Square Shopping Centre, West Bromwich for £4.75 million plus costs, with the inclusion of fees, stamp duty, surveys & due diligence costs will be £5,104,500 plus VAT, be approved;
- (2) that in connection with Resolution (1) above, the Director of Regeneration & Growth, in consultation with the Section 151 Officer and the Monitoring Officer, be authorised to approve contract documentation and execute it under seal, and to complete the purchase;
- (3) that the Director of Regeneration & Growth be authorised to approve the undertaking of a procurement process and the appointment of a specialist firm of management surveyors to manage the Kings Square centre, West Bromwich on the Council's behalf;
- (4) that in connection with Resolution (1) above, the Director of Finance be authorised to include total acquisition costs to the Capital Programme for 2022/23.

Approval was sought to authorise the Director of Adult Social Care to approve the early voluntary cessation of the Sandwell Community Caring Trust (SCCT) 30-year contract for 80 care home beds, of which 20 years are remaining with effect from 30 April 2022.

### **Reason for Decision**

The landscape of social care was dynamic and would continue to change. Although this contract met the needs of the service 10 years ago there was now a more progressive approach to service delivery which focussed on supporting people to lead independent lives within their own communities with a reduced reliance on residential care. The council wished to ensure that it future proofed care and support options and provided the best quality services to its citizens which no longer relied on traditional models but deliver cutting edge design, technology and access. To achieve this the council had invested in exciting new developments which offer further choice options for vulnerable people.

The term and value of the contract allowed very little flexibility. The existing 20- year term did not support the council's current corporate objectives and both parties agreed that the contract was no longer fit for purpose.

SCCT approached SMBC in June 2020 to start negotiations to end the 30-year contract by mutual arrangement.

### **Alternative Options Considered**

A number of options were considered by members including seeking to direct award a contract to an existing delivery partner for up to 12 months whilst a formal procurement process was undertaken, to work with the current lead provider for a maximum of up to six months to maintain the service while a tender process was undertaken to secure a new lead provider or to work with the current lead provider for the duration of the contract.

**Agreed:-**

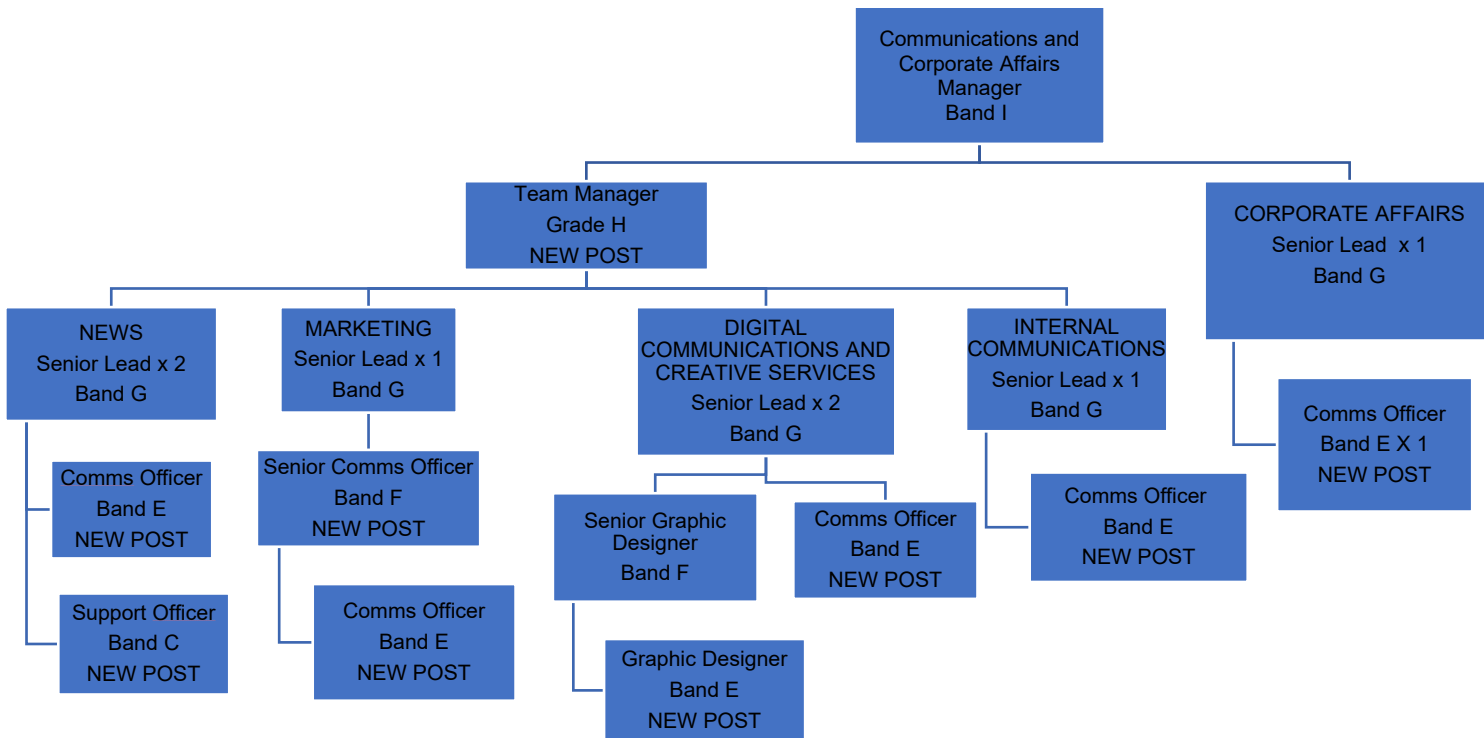
- (1) that the Director of Adult Social Care be authorised to approve the early voluntary cessation of the Sandwell Community Caring Trust 30- year contract for 80 care home beds, of which 20 years are remaining with effect from 30 April 2022;
- (2) that subject to Resolution (1) above, a further report be submitted to Cabinet on options for the site of the former Grafton Lodge Care home which closed in December 2020. parallel to the period of the directly awarded contract;
- (3) that approval be given to the asset freehold for Hall Green Care Home being retained by Sandwell Community Caring Trust on termination of the contract and agree to Sandwell Community Caring Trust repaying council funds from the sale of Greenhaven;
- (4) that the Director of Law & Governance and Monitoring Officer be authorised to execute all legal or other documentation to give effect to the decisions of Cabinet in relation to the cessation of the contract with SCCT and transfer of the asset freehold as set out in (1)-(3) above;
- (5) that a further report be submitted to Cabinet on approval for another procurement process to be undertaken following the confirmation of funding from the Joint Partnership Board in June 2022.

Meeting ended at 4.33pm.

Contact: [democratic\\_services@sandwell.gov.uk](mailto:democratic_services@sandwell.gov.uk)

# Appendix

## Proposed Communications and Corporate Affairs Structure



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## Minutes of The Cabinet

**23 March 2022 at 3.30pm**  
**in the Council Chamber, Sandwell Council House, Oldbury**

**Present:** Councillor Crompton (Chair)  
Councillors Ahmed, Hartwell, I Padda, Piper and Simms.

**Also present:** Councillor Shackleton.

**Officers:** Kim Bromley-Derry (Managing Director Commissioner), Ben Grubb (Chief of Staff – Commissioner Team), Rashpal Bishop (Director of Adult Social Care), Neil Cox (Director of Business Strategy and Change), Alice Davey (Director of Borough Economy), Gillian Douglas (Director of Housing), Simone Hines (Director of Finance), Michael Jarrett (Director of Children and Education), Tony McGovern (Director of Regeneration and Growth), Lisa McNally (Director of Public Health), Surjit Tour (Director of Law and Governance and Monitoring Officer), Sue Stanhope (Interim Director of Human Resources), Graham Terry (Interim Assistant Director of Adult Social Care), Elaine Newsome (Service Manager – Democracy), Suky Suthi-Nagra (Democratic Services Manager) and Christine Anne Guest (Divisional Manager – Adult Social Care).

### 56/22 **Chair's Announcement**

The Deputy Leader confirmed that following the Government announcement of intervention on 22 March 2022, the Council's Interim Chief Executive had been appointed as Managing Director Commissioner by the Government, to be joined by Assistant Commissioner as part of a Commissioner Team.

The Deputy Leader welcomed this continuity of leadership, which would provide the continuity needed to carry on with the improvements which had already begun.

It was noted that consecutive external reviews, including the LGA peer challenge team last week, had recognised 'green shoots' of recovery within the Council.

Work was underway to develop a single consolidated improvement plan, which brought together the recommendations from all recent external reviews with Cabinet regularly receiving reports on the progress being made. The main priority of Managing Director Commissioner would be to oversee this process.

To avoid any conflict of interest, the Managing Director Commissioner might need to delegate some of the duties and responsibilities he held as Interim Chief Executive. The details of how this would operate in practice were now being worked out.

The Deputy Leader reassured residents that no disruption to Council services would result from the new arrangements and all services continued to operate as usual.

**57/22 Apologies for Absence**

Apologies for absence were received from Councillors Carmichael (Leader), Bostan, Millard, L Giles and Moore.

**58/22 Declarations of Interest**

There were no declarations of interest.

**59/22 Minutes**

**Resolved** that the minutes of the meetings held on 9 February and 23 February 2022 be confirmed as a correct record.



60/22 **Additional Item of Business**

There were no additional items of business to consider.

61/22 **Community Vaccination Champions Programme**

Approval was sought for the Community Vaccination Champions Programme and for a grant of £112,000 to be provided to Sandwell Council for Voluntary Organisations (SCVO) for distribution of the vaccination support grants fund to voluntary and community organisations and for programme co-ordination.

The Chair of Children's Services and Education Scrutiny Board raised a question regarding Sandwell preparedness for the new variant of Covid-19 virus.

In response, the Cabinet Member for Adults, Social Care and Health stated that while the Council had to end local contact tracing because Government no longer provided the data to deliver this work, in all other respects, the Council had maintained its Covid-19 programme, including outbreak response and support to the NHS vaccination programme.

The Chair of Children's Services and Education Scrutiny Board also enquired about whether the council was satisfied with the locations chosen for the vaccination sites and pop-up clinics.

The Cabinet Member for Adults, Social Care and Health responded that the Council worked extensively with the voluntary and faith sector to find venues in the heart of the community, including mosques and gurdwaras. The pop-up clinics covered every town in Sandwell and had proved very popular.

The more permanent sites for walk-in and appointments were chosen by NHS England. The council was not always fully satisfied with the choices of location or some decisions to close settings. However, it was acknowledged that NHS colleagues were doing their best to allocate resources in the face of a massive challenge.

### **Reason for Decision**

The Community Vaccination Champions Programme started in January 2021 and had proved highly effective in increasing the number of residents who had been vaccinated. Public Health Team approach had been to work closely with health colleagues and trusted faith and community leaders to provide reassurance and information to residents. Over 200 Vaccine Champions were involved in the programme and SCVO had awarded grants to voluntary sector organisations delivering 33 vaccination uptake projects.

SCVO had a proven track record of delivering this programme by proactively engaging with local community groups across Sandwell and particularly those groups who represented and worked with people more likely to be vaccine hesitant.

### **Alternative Options Considered**

An alternative option was considered to distribute the funding direct to voluntary and community sector groups via an expression of interest process, inviting applications from groups. This would, however, be more costly in terms of public health officer time, compared to SCVO distributing the grants. SCVO's management of the programme had already demonstrated that effectiveness, evidence of delivering value for money and momentum. A different approach would not only cost more but would take time, leading to delay and loss of momentum.

### **Agreed:-**

- (1) that approval be given to the Community Vaccination Champions Programme;

- (2) that a further grant of £112,000 to Sandwell Council for Voluntary Organisations (SCVO) be approved for the following:
  - £100,000 vaccination support grants fund for distribution to voluntary and community organisations
  - £12,000 for programme co-ordination;
- (3) that the Director of Public Health, in consultation with the Chief Finance Officer, be authorised to award a grant of £112,000 to Sandwell Council for Voluntary Organisations for the vaccination support programme.

## 62/22 **Liberty Protection Safeguards**

Approval was sought to introduce Liberty Protection Safeguards (LPS) at a date to be determined by the Department of Health and Social Care (DHSC) and to endorse the implementation plan in preparation for the introduction of LPS.

Approval was sought for the revised structure for social work service to enable the council to prepare for the implementation of the Liberty Protection Safeguards (LPS).

In response to a question by the Chair of Children and Education Scrutiny Board regarding the possibility of introducing a requirement for people with Power of Attorney, over the person to be assessed, to contribute towards the cost of the assessment, the Cabinet Member for Adults, Social Care and Health confirmed no such changes were planned at the present time and that there were no charges to be levied in relation to assessments within the Liberty Protection Safeguards.

### **Reason for Decision**

The Council was required to introduce Liberty Protection Safeguards in line with the Mental Capacity (Amendment) Act Bill from a date to be determined by the Department of Health and Social Care (DHSC).

The proposed restructure of the social work service that formed part of the Adult Social Care directorate in preparation for the implementation of the new Liberty Protection Safeguards (LPS) was sought in order to place an emphasis on the delivery of services and the statutory duty the Council had to ensure that people in all types of settings received appropriate care and treatment without unlawful deprivation of their liberty, freedom, or rights.

The LPS was sought to ensure that restricted care for a person in any care setting from the age of 16 years old and over would only be arranged if this was assessed as 'necessary and proportionate' and within a legal framework, and that this was only done when it was in the best interests of the person and where all other less restrictive options had been considered.

### **Alternative Options Considered**

The alternative option was to continue with the current staffing structure. However, this was not deemed feasible or legally viable option for the council because:

- this would reduce the ability of the Authority to successfully implement the forthcoming legislation and meet its statutory obligations around safeguarding Adults who were being deprived of their liberty;
- this would reduce the Authority's capacity to respond in a timely way to concerns raised around safeguarding Adults who were being deprived of their liberty leading to waiting lists for statutory assessments. It would also not allow the Council to respond to the wider remit of the LPS legislation and projected increased demand.

### **Agreed:-**

- (1) that approval be given:
  - (a) to note the requirement to introduce Liberty Protection Safeguards (LPS) from a date to be determined by the Department of Health and Social Care (DHSC) following their

announcement that this will be delayed from the original date of 1 April 2022;

- (b) to endorse the implementation plan in preparation for the introduction of the new Liberty Protection Safeguards;
- (c) to the revised structure for social work service as set out below, to enable the council to prepare for the implementation of LPS, and to recruit to the required posts:-

### Deprivation of Liberty Team

Roles to be converted -

Current Role	Grade	No of New Posts
Social Care Lead Officer x 2FTE	G	** x2 FTE Social Worker (AMCP)

### New Liberty Protection Safeguards Team

Roles to be created -

New Role	Grade	No of New Posts
Social Care Team Manager (with AMCP)	H	X 1 FTE
Social Worker (AMCP)	G	X 5 FTE ** (This includes the 2 FTE current SCLO Converted posts). (To respond to the 25% LPS Challenge cases / complex assessments)

### Community Social Work Teams

Roles to be created –

Role	Grade	No of New Posts
Social Worker	F	X 8 FTE (to support the current social work structure to respond to the LPS and outstanding C- DOL cases)

The staffing and commissioned resources in the current DoLS team have been repurposed as in the table below in line with the proposed staffing model and requirements to support implementation of the LPS.

Role	Grade	Annual Cost (Bottom of Grade (£))	Annual Cost (Top of Grade (£))	Number of FTE Posts	Comments
Team Manager (with AMCP Status)	H	55,439	62,167	1	Creation of one New post.
Social Workers (with AMCP Status)	G	235,610	270,385	5	Creation of new posts.
Social Workers (not an AMCP)	F	319,560	365,944	8	Creation of new posts. To be based in the CSWT, Safeguarding and Hospital Team. Additional capacity to respond to LPS Demand and current C-DOL requests.
Co-ordinator (Administrator Role)	E	32,532	38,760	1	Currently funded by existing Business Support Budget
Business Support Officer Post	D	27,003	31,867	1	Currently funded by existing Business Support Budget
<b>Total Cost</b>		<b>670,144</b>	<b>769,129</b>		
Conversion of SCLO posts	G	(108,154)	(108,154)	2	Conversion of posts
DOLS Budget		(358,600)	(358,600)		Existing Funding
Existing Business Support funded posts.		(70,660)	(70,660)		Existing Funded posts.
<b>Total Redirection</b>		<b>(537,414)</b>	<b>(537,414)</b>		
<b>Net Cost / (Saving)</b>		<b>£132,730</b>	<b>£231,709</b>		

- (d) to the commencement of the required consultation with the affected workforce and Trade Unions;

- (e) to authorise the Director of Adult Social Care, to implement the new structure and make any minor modifications required following the guidance from the code of practice on the Mental Capacity Act and LPS;
  - (f) to note that additional funding for Advocacy Support (Independent Mental Capacity Advocates) for the implementation of Liberty Protection Safeguards is likely to be required;
  - (g) to agree to provide a further report on progress and financial implications before October 2022 and to confirm any new timescales for the introduction of LPS and its implementation once agreed by DHSC;
- (2) that the Director of Adult Social Care, be authorised to implement the new structure in preparation for Liberty Protection Safeguards.

63/22

**Temporary Accommodation – Elm Tree Primary Academy at Connor Education Centre, West Bromwich**

Approval was sought to authorise the Director of Children and Education to award a contract for the refurbishment of part of the Connor Education Centre, Connor Road, West Bromwich to provide temporary accommodation for the new Elm Tree Primary Academy Special School.

The Chair of Children’s Services and Education Scrutiny Board queried whether there was space for extra provision to cover the 6 Sandwell Towns more equably, thereby reducing SEND transport costs and travelling time for children, and whether the Council anticipated a reduction in having to place children out-of-borough through this new provision.

In response, the Cabinet Member for Children and Education stated that the temporary provision at Connor Education Centre was for 12 months and for 18 pupils.

In September 2023, the school would move to its permanent site in Friar Park where it would provide 126 places from Reception to Year 6. SEN and Inclusion Services were already in discussions with Elm Tree Primary Academy to increase its pupil admission number due to the expected numbers of SEN pupils. Elm Tree Primary Academy was to offer places across the borough, thereby reducing the number for Sandwell children who needed to travel outside of the borough.

### **Reason for Decision**

The scheduled opening of the Elm Tree Primary Academy Special School by the Department of Education (DfE) had been delayed until September 2023. It was therefore proposed to procure and award a contract for the refurbishment of part of the Connor Education Centre to be used as a two-form entry Primary Special School for Children with Autistic Spectrum Disorder alongside other associated learning needs for one school year.

The temporary accommodation would enable the school to open 12 months ahead of its formal opening and admit up to 18 children to the Reception year. Capital funding of £375,000 for the refurbishment of the Connor Education Centre was to be provided by the Department for Education (DfE). Agreement with DfE necessitated the council to sign a Work Funding Agreement to confirm it would accept all programme and costs risks.

### **Alternative Options Considered**

Feasibility survey was undertaken for the parcel of land adjacent to the existing Victoria Academy Trust shared site of Devonshire Infant and Junior Academies off Auckland Road, known as the former 'Devonshire Gym site'. This option was deemed cost prohibitive for a short-term location.

Feasibility surveys were also completed at the former nursery/children's centre at Ferndale Primary School. Ferndale Primary's site was deemed unfeasible. Connor Education Centre's proposed business plan for the site was more beneficial to the pupils of the school.



Doing nothing was not an option as the council would be in breach of statutory regulations to ensure every child has access to a good school place.

**Agreed:-**

- (1) that subject to a satisfactory financial appraisal being completed by Strategic Finance, the Director of Children and Education be authorised to award a contract for the refurbishment of part of the Connor Education Centre, Connor Road, West Bromwich to provide temporary accommodation for the new Elm Tree Primary Academy Special School, following a compliant procurement exercise, in conjunction with the Section 151 Officer, and in consultation with the Cabinet Member for Children and Education;
- (2) that, subject to Resolution (1) above, the Director of Law and Governance & Monitoring Officer be authorised to enter into any legal agreements on terms agreed by the Director of Children and Education, as required, to allow building works to be completed.

64/22      **Domestic Abuse Strategy**

Approval was sought for the 2021-2024 Domestic Abuse Strategy and for allocation of New Burdens funding for 2022-2024.

**Reason for Decision**

There was a new statutory duty for the provision of specialist support for victims of domestic abuse and their children in safe accommodation from April 2021. This duty formed part of the Domestic Abuse Act 2021 and required that a safe accommodation needs assessment was undertaken which would inform a safe accommodation strategy.

The proposed programme of investment included allocation of New Burdens Funding to: -

- the provision of refuge accommodation and community-based support for victims of domestic abuse that was currently funded by the council and would therefore support the financial savings to be achieved by the budget strategy;
- interventions that commenced in 2021-22 funded by the first year of New Burdens funding;
- new interventions as identified by the domestic abuse needs assessment.

### **Alternative Options Considered**

The alternative option was to not approve the Domestic Strategy 2021-2024 and proposed allocation of New Burdens funding for 2022-2024. However, this would jeopardise efforts to meet the Council's statutory duty for the provision of specialist support for victims of domestic abuse and their children in safe accommodation outlined in Domestic Abuse Act 2021.

#### **Agreed:-**

- (1) that the 2021-24 Domestic Abuse Strategy as now submitted be approved;
- (2) that approval be given to carry forward the projected underspend of £150,000 Domestic Abuse New Burdens Funding for 2021-22 as a reserve and that it be used to partly fund the interventions in 2022-23 (£62,500) and 2023-24 (£87,500);
- (3) that approval be given to allocate New Burdens funding outlined in Table 1 below of £907,042 in 2022-23 and £932,042 in 2023-24 to support the delivery of the strategy, ensuring that Sandwell fully complies with the new statutory duty for the delivery of specialist support to domestic abuse victims and children in safe accommodation, subject to the confirmation of the funding allocation for 2023-24 from central government:

<b>Table 1. Services and Interventions</b>	<b>2022-23 proposed allocation</b> (Total funding available, including c/f of £62,500 from 2021-22: £907,042)	<b>2023-24 proposed allocation</b> (Total funding available, including c/f of £87,500 from 2021-22: £932,042)
<b>Existing Services and Interventions:</b>		
Provision of refuge accommodation	£305K	£305K
Community-based support for victims of Domestic Abuse	£236K	£236K
4 additional places in refuge accommodation, including Refuge Complex Needs Worker	£60K	£60k
Family Support Worker and Empowerment & Engagement Co-Ordinator posts to support victims in specialist domestic abuse safe accommodation	£70K	£70K
Co-Ordinator within SMBC Domestic Abuse Team to support implementation and programme management of NBF programme and Domestic Abuse plan	£60K	£60K
<b>New Interventions</b>		
Sanctuary Scheme – specialist support to victims referred for sanctuary provision	£17,872	£17,872
Floating support/resettlement support for victims' transition from refuge to community	£35,000	£35,000
Psychologically-informed therapeutic interventions for adults and children in safe accommodation	£120,440	£120,440
DA needs assessment / strategy update required under Domestic Abuse Act 2021	0	£25,000
Contingency	£2,730	£2,730
<b>Total</b>	<b>£907,042</b>	<b>£932,042</b>

- (4) that approval be given to award grant funding totalling up to £223,609 (£205,737 in 2022-23 and £17,872 in 2023-24) to Black Country Women's Aid (BCWA) as detailed in Table 2 below from New Burdens funding for a range of interventions which will assist in delivering the Domestic Abuse Strategy and the statutory duty for domestic abuse:

<b>TABLE 2. Proposed grants to be awarded to Black Country Women's Aid</b>	<b>Grant Period</b>	<b>Total Grant</b>
Family Support Worker and Empowerment & Engagement Co-Ordinator posts to support victims in specialist domestic abuse safe accommodation	10 months funding 1/04/22 - 31/1/23	£58,333
Sanctuary Scheme – specialist support to victims referred for sanctuary provision	24 months 1/04/22 – 31/03/24	£35,744 (£17,872 pa)
Floating support/resettlement support for victims' transition from refuge to community	10 months funding 1/04/22 - 31/1/23	£29,166
Psychologically-informed therapeutic interventions for adults and children in safe accommodation	10 months funding 1/04/22 - 31/1/23	£100,366
<b>TOTAL</b>		<b>£223,609</b>

## 65/22 Sandwell Community Safety Strategy 2022-26

Consideration was given to the implementation of the Safer Sandwell Partnership Police and Crime Board's Community Safety Strategy 2022-26 across Sandwell.

Whilst the Cabinet Member for Community Safety was satisfied with the strategy, he expressed a reservation about the relative lack of data in the proposed strategy that would allow to benchmark Sandwell in terms of community safety and how it was going to improve through this strategy.

### **Reason for Decision**

Sandwell's Community Safety Strategy had been overseen by the multi-agency Safer Sandwell Partnership Police and Crime Board (SSPPCB) who oversaw the Borough's approach to community safety. The existing strategy covered 2019-21 and was now due for renewal.

The priorities in the 2022-26 strategy reinforced the commitment to protecting and supporting vulnerable victims. The priorities would be delivered through adopting a public health approach and through the adoption of 4 P Plans which aimed to: prevent violence, abuse and exploitation; protect those affected; reduce harm and pursue those who perpetrate.

### **Alternative Options Considered**

Safer Sandwell Partnership Police and Crime Board had a statutory requirement under the 1998 Crime and Disorder Act, and subsequent legislative amendments, to develop and deliver a Partnership Plan which contained community safety priorities based on the current evidence base across the Borough of Sandwell. This strategy brought together this evidence base and set the strategic direction for community safety across the Borough for the next five years subject to annual review.

**Agreed** that Cabinet support and endorse the implementation of the Safer Sandwell Partnership Police and Crime Board's Community Safety Strategy 2022-26, as now submitted, which outlined the partnership's key priorities and direction of travel over the next five years.

66/22

### **City Region Sustainable Transport Settlement and Local Transport Capital Programme 2022/23**

Approval was sought for a programme of minor works, highways, bridges and street lighting maintenance for 2022/23 to be funded through the Local Network Improvement Plan and Maintenance Block allocations approved at West Midlands Combined Authority (WMCA) Board on 14 January 2022 as part of the City Region Sustainable Transport Settlement (CRSTS) Programme

Details of individual schemes would be reported back to the appropriate Cabinet Member(s) for approval in due course.

#### **Reason for Decision**

Details were submitted of specific allocations to the Authority for 2022/23 for local network improvements and highway maintenance subject to final Government confirmation and WMCA Board approval.

The block allocations included in the City Region Sustainable Transport Settlement (CRSTS) programme would comprise the majority of the Council's capital programme of minor works, highway and bridge maintenance for financial year

2022/23 and the following four years of the settlement period.

### **Alternative Options Considered**

With regards to the Local Network Improvement Plan, the proportion allocated to each of the individual block headings was broadly in line with previous years' ITB allocations. However, more of the 21% uplift on the 2021/22 figure had been allocated to the road safety and traffic calming categories to reflect member priorities.

The option existed to allocate more funding to some headings and less to others. It was also possible to alter the allocations 'in year' should circumstances necessitate. However, the use of this funding would be reported to, and monitored by, WMCA and should reflect the priorities outlined by Government through the CRSTS guidance and by WMCA through the Local Transport Plan.

### **Agreed:-**

- (1) that the current position in relation to the City Region Sustainable Transport Settlement (CRSTS) for the period April 2022 to March 2027 as submitted to Government by the West Midlands Combined Authority following its approval at West Midlands Combined Authority Board on 14 January 2022, be noted;
- (2) that details of the resourcing, monitoring and financial implications relating to the City Region Sustainable Transport Settlement programme be received;
- (3) that subject to confirmation by Government of the overall City Region Sustainable Transport Settlement allocation to the West Midlands Combined Authority and its subsequent approval by West Midlands Combined Authority, Cabinet approves the following programme of minor works, highways, bridges and street lighting maintenance for 2022/23 to be funded through the Local Network Improvement Plan and

Maintenance Block allocations as set out in the reports to West Midlands Combined Authority Board on 14th January 2022 and 18th March 2022:

<b>Minor Works Programme</b>	<b>Funds 2022/23 £</b>
Major Schemes Development	220,000
Road Safety	540,000
Decarbonising Transport	300,000
Demand Management	120,000
Traffic Calming	200,000
Major Route Signing	70,000
Named Schemes Over £250k.	347,900
<b>Total</b>	<b>1,797,900</b>

<b>Maintenance Programme</b>	<b>Funds 2022/23 £</b>
Carriageway Maintenance	3,986,300
Bridges	603,000
Street Lighting	152,000

- (5) that once confirmation of the City Region Sustainable Transport Settlement was received from Government and approved by West Midlands Combined Authority Board, a further report be submitted to Cabinet setting out the details of the Sandwell projects included within the settlement.

## 67/22 **Corporate Climate Change Action Plan**

Approval was sought for the Corporate Climate Change Action Plan and for the Cabinet to recommend to Council that a cross-party Member Committee on Climate Change be formally established to monitor the implementation of the Climate Change Action Plan.

A member committee was planned to include representatives from the Trade Unions. It was noted that the action plan had not been costed yet and this would be addressed by the new Committee, subject to approval by Cabinet and Council.

### **Reason for Decision**

The Action Plan was designed to embed climate change across the council's corporate agenda and service areas to enable us to deliver the actions set out in the Climate Change Strategy and become a net zero organisation by 2030 and net zero borough by 2041.

### **Alternative Options Considered**

The alternative was to not produce the climate change action plan which would, however, be detrimental to Sandwell's efforts to achieve 2030 and 2041 targets on tackling climate change as there would be no deliverables set against the strategy.

### **Agreed:-**

(1) that the Climate Change Action Plan, as now submitted, be approved;

(2) that the Council be recommended to appoint cross-party membership onto the Climate Change Committee as part of the Governance Arrangements to monitor the implementation of the draft Climate Change Action Plan.

68/22

### **Contract for Tyres and Tyre Related Services**

Approval was sought to access the Yorkshire Purchasing Organisation (YPO) Framework 001009 Tyres for Motor Vehicles, Plant and Related Services, to undertake a further competition and put in place a call off contract for 4 years, starting 1 July 2022 and ending on 30 June 2026, at a cost of approximately £345,000 over the next 4 years, to be funded from the annual transport budget of £1.2 million.



### **Reason for Decision**

Accessing the Yorkshire Purchasing Organisation (YPO) Framework 001009 Tyres for Motor Vehicles, Plant and Related Services offered numerous benefits. Yorkshire Purchasing Organisation (YPO) would conduct a further competition on behalf of the Council, offering a quick route to market and reducing the amount of resources required when compared to conducting a full internal procurement exercise, whilst maintaining compliance with procurement regulations. This would allow resources to be deployed elsewhere as the council continued its recovery from Covid-19.

### **Alternative Options Considered**

The Council could undertake an internal procurement exercise. This would require the allocation of resources from Procurement Services and would be time consuming due to current workloads.

Fleet Services could undertake the replacement of tyres and tyre related services internally. This would require purchase of equipment and specialised vehicles, the procurement of a tyre supplier, the creation of new posts, recruitment for the new posts as well as training for current employees.

The Council could make use of the direct award option available within the frameworks. This would not ensure best value for money, however, nor a consistent level of service.

### **Agreed:-**

- (1) that approval be given to access the Yorkshire Purchasing Organisation (YPO) Framework 001009 Tyres for Motor Vehicles, Plant and Related Services to conduct a further competition and put in place a call off contract for 4 years, starting 1 July 2022 and ending on 30 June 2026, at a cost of approximately £345,000 over the next 4 years funded from the annual transport budget of £1.2m;

- (2) that in connection with Resolution (1) above, the Director of Borough Economy be authorised to award contracts for the provision of Tyres and tyre related services;
- (3) that the Director Law and Governance – Monitoring Officer be authorised to execute any documentation necessary to enable the course of action referred to in Resolution (1) above to proceed;
- (4) that any necessary exemptions be made to the Council’s Procurement and Contract Procedure Rules to enable the course of action referred to in Resolution (1) above to proceed.

69/22

### **Vehicle and Grounds Maintenance Equipment, Spare Parts, and Workshop Consumables**

Approval was sought to award contracts for the provision of Vehicle & Grounds Maintenance Equipment Spare Parts & Workshop Consumables at a cost of approximately £4,080,000 over the next 4 years, to be funded from the annual transport budget of £1.2m.

#### **Reason for Decision**

Procurement was required because the current contract for the supply of Vehicle & Grounds Maintenance Equipment Spare Parts & Workshop Consumables was due to expire on the 3 July 2022.

The purchase of Vehicle & Grounds Maintenance Equipment Spare Parts & Workshop Consumables was essential in enabling Fleet Services to maintain and repair both internal and external fleet in line with contracts and service level agreements.

As a Fleet Operator, the Council had a statutory duty to ensure all of its vehicles and equipment were safe to use and did not pose a danger to the operator, service user or members of the public.

### **Alternative Options Considered**

There were no feasible alternatives. Without a contract in place, Fleet Services would have to treat each order as an individual tender and follow the relevant procurement rules dependent on order value.

#### **Agreed:-**

- (1) that approval be given to undertake a full internal procurement exercise and put in place a call off contract for Vehicle & Grounds Maintenance Equipment Spare Parts & Workshop Consumables;
- (2) that the Director of Borough Economy be authorised to award contracts for the provision of Vehicle & Grounds Maintenance Equipment Spare Parts & Workshop Consumables following a compliant tendering process and evaluation at a cost of approximately £4,080,000 over the next 4 years funded from the annual transport budget of £1,200,000;
- (3) that the Director Law and Governance – Monitoring Officer be authorised to execute any documentation necessary to enable the course of action referred to in Resolution (1) above to proceed;
- (4) that any necessary exemptions be made to the Council's Procurement and Contract Procedure Rules to enable the course of action referred to in Resolution (1) and (2) above to proceed.

70/22

### **Purchase of Grounds Maintenance Plant and Machinery**

Approval was sought to award contracts to replace the council's grounds maintenance equipment using the Eastern Shires Purchasing Organisation (ESPO) Framework 274 and North East Procurement Organisation (NEPO) Framework Agreement.

### **Reason for Decision**

Consultation had taken place with Procurement Services, Grounds, Fleet Services and Bereavement Services to determine the new course of action. Following a re-appraisal of all options, it was decided that the recommended options represented best value for the Council.

Following the analysis of the pricing provided within the Eastern Shires Purchasing Organisation (ESPO) and North Eastern Purchasing Organisation (NEPO) Frameworks, and consultation with client officers within Fleet Management, it was deemed that the ESPO and NEPO frameworks offer the most expedient, compliant and value for money procurement route for the Council, in preference to carrying out its own tendering process.

### **Alternative Options Considered**

An alternative option was for the Council to conduct a full tendering process. Research that was undertaken indicated that, as this was a very limited market, it was highly unlikely a full OJEU procurement process would produce a result that would differ from what was available under the ESPO and NEPO frameworks. Another option existed for the Council to outsource the grounds maintenance operation, therefore disbanding the need to procure new equipment.

### **Agreed:-**

- (1) that the Director of Borough Economy be authorised to award contracts to replace the council's grounds maintenance equipment at the end of its projected life expectancy at a cost of approximately £1.8m for the next 4 years;
- (2) that approval be given to access the Eastern Shires Purchasing Organisation (ESPO) Framework 274 and North East Procurement Organisation (NEPO) Framework Agreement to place 'call off' orders as and when required to purchase Grounds Maintenance Plant and Machinery with the call off contract from 01/10/2022 – 30/09/2026;

- (3) that the Director Law and Governance – Monitoring Officer be authorised to execute any documentation necessary to enable the course of action referred to in Resolution (1) above to proceed;
- (4) that any necessary exemptions be made to the Council’s Procurement and Contract Procedure Rules to enable the course of action referred to in Resolution (1) and (2) above to proceed.

## 71/22      **Revenues and Benefits Operating Model**

Approval was sought for the proposed Revenues and Benefits Operating Model.

### **Reason for Decision**

The majority of service requests dealt with by the Revenues and Benefits Service were now available online through MySandwell, which enabled customers to self-serve rather than use the costly face-to-face and telephone methods of contact.

The introduction of payment kiosks at Oldbury and Smethwick further increased the number of self-serve transactions. There were 13 different payment methods available to customer and these were: Cash, Cheque/Postal Order, Debit Card, Credit Card, Bank Giro, Online, Telephone Payment, Automated Telephone, Paypoint, Post Office, Kiosks, Direct Debit, Standing Order.

### **Alternative Options Considered**

An alternative was the continuation of face-to-face Revenues and Benefits customer service at Kings Square, West Bromwich and continuation of face-to-face Cashiers service at Kings Square, West Bromwich and Smethwick Council House.

Based on the reduction in demand at Oldbury Council House for cashiers since this reopened in June 2021, and the change in how residents were now accessing Revenues and Benefits' services, it was deemed that there was no need or demand from residents to reopen these offices, nor would it be cost-effective to do so as recruitment of additional staff would be required.

**Agreed:-**

- (1) that the Revenues and Benefits Operating Model, as now submitted, be approved;
- (2) that the face to face Cashiers service at Kings Square, West Bromwich, and Smethwick Council House not be reopened;
- (3) that the Revenues and Benefits customer service at Kings Square, West Bromwich not be reopened;
- (4) that. subject to the above, the Kings Square office in West Bromwich be closed.

72/22

**Revenues and Benefits Policy Framework 2022/23**

Approval was sought for the Revenues and Benefits Policy Framework 2022/23.

**Reason for Decision**

The Council was required to set out its revenues and benefits policy framework. The existing Revenues and Benefits Policy Framework included:

- Corporate Debt Recovery Policy
- Council Tax Award of Discount Policy
- Council Tax Discretionary Reduction Policy
- Flood Relief Policy
- Discretionary Housing Payments Policy
- Local Welfare Provision Policy
- Housing Benefit Overpayment Recovery Policy
- Non-Domestic Rate Hardship Relief Policy

- Non-Domestic Rates Discretionary Rate Relief Policy
- The Local Council Tax Reduction Scheme Policy.

### **Alternative Options Considered**

The council was required to set out its application of areas of the legislation which allowed local application of rules. The policy framework achieved this.

**Agreed** that approval be given to the Revenues and Benefits policy framework for 2022-2023, as now submitted.

73/22

### **Refurbishment of Thorn Close, Wednesbury**

Approval was sought for the procurement and contract award for a contractor to deliver the Refurbishment of Thorn Close, Wednesbury to continue the substantial investment in the Council's Housing Stock. The contracted works were to deliver an upgrade to the 3 x 3 storey blocks of flats and maisonettes, consisting of 28 units. 4 new units of social housing will also be created on the ground floor by converting the existing rear access links and bin rooms/tenant storage areas.

### **Reasons for Decision**

This contract would enable a complete transformation of the existing buildings at Thorn Close, Wednesbury, creating dwellings that will meet people's needs, in addition to providing 4 new affordable homes. The external walls of the blocks would receive insulated cladding that would conform with all relevant regulations.

On 18 October 2017, Cabinet approved the Housing Revenue Account (HRA) – Housing Investment Programme report. The report set out a refreshed 10-year HRA investment plan to enable the delivery of new build projects and continued investment into existing stock and communal spaces in our neighbourhoods. One of the key aspects to the report was the ambition to maintain and where necessary upgrade the Council housing stock.

## **Alternative Options Considered**

Option 1 - To not invest in the Council Housing Stock which might lead to dissatisfaction from existing and potential new tenants as well as disrepair and additional burden on the Housing Revenue Account.

Option 2 – To undertake refurbishment works to the existing 28 units, in addition to providing an additional 4 units, all as detailed within 4.6 in the Cabinet report.

Option 3 – To demolish the existing 28 units and construct 7 x 2 bedroomed semi-detached houses and 8 x 4 bedroomed semi-detached houses. This option has been estimated to cost approximately £5.285m and equates to an approximate expenditure of £0.352m per dwelling.

The 3 Options were explored and Option 2 was recommended as the most viable option as this contributed towards the Council's aspirations of increasing Council owned affordable rented stock.

### **Agreed:-**

- (1) that the Director of Housing, in consultation with the Director of Finance, be authorised to prepare tendering documentation and to procure a contractor, in accordance with The Public Contract Regulations 2015 and the Council's Procurement and Contract Procedure Rules, working on behalf of the Council, to deliver the refurbishment works to Thorn Close, Wednesbury;
- (2) that the Director of Housing be authorised to award the contract for the Refurbishment of Thorn Close, Wednesbury, as referred to in Resolution (1) above, to the successful contractor;



- (3) that the Director of Law and Governance and Monitoring Officer be authorised to enter into or execute under seal any documentation in relation to the award of the contract.

74/22

### **Acquisition of Land at Harvest Road, Rowley Regis for Council New Build**

Approval was sought to purchase the site at Harvest Road, Rowley Regis for the development of new affordable rent council housing.

#### **Reasons for Decision**

Following the introduction of greater flexibilities for local authorities the Council was able to develop this site with circa 8 homes (subject to planning consent), as part of the new strategic approach to provide more and better housing in the borough.

The opportunity to acquire this windfall site had arisen through partnership with the NHS Trust and an agreement that the site would be valued for affordable housing and disposed of to the Council as another public sector organisation.

#### **Alternative Options Considered**

Alternative option was for the Council not to pursue the acquisition of the property. If the Council did not acquire the site, the NHS would dispose of the site on the open market via auction. If this was the case it would be likely that the site would be purchased for market sale property and the size of the site would not trigger the requirement for affordable housing. This option would also not increase the Council owned housing stock or replace properties lost through Right to Buy (RTB) and would result in the lost opportunity of acquiring land that could be used for this purpose.

**Agreed:-**

- (1) that approval be given to the Director of Regeneration and Growth to agree heads of terms to acquire the site at Harvest Road, Rowley Regis from NHS Property Services;
- (2) that subject to Resolution (1) above, the Director of Finance be authorised to allocate the sum of £292,500 from the Council's Housing Revenue Account to purchase the site;
- (3) that the Director Law and Governance and Monitoring Officer be authorised to enter into or execute under seal, if necessary, contract to complete the acquisition of the site;
- (4) that approval to be given to allocate the site at Harvest Road, Rowley Regis for the development of new affordable rent council housing, subject to planning permission being obtained;
- (5) that approval to be given to allocate funding from the Council's Housing Revenue Account to demolish the existing buildings/ structures at Harvest Road, Rowley Regis as a pre-requisite for site investigation to facilitate compliance with the Homes England funding timescales;
- (6) that the Director of Finance be authorised to allocate adequate resources from the Council's Housing Revenue Account, subject to being satisfied that the proposal provides value for money, to deliver the scheme and to utilise grant funding offered by Homes England, under the extended Homes England Strategic Partnership 1 Programme 2016 to 2021, to assist with the delivery of the project;

- (7) that subject to receiving the necessary Strategic Investment Unit appraisal approval mark of 65 or above, the Director of Regeneration and Growth, in consultation with the Director of Finance and the Director of Housing, be authorised to prepare tendering documentation and subsequently procure, in accordance with any statutory regulations and the Council's Procurement and Financial Regulations, a contractor/contractors to develop, on behalf of the Council, the proposed housing scheme; to enter into or execute under seal any financial agreement in relation to the Homes England grant on terms and conditions to be agreed by the Director of Finance;
- (8) that subject to Resolution (6) and (7) above, the Director – Law and Governance and Monitoring Officer be authorised to enter into or execute under seal any documentation in relation to award of the contract and/or development/partnership agreement, Homes England developer status, licence, undertaking, framework joining agreement, any consents or applications required for Planning or Highways appertaining to the delivery of the scheme and any other agreements with the procured contractor(s) and with the Homes England, as may be deemed necessary to facilitate development of the site with a housing scheme on terms and conditions to be agreed by the Director of Regeneration and Growth;
- (9) that the Director of Regeneration and Growth in consultation with the Director of Finance and subject to confirmation of the funding rules applicable, to submit an application for funding to the WMCA/LEP and, in the event the funding bid is successful, the Director of Regeneration and Growth in consultation with the Director of Finance and the Director of Housing be authorised to accept the funding and execute under seal any financial agreement in relation to

the WMCA/LEP grant on terms and conditions to be agreed by the Director of Finance;

- (10) that following practical completion of each property at the site of Harvest Road, Rowley Regis, the Director of Housing be authorised to manage and let the properties built in accordance with the Council's housing allocation policy;
- (11) that the Director Finance be authorised to make any necessary adjustment required to appropriate the property for housing purposes.

75/22

### **Social Work Workforce – Market Supplement**

Approval was sought for the Sandwell Children's Trust to adopt the market supplement policy of £2,500 per annum for all 168 case-holding social workers and to fund the corresponding increase in the Contract Sum by a maximum of £432,000.

#### **Reason for Decision**

In line with many other Councils and Trusts across the country, Sandwell Children's Trust faced workforce challenges regarding the recruitment and retention of social workers. Discussions with the Department for Education and regional colleagues showed that the demand for talented and experienced social workers outweighed the supply. Within the West Midlands, these pressures were particularly acute, with a number of neighbouring authorities experiencing the same challenges.

Whilst pay was not the sole factor in attracting and retaining social workers, it had always been important. Recent detailed market analysis confirmed that the salary band for Children Social Workers and Children Senior Social Workers in Sandwell was not competitive within the region.

#### **Alternative Options Considered**

A number of options had been considered as follows:

- i. Maintain the current position for those Social Workers who are currently in receipt of the market supplement;
- ii. Remove the market supplement from all Social Workers that were currently in receipt of the market supplement;
- iii. Re-align the existing £150k budget to all 'case holding' social workers across the operational service;
- iv. Introduce a market supplement of £2,500.

Option iv was chosen as the most advantageous. It would achieve pay parity across the social worker establishment, and whilst social workers would still not be the highest paid across the region, the Trust would become more attractive, when considering pay alongside other benefits of working in Sandwell.

**Agreed:-**

- (1) that approval be given to Sandwell Children's Trust adopting the market supplement policy of £2,500 per annum for all 168 case holding social workers and funding the corresponding increase in the Contract Sum by a maximum of £432,000;
- (2) that in connection with Resolution (1) above, the additional cost of £432,000 be funded from the Council's Social Care earmarked reserve.

76/22

**Sandwell Regeneration Strategy, Pipeline and Economic Recovery Plan for Businesses**

Approval was sought for the Regeneration Strategy for Sandwell and the associated appendices, the Regeneration Pipeline and the Inclusive Recovery Action Plan for Business, which set out the corporate regeneration priorities for the period 2022 to 2027.

Approval was also sought to rescind the Inclusive Economy Deal (March), and replacing it with the Regeneration Strategy, the Regeneration Pipeline and the Inclusive Recovery Plan for Business as the up-to-date, strategic

documents outlining corporate regeneration priorities for 2022-2027.

### **Reason for Decision**

Sandwell's Regeneration Strategy (the strategy) set out local requirements (evidence of need), constraints on activity (barriers) and opportunities (via a site pipeline) outlining the direction of travel for the Council to prioritise its resources to deliver transformational change for the Borough.

Following discussions with officers involved in the delivery of infrastructure from across the organisation, horizon scanning, and discussions with our partner organisations, the strategy set out practical actions for regeneration which would support Sandwell's wider economic goals.

Alongside the Inclusive Recovery Action Plan for Business, the Regeneration Strategy presented a clear view of the Sandwell economy and its infrastructure requirements. It would enable Sandwell to shape regeneration plans to meet the needs of local people and business, setting a path towards a higher quality of life for Sandwell residents and more well-paid and fulfilling jobs.

The Inclusive Economic Deal (IED) was approved by Cabinet on 26 February 2020. The Regeneration Strategy and its two appendices built on the IED, reflecting new (post covid-19) economic challenges and opportunities. Therefore, it was intended to rescind the IED and replace it with the Regeneration Strategy and its appendices as the Council's most up to date strategic regeneration document.

### **Alternative Options Considered**

Do nothing – this would result in a lack of overarching coordination and prioritisation of our regeneration opportunities. There would be no clear pipeline for potential funders, investors, and our communities providing a lack of clarity and potentially missed investment opportunities.

### **Agreed:-**

- (1) that the Regeneration Strategy for Sandwell and the associated appendices, the Regeneration Pipeline and the Inclusive Recovery Action Plan for Business, as now submitted, be approved, which taken together set out the corporate regeneration priorities for the period 2022 to 2027;
- (2) that the Inclusive Economy Deal (March 2020) be rescinded and the Regeneration Strategy for Sandwell, the Regeneration Pipeline and Inclusive Recovery Action Plan for Business, taken together become the up to date, strategic documents outlining the corporate Regeneration priorities for the period 2022 to 2027;
- (3) that the Director of Regeneration and Growth be authorised to make any non-material amendments to the Regeneration Strategy, the Regeneration Pipeline and the Inclusive Recovery Action Plan;
- (4) that approval be given to create a reserve for the projected underspend of £85,000 for 2021/22 of New Burdens funding and that it be used in 2022/23 to support the delivery of the Regeneration Strategy and its appendices, particularly focusing on initiatives to support business recovery.

77/22

### **Extension of Free Swimming Programme 2022-23**

Approval was sought for the continuation and expansion of the free swimming programme in Sandwell for the financial year 2022/23.

#### **Reason for Decision**

Participating in 30 minutes of physical activity or sport per week provided residents with significant health benefits.

Both leisure providers (SLT and Places Leisure) had reported a positive correlation between increased usage of swimming facilities by young and older people at the same time, i.e. young people were often accompanied by parents, grandparents or older carers, suggesting that free swimming for young people encouraged family visits and family interaction.

The current programme allowed for children and young people, who were Sandwell residents aged 16 years and under to swim without charge during public swimming sessions, for seven days per week, throughout school holiday periods only. It was now proposed to extend the age to include free swimming for all under 18's.

### **Alternative Options Considered**

The free swimming programme could be discontinued. However, if the Council did not continue the programme, this would have an adverse impact on the opportunities available to Sandwell residents. It would also affect the opportunity for some of our most vulnerable residents to participate in some form of physical activity.

The resources could be invested into other sport and physical activity programmes. However, swimming had the ability to engage and provide health benefits on a wider scale than many other activities, as demonstrated during the consultation exercise. It engaged a wide range of ages and abilities and was an essential life skill.

### **Agreed:-**

- (1) that approval be given to the Service Manager – Tourism, Culture & Leisure to enter into an agreement with Sandwell Leisure Trust and Places Leisure to offer free swimming to:
  - a) Children and young people aged 18 years and under (exclusively Sandwell residents only) during public swimming sessions, for seven days per week, throughout school holidays only



- b) adults aged 60 years and over (exclusively Sandwell residents only) during public swimming sessions, for seven days per week before 1pm all year round;
- c) allocate a proportion of free swimming funding to primary care settings to be distributed through a social prescribing pathway for adults

for the financial year 2022/23;

- (2) that approval be given to the Service Manager – Tourism, Culture & Leisure to enter into an agreement with Sandwell Leisure Trust and Places Leisure to offer free swimming lessons to:

- a) Children and young people aged 16 years and under (exclusively Sandwell residents only) via a voucher scheme distributed through schools (identified as in receipt of benefits/low income and unable to afford lessons plus poor swimming ability in school swimming lessons), and
- b) primary care settings (to be distributed through a social prescribing pathway)

for the financial year 2022/23.

- (3) that the Director for Finance be authorised to allocate a revenue budget of £275,000 for the free swimming offer and £150,000 for the free swimming lessons offer, at a total of £425,000 for the financial year 2022/23;
- (4) that any necessary exemptions be made to the Council's Procurement and Contract Procedure Rules to enable the course of action referred to in Resolution (1) and (2) above to proceed.

## **Co-operative Working for the Provision of Services from the Integrated Social Care and Health Centre**

Approval was sought to develop a Co-Operative Working Agreement with Sandwell and West Birmingham Hospitals NHS Trust for the purpose of achieving shared objectives for social care and health through the delivery of integrated social care and health services from the Integrated Social Care and Health Centre at the Knowle Site, Rowley Regis.

The primary purpose of the Integrated Social Care and Health Centre was to provide bed-based reablement and therapy services to people who had either been discharged from hospital or for whom the Centre would provide an opportunity to avoid admission to hospital.

### **Reason for Decision**

Sandwell and West Birmingham Hospitals NHS Trust was the key provider trust for acute and community health services in Sandwell. It also currently provided public health services commissioned by the Council, which included services jointly delivered through an existing Co-operative Working Agreement.

Under regulation 12(7) of the Public Contracts Regulations 2015, the local authority might enter into a contract without competition where the contract was with another contracting authority (public body) and establishes or implements co-operation with the aim of ensuring that the public services the authorities had to perform were provided with a view to achieving objectives they had in common and were governed solely by considerations relating to the public interest. The opportunity to use this exemption allowed the flexibility to include services other than those delivering prescribed health related functions and provided an approach that would support future developments and the integration of social care and health services.

### **Alternative Options Considered**

The only alternative option would be to defer to a tendering process which would not be the most financially viable option or in the best interest of the services.

**Agreed:-**

- (1) that approval be given to develop a Co-operative Working Agreement with Sandwell and West Birmingham Hospitals NHS Trust for the purpose of achieving shared objectives for social care and health through the delivery of integrated social care and health services;
- (2) that subject to Resolution (1) above and further consultations and detailed negotiations between the Council and Sandwell and West Birmingham Hospitals NHS Trust, the Director of Adult Social Care be authorised to award and enter into a contract with Sandwell and West Birmingham Hospitals NHS Trust for health-related services under the Co-operative Working Agreement on terms to be agreed with the Director of Adult Social Care;
- (3) that subject to Resolution (2) above, any contract should include a five-year review of the partnership framework with an annual review of services;
- (4) that the Director of Law and Governance and Monitoring Officer be authorised to execute any documents necessary and within reasonable time to give effect to the proposals in recommendation (1) for the provision under the Co-operative Working Agreement with Sandwell and West Birmingham Hospitals NHS Trust;
- (5) that any necessary exemptions be made to the Council's Procurement and Contract Procedure Rules to enable the course of action referred to in Resolution (2) and (3) above to proceed.

## **Corporate Plan Achievements 2021**

Consideration was given to the progress made in delivering the Corporate Plan in 2021 and to the proposed delivery vehicle for the strategic outcomes contained in the plan going forward.

It was commented that there were considerable achievements made in 2021 such as the work of the Public Health Team during Covid-19 and the delivery of the Aquatics Centre and that the Authority wanted feedback from residents to be at the centre of its strategy.

### **Reason for Decision**

Sandwell Council's refreshed Corporate Plan – Big Plans for a Great Place - set out what the Council planned to do to deliver Vision 2030, and Sandwell's 10 ambitions, over the period 2021 to 2025. The Corporate Plan Refresh was approved by Council on 21 October 2021.

The refreshed plan was based on analysis of the impact that the pandemic had had on our community, the local economy and our own organisation.

### **Alternative Options Considered**

Cabinet was asked to consider progress made, and successes, in achieving the aims of the Corporate Plan. As such there were no alternative options.

### **Agreed:-**

- (1) that the progress made in delivering the Corporate Plan during 2021 be noted;
- (2) that details of the directorate actions, as now submitted, that would support delivery of the Corporate Plan on our journey ahead, be received.

80/22

## **Exclusion of the Public and Press**

**Resolved** that the public and press be excluded from the rest of the meeting to avoid the possible disclosure of exempt information under paragraph 3 of Schedule 12A to the Local Government Act, 1972, as amended, by the Local Government (Access to Information) (Variation) Order 2006, relating to the financial and business affairs of any person, including the authority holding that information.

81/22

## **Care Home Fees – Standard Rate 2022/23**

Consideration was given to the proposals in relation to revising Care Home Fees for 2022/23.

Approval was now sought to communicate the resultant fees to the relevant providers and implement the revised fees from 1 April 2022.

### **Reason for Decision**

On 19 April 2017, Adult Social Care presented a report to Cabinet (Residential Care Home Fees model and rates 2017-18 seeking approval for the use of a proposed costing model to form the basis of discussion and fee setting for Care Home Fees for Older People in future years (see Minute No. 87/17).

The model had been used since 2017 to calculate the increase of Care Home Fees and had been used to calculate the proposed Care Homes Fees for 2022-23.

### **Alternative Options Considered**

The alternative was not to approve the Care Home Fees, however, this carried a risk that care home providers, and therefore the supply chain, might become less resilient, particularly at a critical time for the sector with the additional burden of the Covid-19 pandemic.

**Agreed:-**

- (1) that approval be given to the revised Care Home Fees for 2022/23, as now submitted, to be effective from 1 April 2022, and that the Director of Adult Social Care be authorised to communicate this to the relevant providers and implement the fee increase accordingly;
- (2) that approval be given to a deviation to the model that was agreed by Cabinet in April 2017 which was used to calculate standard rate care home fees, to also take account of the mandatory increase to National Insurance contributions from April 2022 and the use of October data for gas, electricity, water and food;
- (3) that the Director of Adult Social Care review the proposed care home fees rates in 6 months once the position on whether there will be any additional government funding from April 2022 has been established, and if necessary, submit a further report recommending revisions to the rates in year should they be necessitated.

Meeting ended at 4.27pm.

Contact: [democratic\\_services@sandwell.gov.uk](mailto:democratic_services@sandwell.gov.uk)

# Minutes of Budget and Corporate Scrutiny Management Board

**Wednesday 10 March 2022 at 4.00 pm  
at Council Chamber - Sandwell Council House, Oldbury**

**Present:** Councillor L Giles (Chair);  
Councillors E M Giles and Moore.

**In attendance:** Councillors Bhullar and Gavan.  
Alice Davey (Director of Borough Economy) and Gemma Ryan (Assistant PE and Sport Strategy Manager)

## **8/22 Apologies for Absence**

An apology was received from Councillor Anandou.

## **9/22 Declarations of Interest**

There were no declarations of interest made.

## **10/22 Additional Items of Business**

There were no additional items of business to consider.



**11/22**

## **Exclusion of the Public and Press**

**Resolved** that the public and press are excluded from the rest of the meeting. This is to avoid the possible disclosure of exempt information under Schedule 12A to the Local Government Act, 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, relating to the financial and business affairs of any person, including the authority holding that information.

**12/22**

## **Sandwell Leisure Trust Business Plan 2021-2024 & Leisure Management Option Appraisal Approach**

Further to Minute No. 33/22 of the Cabinet meeting held on 9 February 2022, the Board was apprised of the Options Appraisal process and approach in relation to the future delivery arrangements for the management of 9 of the leisure facilities in Sandwell, and the new aquatic centre.

A termination letter had been served to Sandwell Leisure Trust (SLT) in February 2022 and negotiations were currently taking place regarding the exit plan and transition period. A joint statement had been agreed between the Council and the Trust to announce the decision.

An in-depth first stage management Options Appraisal had been undertaken by an external leisure consultant and was presented to officers and Cabinet members via a series of cabinet workshops. This appraisal was provided to Members of the Scrutiny Board. The Board was informed of the advantages and disadvantages of each option and the approach to the final selection of a preferred option for the future long-term delivery of leisure facilities in Sandwell. The decision and final scoring for a preferred management option will be based on the following key elements for Sandwell:

- Finance
- Risk / deliverability
- Delivery of Council priorities and principles

Sandwell residents are among the most inactive in the country so the development of a wider wellbeing offer was a key principle in determining and developing future provision.



Financial considerations were outlined to the board in terms of the principles and priorities under consideration for the service specification moving forwards, including the issue of a holistic service provision. It was outlined that it is understood that a relatively low number of people use leisure centres (assessed in Sandwell at around 25% - which is likely to be a high estimate), and therefore budgetary consideration is being given to the broader population who chose to take part in physical activity in a variety of other settings with services delivered by different sectors, including but not limited to the following:

- Parks and open spaces
- Sports clubs provided by the voluntary sector
- Community settings such as halls and rooms in facilities
- Education settings, schools or colleges
- Private sector fitness facilities and gyms

The Board considered the potential for the delivery of a holistic service to encompass a broader offer and the use of the Council's existing budgets to achieve this, through the realisation of efficiencies and reinvestment of a portion of this.

The Council has maintained a dialogue with Trades Unions, however, direct engagement with SLT staff was being led by SLT as the employer.

A final decision relating to the option appraisal for the facility management would be made in the early Summer 2022. The Board would receive further updates as appropriate.

Meeting ended at 4.54pm.

Contact: [democratic\\_services@sandwell.gov.uk](mailto:democratic_services@sandwell.gov.uk)

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# Minutes of Budget and Corporate Scrutiny Management Board

**Wednesday 16 March 2022 at 6.00 pm  
at Council Chamber - Sandwell Council House, Oldbury**

**Present:** Councillor L Giles (Chair);  
Councillors E M Giles and Shackleton.

**In attendance:** Councillor Gavan;  
Neil Cox (Director of Business Strategy and Change), Surjit  
Tour (Director of Law & Governance), Charlie Davey (Adults  
Business Partner), Chris Jones (Project Director), Abi  
Asimolowo (Finance Business Partner), Sarah Sprung  
(Senior Lead Officer), Suky Suthi-Nagra (Democratic  
Services Manager) and Matt Powis (Senior Democratic  
Services Officer).

## **13/22 Apologies for Absence**

Apologies were received from Councillors Anandou and Moore.

## **14/22 Declarations of Interest**

There were no declarations of interest made.



**15/22**

## **Minutes**

**Resolved** that the minutes of the meeting held on 8 February 2022 are approved as a correct record.

**16/22**

## **Additional Items of Business**

There were no additional items of business to consider.

**17/22**

## **Q3 Budget Monitoring 2021/22**

The Cabinet, at its meeting on 23 February 2022, considered the 2021/22 Budget Monitoring report for Quarter 3 and referred the report to the Budget and Corporate Scrutiny Management Board for consideration and comment.

The Board was informed of the financial monitoring position as on 31 December 2021 which confirmed an overspend of £5.233m against allocated budgets. However, there was an underspend of £7.822m when the budgets were adjusted against the Council's reserves including the use of wider corporate resources and Covid-19 grant funding.

It was noted that the Cabinet had approved the budget virements of £7.366m in relation to Adult Social Care, Regeneration and Growth, Borough Economy and Housing.

Each directorate variance and pressure points were outlined to the Board. There had continued to be a financial impact to the Council due to the Covid-19 pandemic as a result of suspended or reduced services. However, there was continued flexibility to manage pressures through the unused Covid-19 grant funding.

In relation to the Council's Capital Programme, it was confirmed that £400k would be transferred to the programme in relation to the West Bromwich Town Hall Quarter project. In addition, a virement of £68k was approved by Cabinet from the Blackheath Library Project to the West Bromwich Town Hall project.

Following comments and questions from members of the Board, the following responses were made and issues highlighted:-

- in response to the Blackheath Library project virement, it was confirmed that the project cost had been overestimated. Therefore, it was agreed that the unused funds should be allocated to the West Bromwich Town Hall Quarter project;
- clarification was sought on the Council's position on funding for non-statutory SEND Home to School Transport. In response, it was confirmed that a response would be provided to the Board in writing;
- there were concerns about the length of time the Community Infrastructure Levy (CIL) funds remained unspent. The Board were reassured that Elected Members were consulted and involved in the planned use of CIL funds;
- Adult Social Care overspends had been alleviated from additional funding in respect of the NHS discharge to assess funding for external placements and a one-off increase in the Better Care Fund contribution to the Joint Equipment Store.

The Chair, on behalf of the Board, thanked the Adults Business Partner for his attendance.

**Resolved** that the Quarter 3 Budget Monitoring report for 2021/22 be noted.

**18/22**

### **Corporate Plan Achievements 2021**

The Board considered a report on the Corporate Plan Achievements 2021, which was presented by the Director for Business Strategy and Change.

The Board were informed that the Council's Corporate Plan was adopted by Council on 12 October 2021. This refreshed plan was based on analysis of the impact of the Covid pandemic on the Borough and an acknowledgement of the Council's current priorities. The Council had recommitted to the Sandwell Plan and Vision 2030 as well as approving the 10 ambitions over the period 2021 to 2025.

Despite the challenges from the pandemic, the Council had made progress in the following priority areas:

- Best start in life for children and young people;
- People Live Well;
- Strong Resilient Communities;
- Quality homes in thriving neighbourhoods;

- A strong inclusive economy;
- A connected and accessible Sandwell;
- One Council, one team.

The plan outlined the delivery model on how each strategic priority would be achieved and summarised the necessary timescales.

Following comments and questions from members of the Board, the following responses were made and issues highlighted:-

- the Corporate Plan Refresh had not been directly impacted by the recent intervention by the Government and external auditors. However, it had allowed the Council's to focus on aspects of the improvement plan to factor in delivery timescales within the new Corporate Plan;
- there were proposals for a performance and management strategy across the Council to ensure all directorates had the required support to improve performance and standards;
- the Council recognised the actions as set out in the improvement plan and was working to achieve each objective. However, it was noted that a critical part of the improvement plan was about building confidence across the workforce to deliver change;
- the Board would continue to have oversight of the Corporate Plan and monitor the process of each directorate action.

The Chair, on behalf of the Board, thanked the Director for Business Change and Strategy and the Senior Lead Officer for their attendance.

**Resolved** that the Corporate Plan Achievements 2021 be noted.

**19/22**

### **Cabinet Forward Plan**

The Board noted the Cabinet Forward Plan as at the time of the meeting.

**Resolved** that the Cabinet Forward Plan be noted.

**20/22**

## **Budget and Corporate Scrutiny Management Board Work Programme 2021-22**

The Scrutiny Management Board noted its work programme for the remainder of the 2021-22 municipal year.

**Resolved** that the Budget and Corporate Scrutiny Management Board Work Programme for 2021-22 be noted.

**21/22**

## **Exclusion of the Public and Press.**

**Resolved** that the public and press be excluded from the rest of the meeting to avoid the possible disclosure of exempt information under paragraph 3 of Schedule 12A to the Local Government Act, 1972, as amended, by the Local Government (Access to Information) (Variation) Order 2006, relating to the financial and business affairs of any person, including the authority holding that information.

**22/22**

## **Sandwell Aquatics Centre Budget Update.**

The Board considered an update report on the Sandwell Aquatics Centre budget.

The Project Director gave an overview of the phase 4 project plan which included the following updates:-

- drone footage outlined the capital build works with before and after footage of development;
- budget breakdown costs for the capital works which included reference to partner funding, contract technicalities and project governance and assurance;
- preparation and implementation of the Phase 4 – Legacy Construction;
- risks and management of the project including mitigation;
- impact of the project from COVID-19.

The Project Director confirmed that whilst progress on the construction and build of the project had been challenging, the Aquatics Centre was on target to be delivered on time and on budget for the Birmingham 2022 Commonwealth Games.

Following comments and questions from members of the Board, the following responses were made and issues highlighted:-

- in response to the Council funding for the project, it was confirmed that funding could only be used in respect of the Commonwealth Games and could not be allocated to any other projects or services;
- several partners organisations had committed to contribute funding to aspects of the Aquatics Centre. It was expected that all partners deliver on their committed funding for the project;
- the Council had ensured that the Aquatics Centre would maintain strong ties with Wolverhampton University, which would enable Sandwell be home to leading sports development programmes;
- the Aquatics Centre had been designed to prioritise the legacy of the centre. This involved balancing a premium leisure offer to maximise income generation to allow the facility to be maintained at minimal cost to the Council;
- members requested a site visit to the Aquatics Centre.

The Chair, on behalf of the Board, thanked the Project Director for his attendance.

Meeting ended at 7.13pm.

Contact: [democratic\\_services@sandwell.gov.uk](mailto:democratic_services@sandwell.gov.uk)



## Minutes of General Purposes and Arbitration Committee

**Thursday 31<sup>st</sup> March 2022 at 4.00pm**

**Present:** Councillor Dhallu (Chair)  
Councillors Allen, Allcock and Owen.

**Also present:** Elaine Newsome – Service Manager – Democracy  
Matt Powis – Senior Democratic Services Officer and  
Connor Robinson – Democratic Services Officer.

24/21      **Apologies for absence**

Apologies for absence were received from Councillors Gavan, Kalari and Kaur.

25/21      **Declarations of Interest**

There were no declarations of interest.

26/21      **Minutes**

The minutes of the meeting held on 16 December 2021 were agreed as a correct record.

27/21

### **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 Senior Democratic Services Officer informed the Committee that one nomination had been received for the office of Mayor of Sandwell for 2022/23.

In accordance with the Council's agreed process, the Committee considered the sole nomination for the office of Mayor for the 2022/23 in respect of Councillor Richard Jones.

Nominations for Deputy Mayor would be considered at the Full Council meeting.

#### **Resolved:**

- (1) That Council be recommended to elect Councillor Richard Jones to the office of the Mayor of the Borough of Sandwell/Chair of Council for the 2022/2023 Municipal Year.
- (2) That nominations for Deputy Mayor would be submitted for consideration directly to Council on 12<sup>th</sup> April 2022

28/21

### **Nominations for Honorary Alderman/Alderwomen**

The Local Government Act 1972 gave authority to the Council to confer the honour of Honorary Aldermen/Alderwomen of the Borough on Elected Members who had given eminent service to the Borough. This honour was in accordance with the Council's honorary scheme.

A nomination for the conferment of the title of Honorary Alderwomen had been received from Councillor Dhallu in respect of former councillor Mrs Linda Horton.

Mrs Horton had represented the Borough of Sandwell for 27 years. In addition, she had been a Cabinet Member for Leisure Services and had served as Mayor of Sandwell for the Municipal Year 2013 – 2014.

The Committee considered her additional contributions to the Borough of Sandwell through her various charitable, community and voluntary activities and concluded that her many contributions fulfilled the eminent service criteria associated with the honour.

Mrs Horton had confirmed that, if the Council was so minded, she would accept the nomination for the honour.

**Resolved:**

- (1) That Council be recommended to confer the title of Honorary Alderwomen to Mrs Linda Horton in recognition of her eminent service to the Borough of Sandwell.

Meeting ended at 4:10pm

Contact: [democratic\\_services@sandwell.gov.uk](mailto:democratic_services@sandwell.gov.uk)

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# Minutes of Ethical Standards and Member Development Committee

**Tuesday 22 February 2022 at 2.30pm  
in the Council Chamber, Sandwell Council House, Oldbury**

**Present:** Councillor Allcock (Chair)  
Councillors Dhallu, Z Hussain and C S Padda.

**Observer:** Mr John Tew (Independent Person).

**Also present:** Surjit Tour (Director of Law and Governance – Monitoring Officer), Elaine Newsome (Service Manager - Democracy), Phil Challoner (Civic and Member Services Manager), Andrew Langford (Senior Lead Officer Digital Transformation), Trisha Newton (Senior Democratic Services Officer) and Connor Robinson (Democratic Services Officer).

## 1/22 **Apologies for Absence**

Apologies for absence were received from Councillors Akhter, Kausar and Mr Richard Phillips (Independent Person).

## 2/22 **Declarations of Interest**

No declarations of interest were made.

## 3/22 **Minutes**

The minutes of the meeting held on 9 November 2021 were agreed as a correct record and signed by the Chair.



## 4/22 **Additional Item of Business**

There were no additional items of business to consider.

## 5/22 **My Councillor Portal Update**

The Committee received an update on the My Councillor Portal.

Member usage of the portal had continued to increase in line with the roll-out. The member enquiry mechanism continued to prove popular, between 65 councillors a total of 5,850 enquiries have been routed through the portal's Raise a new Case (4,446 enquiries) and Report it (1,404 enquiries) functions. On average around 50 councillors per month were using the portal.

The portal would undergo continuous improvement and updates would be submitted to the Committee.

Following comments and questions from members of the Committee it was confirmed:-

- there were a host of reports available that would allow the system to monitor and identify performance rates. Service areas could be looked into and the quality of responses could be monitored;
- the speed and quality of responses to enquires made through the Portal had been raised with directors and senior managers.

The Committee also noted that Sandwell had entered the Municipal Journal awards for the design, implementation and performance of the portal in the category of Digital Transformation.

## 6/22 **DBS Checks for Elected Members**

The Committee considered DBS checks for elected members in certain roles.



The Council was under a statutory duty to promote and maintain high standards of conduct, as set out in the Localism Act 2011.

The introduction of DBS checks for members had been raised as part of the consideration of this duty at the Member Engagement sessions held in December 2020. One of the recommendations was that further consideration be given to the benefits of DBS checks and whether they should be introduced at this Council. There were three levels of checks, a basic DBS check, a Standard DBS Check (for certain defined roles) and an enhanced DBS Check.

Prior to 2012, Local Authorities routinely carried out Criminal Record Bureau (CRB) checks on elected members. However, the Protection of Freedoms Act 2012 created the Disclosure and Barring Service and a new system of checks. This included a more restrictive set of criteria to determine when checks could be carried out and on whom. Since 2012, the issue of DBS checking for Councillors has become a policy matter for individual Councils.

The matter was reported to the Ethical Standards Working Group at its meeting on 5 October 2021, with a full report due to be submitted to the Committee. In the meantime, there had been a motion submitted to Full Council at its meeting on 7 December 2021 proposing that all elected members should be vetted. There was considerable debate in the Chamber and the approved motion welcomed the decision of the Council's standards committee to include the consideration of enhanced DBS checks for elected members in their work programme.

Standard and Enhanced DBS checks could only be undertaken if the specific role, or the specific activities carried out within the role, were included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975 (access to standard DBS certificates), and were also covered by the Police Act 1997 or Police Act 1997 (Criminal Records) regulations (access to enhanced DBS certificates). These laws only provided eligibility for DBS checks, they did not make them a requirement.

Decisions on when and whether to undertake a DBS check were for the relevant employer or regulator to make. If the Council were considering asking a person to apply for either a standard or



enhanced DBS check, as the employer, the Council was legally responsible for making sure the job role was eligible. The job roles of Councillors did not meet the requirements for a standards DBS check.

There was currently no legal basis on which the Council could require or seek Enhanced DBS Checks for all Elected Members.

In response to questions, it was confirmed:-

- the Council could not be involved in any DBS checks prior to Election, this was a Group matter;
- basic DBS checks contained limited information, however, enhanced checks would include all offences. Enhanced checks could not be undertaken as a matter of routine, only for specific roles;
- there was no legal requirement for elected members to undertake a DBS check.

The Committee approved the introduction of DBS Checks for specific member roles, which would be subject to Council approval. Prior to submission to Full Council for consideration, a DBS Protocol would be prepared (in consultation with the Ethical Standards Working Group) and a further report would be submitted to the next meeting of the Committee.

**Resolved:-**

- (1) that the DBS policy and procedure for elected members and co-opted members be considered by the Ethical Standards Working Group and a further report be submitted to the next meeting of Committee in order to make recommendations to Full Council for the following members being asked to consent to Enhanced DBS Checks:-

- 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, and
- Any other Member who may regularly come into contact with children or vulnerable adults as part of their Council role.

7/22

## **Review of Members' Code of Conduct and Arrangements for Dealing with Complaints under the Code**

The Committee considered the review of Members' Code of Conduct and Arrangements for Dealing with Complaints under the Code.

Last year 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. There were no amendments required to the Arrangements.

### **Recommended to Council:-**

- (1) that the revisions to the Members' Code of Conduct be approved;
- (2) that, subject to (1) above, the Director of Law and Governance be authorised to make the necessary changes to the Council's Constitution.



8/22

## **Annual Review - Register of Members' Interests**

The Committee considered the annual review of the Register of Members' Interests.

The Director of Law and Governance confirmed that the Council's present arrangements complied with statutory provisions.

As part of the rollout of the Council's committee management system, Mod.gov, it was proposed that a self-serve option would be available for members to update their own registers of interest.

9/22

## **Gifts and Hospitality Register**

The Committee considered the Gifts and Hospitality Register and declaration of interests made by Members.

Following the Best Practice recommendations made by the Committee on Standards in Public Life, the Gifts and Hospitality Register was a standing agenda item for meetings of the Committee.

No new entry to the Gifts and Hospitality Register had been made since the last meeting of the Committee.

10/22

## **National Cases**

The Committee received and discussed details of national cases, as part of its learning and development.

11/22

## **Complaints Update**

The Committee received details of complaints received in relation to member conduct and the progress on the complaints.



12/22

## Work Programme

The Committee noted the Ethical Standards and Member Development Work Programme for the remaining 2021/22 municipal year.

Meeting ended at 3.26pm

Contact: [democratic\\_services@sandwell.gov.uk](mailto:democratic_services@sandwell.gov.uk)



# **Sandwell Metropolitan Borough Council**

## **Members' Code of Conduct**

# **Member's Code of Conduct**

## **Introduction**

All councils are required to have a local Councillor Code of Conduct.

The Local Government Association (LGA) has developed a Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of Local government to continue to aspire to high standards of leadership and performance.

During the 2020/21 municipal year the Council's Member Development and Ethical Standards Committee undertook a comprehensive review of the Council's ethical framework and following consultation with elected members recommended this code to full council.

## **Definitions**

For the purposes of this Code of Conduct, a "councillor" means a member or co-opted member of a local authority or a directly elected mayor. A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint subcommittee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

For the purposes of this Code of Conduct, "local authority" includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

For the purpose of registration of your interest (Part C of the Registration of Interest Form), "potential conflicts of interests" includes relationships of the member, the member's spouse or the member's civil partner or any person with whom you are living as husband and wife or as if you were civil partners: a son/daughter (including a biological son/daughter, stepson/daughter, adopted son/daughter or male/female child for which the person has custodial responsibilities), mother, father, brother or sister, a niece, nephew, aunt, uncle, grandchild, grandparent, or a person with whom you have a close association (meaning someone that you are in either regular contact with over a period of time or a significant contact who is more than an acquaintance or can be considered to be a friend, a colleague, a business associate or someone whom you know through general social contacts) in relation to a council decision or contract.

## **Purpose of the Code of Conduct**

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out

the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

### **General principles of councillor conduct**

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

### **Application of the Code of Conduct**

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

### **Standards of councillor conduct**

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

### **General Conduct**

#### **1. Respect**

##### **As a councillor:**

##### **1.1 I treat other councillors and members of the public with respect.**

##### **1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then

be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor/officer protocol.

## **2. Bullying, harassment and discrimination**

**As a councillor:**

**2.1 I do not bully any person.**

**2.2 I do not harass any person.**

**2.3 I promote equalities and do not discriminate unlawfully against any person.**

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

## **3. Impartiality of officers of the council**

**As a councillor:**

**3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.**

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.



#### **4. Confidentiality and access to information**

**As a councillor:**

- 4.1 I do not disclose information:**
- a. given to me in confidence by anyone**
  - b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
    - i. I have received the consent of a person authorised to give it;**
    - ii. I am required by law to do so;**
    - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
    - iv. the disclosure is:**
      - 1. reasonable and in the public interest; and**
      - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
      - 3. I have consulted the Monitoring Officer prior to its release.**
- 4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.**
- 4.3 I do not prevent anyone from getting information that they are entitled to by law.**

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

#### **5. Disrepute**

**As a councillor:**

- 5.1 I do not bring my role or local authority into disrepute.**

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your

local authority's ability to discharge your/it's functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

## **6. Use of position**

### **As a councillor:**

#### **6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

## **7. Use of local authority resources and facilities**

### **As a councillor:**

#### **7.1 I do not misuse council resources.**

#### **7.2 I will, when using the resources of the local authority or authorising their use by others:**

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

## **8. Complying with the Code of Conduct**

**As a Councillor:**

- 8.1 I undertake Code of Conduct training provided by my local authority.**
- 8.2 I cooperate with any Code of Conduct investigation and/or determination.**
- 8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**
- 8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

### **Protecting your reputation and the reputation of the local authority**

## **9. Interests**

**As a councillor:**

- 9.1 I register and disclose my interests.**

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority .

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

**Appendix B sets** out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

## **10. Gifts and hospitality**

**As a councillor:**

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
  
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
  
- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

## Appendix A – The Seven Principles of Public Life

The principles are:

### **Selflessness**

Holders of public office should act solely in terms of the public interest.

### **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

### **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

### **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

### **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

### **Honesty**

Holders of public office should be truthful.

### **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## Appendix B - Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

“**Disclosable Pecuniary Interest**” means an interest of yourself, or of your partner if you are aware of your partner’s interest, within the descriptions set out in Table 1 below.

**"Partner"** means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

### **Non participation in case of disclosable pecuniary interest**

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

### **Disclosure of Other Registerable Interests**

6. Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

## Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
- your own financial interest or well-being;
  - a financial interest or well-being of a relative, close associate; or
  - a body included in those you need to disclose under Other Registrable Interests as set out in Table 2

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter **affects** your financial interest or well-being:
- to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
  - a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest


You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

**Table 1: Disclosable Pecuniary Interests**

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.] 
<b>Sponsorship</b>	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
<b>Contracts</b>	councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
<b>Land and Property</b>	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.




<b>Licenses</b>	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
<b>Corporate tenancies</b>	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
<b>Securities</b>	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) ) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

\* 'director' includes a member of the committee of management of an industrial and provident society.

\* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

**Table 2: Other Registrable Interests**

You have a personal interest in any business of your authority where it relates to or is likely to affect: 

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority
- b) any body
  - (i) exercising functions of a public nature
  - (ii) any body directed to charitable purposes or
  - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

You have a personal interest if your family member or close associate(s) either works for the Council or has a contractual relationship with the Council. Named individuals will need to provide written approval for their personal data to be used or the member will need to sign a statement that they have obtained permission. Any such names will be redacted from the public register.

## Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

**Best practice 1:** Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

**Best practice 2:** Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

**Best practice 3:** Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

**Best practice 4:** An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

**Best practice 5:** Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

**Best practice 6:** Councils should publish a clear and straightforward public interest test against which allegations are filtered.

**Best practice 7:** Local authorities should have access to at least two Independent Persons.

**Best practice 8:** An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment

on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

**Best practice 9:** Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

**Best practice 10:** A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

**Best practice 11:** Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

**Best practice 12:** Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

**Best practice 13:** A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

**Best practice 14:** Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

**Best practice 15:** Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

***The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.***

# Minutes of Ethical Standards and Member Development Committee

**Tuesday 22 March at 2.30pm  
in Committee Room 1, Sandwell Council House, Oldbury**

**Present:** Councillor Allcock (Chair)  
Councillor W Gill, Z Hussain, O Jones and C S Padda.

**Officers:** Surjit Tour (Director of Law and Governance – Monitoring Officer), Elaine Newsome (Service Manager - Democracy), Maria Price (Service Manager-Legal Services), Vanessa Mahersmith (Governance and Business Support Principal Lead & Solicitor), Trisha Newton (Senior Democratic Services Officer) and Connor Robinson (Democratic Services Officer).

## 13/22 **Apologies for Absence**

Apologies for absence were received from Mr John Tew and Mr Richard Phillips (Independent Persons)

## 14/22 **Declarations of Interest**

No declarations of interest were made.

## 15/22 **Minutes**

The minutes of the meeting held on 22 February 2022 were agreed as a correct record and signed by the Chair.



16/22 **Additional Items of Business**

There were no additional items of business to consider.

17/22 **Revision to Appointments to Ethical Standards Sub-Committees**

Further to Minute No. 25/21 (9 November 2021), at its meeting held on 1 March 2022, the Council approved changes to the membership of the Committee. It was therefore necessary for the Committee to revise the appointments to the Ethical Standards Sub-Committees for the remainder of the municipal year.

**Resolved** that the appointments to the two Ethical Standards Sub-Committees for the remainder of 2021/22 municipal year, with flexibility between membership to cater for availability and workload, with delegated powers to carry out the functions set out in the following terms of reference, be revised with the membership set out below:-

**Terms of reference of the Ethical Standards Sub Committee**

- To consider investigation reports referred to it by the Monitoring Officer.
- To conduct hearings (including the imposition of sanctions).

Membership

SUB-COMMITTEE 1		SUB-COMMITTEE 2	
Member	Substitute	Member	Substitute
Allcock	Substitute members taken from remainder of committee	Allcock	Substitute members taken from remainder of committee
Dhallu		Kausar	
Akhter		O Jones	
Z Hussain		C S Padda	
W Gill		W Gill	
+ Independent Person		+ Independent Person	



## DBS Checks for Elected Members

Further to Minute No. 6/22 (22 February 2022), where approval was given to recommend to Full Council that members in specific roles be subject to an annual DBS Check, the Committee considered the draft DBS Protocol.

In response to questions, it was confirmed:-

- regular contact with vulnerable adults and children was defined as individuals over a period of 4 day over a 30-day period and a definition would be included in the Protocol to provide clarity.
- a template would be created to provide clarity around offences.

**Resolved** to recommend to Council that the DBS Protocol, as set out in Appendix A, and proposal to undertake annual Enhanced DBS checks for the following member roles and positions be approved:-

- 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.

## Review of Protocol for Independent Persons Appointed under the Localisms Act 2011

In line with the review of the complete suite of documents relating to member code of conduct and arrangements for dealing with standards complaints, the Protocol for Independent Persons appointed under the Localism Act 2011 had been reviewed.



The protocol was intended to be used by Independent Persons who have been appointed under section 28 (7) of the Localism Act 2011, when undertaking their duties and made clear the role of the independent persons and their relationship with the authority and others.

**Resolved** that the revised Protocol for Independent Persons appointed under the Localism Act 2011, as set out in Appendix B, be approved.

20/22

### **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.

No changes were required, other than minor amendments/ typographical errors.

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 Council be recommended to approve the revised Social Media Policy for Elected Members, as set out in Appendix C.

21/22

### **Review of the Committee on Standards in Public Life Best Practice Recommendations**

The Committee considered the review of the Council's current position and progress made in relation to the Committee on Standards in Public Life Best Practice Recommendations.





Following the Council's response to the recommendations and the review of the Member Code of Conduct and Arrangements last year, a further review of the Best Practice Recommendations had been undertaken to highlight the Council position and progress made.

22/22 **Annual Report - Ethical Standards and Member Development Committee 2021/2022**

The Committee was required to produce an annual report detailing the activities undertaken throughout the municipal year. The annual report would be referred to Full Council for consideration at its next meeting on 12 April 2022.

**Resolved** that the Annual Report of the Ethical Standards and Member Development Committee 2021/22 be submitted to the next meeting of Full Council.

23/22 **Gifts and Hospitality Register**

The Committee considered the Gifts and Hospitality Register and declaration of interests made by Members.

Following the Best Practice recommendations made by the Committee on Standards in Public Life, the Gifts and Hospitality Register was a standing agenda item for meetings of the Committee.

No new entries to the Gifts and Hospitality Register had been made since the last meeting of the Committee.

24/22 **National Cases**

The Committee received and discussed details of national cases, as part of its learning and development.



25/22 **Complaints Update**

The Committee received details of complaints received in relation to member conduct and the progress on the complaints.

26/22 **Work Programme**

The Committee noted the Ethical Standards and Member Development Work Programme for the remaining 2021/22 municipal year.

Meeting ended at 3.15pm

Contact: [democratic\\_services@sandwell.gov.uk](mailto:democratic_services@sandwell.gov.uk)



# **DBS Checks**

# **Protocol for**

# **Councillors**

April 2022

## Introduction

Section 27 of the Localism Act 2011 requires local authorities to promote and maintain high standards of conduct by members and co-opted members of the authority. As part of complying with this duty, the Council, is asking Members to consent to checks using the Disclosure and Barring Service (known as DBS checks). This consent includes consenting to the procedures that will be adopted if the check reveals a conviction. There is no statutory requirement for councillors to undergo basic DBS checks and there is no eligibility criteria, however, members can agree to the checks being carried out. With regard to enhanced checks, again, there is no statutory requirement, but there are eligibility criteria and the Council would need to ensure that the members concerned met the criteria. The criteria largely relates to 'regulated activity' with vulnerable adults or children.

The eligibility criteria for an enhanced check is defined separately for contact with adults and Children. For children 3 criteria must be met, 1. the Establishment your in should be a specialist environments that involves working alongside children (e.g. schools, academies, colleges, residential children's care homes etc), 2. The activity should be a regulated one i.e working with children and 3. The activity is either 4 or more times within a 30-day period, or once or more times a week. Examples of regulated activities for Adults are provided in the table below:

<b>Regulated Activity</b>	<b>Definition</b>
<b>Healthcare</b>	Provided by any healthcare professional or under the direction or supervision of one
<b>Personal care</b>	Washing, dressing, eating, drinking and toileting
<b>Social work</b>	In relation to adults, who are clients or potential clients, includes assessing or reviewing the need for health or social care services and providing ongoing support to clients
<b>Assistance with household affairs</b>	Anyone who provides day to day assistance to an adult because of their age, illness or disability, where it includes managing the person's money, paying the person's bills, or shopping on their behalf
<b>Assistance with the conduct of affairs</b>	Power of attorney/deputies appointed under the Mental Capacity Act
<b>Conveying an Adult</b>	For health, personal or social care requirements due to age, illness or disability. This includes hospital porters, patient transport services, driver's assistants, Ambulance Technicians and Emergency Care Assistants. Please note transporting/conveying is not necessarily in a vehicle and could be in a wheelchair/stretchers

The Council would at all times work within the Government's DBS Eligibility Guidance, which can be found via the following link:

<https://www.gov.uk/government/collections/dbs-eligibility-guidance>

### **Basic DBS Checks**

Give the limited information provided in a basic check it is not proposed for all elected members to be asked to consent to a basic check.

### **Enhanced DBS Checks**

The following members will be asked to consent to Enhanced DBS checks, subject to meeting the DBS criteria:

- 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, and
- Any other Member who may regularly come into contact with children or vulnerable adults as part of their Council role.

### **Costs**

Enhanced DBS checks currently cost £40 each.

### **What Happens if a Check Reveals an Offence?**

In the case of the Enhanced check revealing an offence, then this will in the first instance be referred to the Monitoring Officer. The Monitoring Officer will in consultation with the Chair of the Ethical Standards and Member Development Committee consider such things as the severity of the offence and the amount of time that has elapsed since the conviction took place. He/she will then decide whether it should be referred to the Ethical Standards and Member Development Committee for consideration.

### **Other actions- assurance from Political Parties**

It is recognised that a DBS check is only valid on the day that it is provided and circumstance may change at any time. The Council will work with the Political parties and ask political parties to remind their members that they have an obligation to declare any criminal offences/convictions (other than minor offences such as traffic offences) to the Monitoring Officer. Such declaration would then be considered as outlined above.

# Protocol for Independent Persons Appointed under the Localism Act 2011

## 1. Context

This protocol is intended to be used by Independent Persons who have been appointed under section 28 (7) of the Localism Act 2011, when undertaking their duties.

It will make clear the role of the independent persons and their relationship with the authority and others.

This protocol should be read in conjunction with the Council's "Arrangements" for dealing with standards allegations under the Localism Act 2011.

## 2. Role of the Independent Persons

Independent Persons are trusted, experienced and objective consultants who must remain (as the name suggests) independent at all times.

Independent Persons views are to be sought, and taken into account, by the authority before it makes its decision on an allegation against a member or co-opted member, that it has decided to investigate.

The views of the Independent Persons can be sought by the authority and by a member, or co-opted member, of the authority **if that person's behaviour is the subject of an allegation.** An Independent Person's role is not to act as an 'advisor' to the subject member.

When a Member is seeking the views of the Independent Person the Independent Person can provide guidance in relation to the code of conduct and the arrangement they can not advice the Member what the Member should say or how to respond nor can they accompany the Member to meetings. In practice, it will be the Monitoring Officer or Deputy Monitoring Officer from the authority who will contact the Independent Persons for their views which will then be incorporated into any relevant decision notices.

The views of the Independent Persons may also be taken into account by the Monitoring Officer at various stages during the informal process.

Independent Persons will consider all the information relating to a complaint, the views of the parties involved in the complaint, the Code of Conduct and the law as it affects standards matters, before offering their view.

### **3. Methods of Consultation**

The Monitoring Officer may contact the Independent Person by telephone, email, in writing or arrange a meeting. Any communication should be formally recorded.

The Independent Person will be provided with sufficient information in order to provide their view and be given sufficient time to consider that information before providing their view. This will change on a case by case basis.

The Independent Person should provide their views in written form, even if the views have already been given verbally.

When providing their view to the Subject Member, the same principles apply.

The Monitoring Officer will advise the Subject Member of their right to contact the Independent Persons and will provide contact details. It should be made clear to the Subject Member by the Independent Person that any communication between them is potentially disclosable to the authority. Communications between the authority and the Independent Persons may also be disclosable to the subject member.

Where a matter is referred to the Standards Committee or its Sub-Committee for determination, the Committee will seek the views of the Independent Persons before reaching its conclusions. Those views will be recorded in any decision notice.

#### **4. Relationship with the Standards Committee**

Independent Members will be invited to attend meetings of the Standards Committee, with agreement of the Chair, and will be provided with agendas and minutes of such meetings.

#### **5. Distinct Roles**

The Local Authority does not want to fetter the independence of the Independent Person; therefore, we will not allocate specific roles (e.g. one to advise the Council and one to advise the Subject Member). If an Independent Person is consulted by the Subject Member, this would not preclude the Complainant consulting the same Independent Person in the same matter or advising the Standards Sub-Committee or Committee.

#### **6. Other Considerations**

Where the Independent Person feels that they cannot provide their views due to a conflict of interest, they should advise the Monitoring Officer of this without delay. The Monitoring Officer will then inform the parties and an alternative Independent Person will be utilised.

The Independent Person may at any time raise any concerns about standards or the implementation of the process with the authority's Chief Executive, the Monitoring Officer and/or the Chair of the Standards Committee.

The Independent Persons may be consulted on any proposed changes to the 'arrangements', the Code of Conduct and any other procedures or policies involving the handling of allegations.



The Independent Persons will agree to sign a Code of Conduct, including a register of interests to be held by the Monitoring Officer and will declare any relevant interests in relation to cases to the Monitoring Officer.

The Independent Persons shall not make any comments to the media on any matter without prior the agreement of the Monitoring Officer.

The Independent Persons may be requested by the Monitoring Officer or Standards Committee to assist in any training on conduct issues as appropriate.

# **SOCIAL MEDIA AND ELECTRONIC COMMUNICATIONS POLICY FOR ELECTED MEMBERS**

## **1. Introduction**

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Social media and other electronic communications such as e-mail, WhatsApp, Facebook, Twitter, LinkedIn, YouTube, blogs, enable members to readily engage with citizens, partners and stakeholders. It enables people to get involved in local decision making, encourages better engagement and feedback, and helps the authority to improve the services it provides.

For the purposes of this policy, the term 'social media' covers sites and applications including but not restricted to Facebook, Twitter, LinkedIn, Flickr, YouTube, Zoom, WhatsApp, tiktok, blogs, discussion forums, wikis and any similar sites which may emerge after the creation of this policy.

Electronic communications includes the use of e-mail, private messaging on sites (in a councillor capacity) and forums such as WhatsApp.

This policy should be read in conjunction with the social media guidance for elected members, which is attached at appendix 1.

## **2. Aims of this policy**

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The Council acknowledges social media as a useful tool and supports members in the use of social media channels to communicate with the public, partners and stakeholders.

This policy is aimed at ensuring social media is used effectively and to ensure its use does not expose elected members or the Council to security risks, legal or reputational damage or breach of the GDPR (data protection Act 2018).

There are often risks associated with the use of social media, some have been identified below:

- Disclosure of confidential information
- Damage to the reputation of the Council
- Social engineering attacks (often conducted by individuals fraudulently claiming to be a business or client)
- Disclosing commercially sensitive information
- Civil or Criminal action relating to breaches of legislation
- Breach of safeguarding for vulnerable adults or children)
- Unwanted conduct from individuals misusing social media (often referred to as trolls)
- Virus or other malware (malicious software) infection from infected sites

In light of the risks, this policy aims to regulate the use of social media and provide guidance to members on how to successfully engage with social media.

### **3. Members' responsibilities**

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In their use of social media, members should ensure:

- They do not breach the Code of Conduct for Members.
- Council information remains secure and is not compromised through the use of social media.
- The Council's reputation is not damaged or adversely affected or left open to action under criminal (for example, harassment) or civil law (for example, libel).
- That they are aware of safeguarding issues and report any concerns immediately.
- That members fully understand the risk associated with using social media
- That social media is used in line with this policy

When using social media members should note that in the event of a complaint, the first consideration will be whether the member has been acting in his or her official capacity. Social media should not contain content that holds the member out to be acting in his/her official capacity or give that impression unless this is intended, or the site is specifically meant to be used in an official capacity. Depending on the circumstances such communication might be regarded as conducting the business of the office of a member. Examples may include:

- Communication with individual constituents regarding council matters
- Communications with constituents at large about local issues in your ward or matters of local political interest.
- Making reference to the Council in tweets, blogs, Facebook etc with your council accounts or private accounts where the audience believe you are doing so as a councillor identifying issues discussed by the Council or matters which are within your knowledge due to your position as a councillor.
- Referring to identifiable persons in the Council.
- The link between the Councillor's office and the conduct should have a degree of formality

The above list is not exhaustive and care should be taken in this area.

#### **4. Advice for members using social media**

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Members should be aware that they are personally responsible for any content they publish on any form of social media.

The Council reserves the right to request the removal of any content that is deemed to be in breach of this policy.

Social media sites are in the public domain and comments/content remains available on the internet as a permanent record unless specifically removed. It is important to ensure that members are confident of the nature of the information they publish. Once published, content is almost impossible to control, it can be shared on other sites, and may be manipulated without their consent, used in different contexts, or further distributed.

## Members SHOULD:

- When sharing information with constituents such as through a local Facebook or WhatsApp group ensure that only factual information is shared on the group
- Set up admin rights on local groups and only allow the posting of comments once the admin have reviewed them to ensure that inappropriate/offensive or confidential information is not inadvertently shared on local groups which you manage.
- Make use of privacy settings for personal accounts - particularly if they do not want their social media to be accessed by the press or public. Read the terms of service of any social media site accessed and make sure they understand their confidentiality/privacy settings. Facebook, for example, has a Data Use Policy that includes privacy settings on how information is shared and used.
- State, if appropriate, that their views are their own personal views and may not represent the views of the Council.
- Keep safeguarding in mind. Social media sites are often misused by offenders. Safeguarding is everyone's business – if members have any concerns about other site users, members have a responsibility to report these immediately to the Monitoring Officer, the LADO and or the Police depending upon the circumstances of the matter.
- Observe copyright laws. Using images or text from a copyrighted source (e.g. extracts from publications or photos) without permission is likely to breach copyright. Avoid publishing anything members are unsure about or seek permission from the copyright holder in advance.
- If you load any images of yourself or council pictures on local sites agree these with the press office and have a rider on the **sire** which states "These images are owed by the council (**you as an individual**) and the council ("I") do not agree to the publication/ sharing/ retweeting of these images without **our** consent".

- Report any threats, abuse or harassment via their use of social media to their political group leader, the Monitoring Officer, Members' Services and/or the police. Any incidents should be recorded on an incident log sheet and if harassment is alleged they should be reported on the complaint form at appendix 2.
- If any information is shared with third parties that should not have been shared this may be considered as a data breach and should be reported to the Council's DPO.
- [https://intranet.sandwell.gov.uk/downloads/file/11680/data\\_breach\\_form](https://intranet.sandwell.gov.uk/downloads/file/11680/data_breach_form)

### **Members should NOT:**

- Disclose others' personal details such as home addresses and telephone numbers – even inadvertently. Members should ensure that they handle any personal or sensitive information in line with the Council's **Data Protection Policy**.
- Publish or report or share with third parties meetings or information which are private or internal council business (where no members of the public are present or where the information is of a confidential nature) or contain confidential information or matters which are exempt.
- Use the Council's logo on a personal social media account.
- Send or post inappropriate, abusive, bullying, racist or defamatory messages to members of the public, other councillors, any partnering organisations or officers either in or outside the work environment.

## 5. Principles when using social media

---

Members should follow the following five guiding principles for any social media activities:

- **Be respectful** – set the tone for online conversations by being polite, open and respectful. Use familiar language, be cordial, honest and professional at all times. Make sure that you respect people’s confidentiality – do not disclose non-public information or the personal information of others.
- **Be credible and consistent** – be accurate, fair, thorough and transparent. Encourage constructive criticism and deliberation. Make sure that what you say online is consistent with your other communications.
- **Be honest about who you are** – it is important that any accounts or profiles that you set up are clearly and easily identifiable. Be clear about your own personal role, in particular a clear distinction should be drawn between use of an account in your personal capacity and use in your capacity as a councillor. Note that merely stating you are acting in your private capacity may not be sufficient.
- **Be responsive** – make an effort to share what you know. Offer insights where appropriate and put people in touch with someone who can help if you cannot. Respond to questions and comments in a timely manner.
- **Think twice** – think carefully about all your social media posts. Once published it will be too late to change your mind. Following these rules and seek further guidance if you need it.

## **6. Further information**

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If members have any queries about this policy, please contact the Monitoring Officer or, in their absence, the Deputy Monitoring Officer. Incidents should be recorded on an incident log sheet and when formalising a complaint collated into the complaint form at Appendix 2. Upon receipt of a complaint the Monitoring Officer will consider the complaint, provide advice and guidance and update the Member of the potential options available including an investigation where appropriate.



## **Social Media and Electric Communications Guidance for Councillors**

### **1. Introduction**

- 1.1 The Council welcomes and wishes to encourage Councillors' use of new technology, including social media. It is not a requirement for Councillors to have a Facebook or Twitter account or use other forms of social media. If Councillors are already using or planning to use social media in connection with their work as a councillor, they should ensure that they are familiar with the guidance set out below and that their use of social media does not use Council resources for party political purposes or put the organisation's information and security systems at risk.
- 1.2 Most people are familiar with doing things online and residents will increasingly expect the Council to provide its services online, with the same level of interactivity that they find everywhere else. However, there are challenges that may discourage Councillors and the Council from using social media. For example, inappropriate use (which may occur inadvertently) can cause significant damage to a Councillor's (or the Council's) reputation and can lead to legal claims. In addition, technology is changing fast. This can mean that it is hard to keep up and maintain useful interaction with residents.
- 1.3 There are also some pitfalls to be aware of, and this Guidance is produced to help Councillors avoid these. This Guidance does not tell Councillors what social media is, or which blogs or networks might be used effectively. It assumes that Councillors are aware of those. It deals with the pitfalls that specifically apply to the role of local Councillors.

## **2. Legal Considerations**

- 2.1 Three of the important Nolan Principles applying to those in public life are “Openness”, “Accountability” and “Leadership”. That means Councillors should be as open as possible about the actions and decisions they take, submit to an appropriate level of public scrutiny, and lead by example. Social media can be a vital tool for public debate and its use by Councillors is encouraged.
- 2.2 In the same way as anyone else publishing material, Councillors will need to be aware of the laws that apply to published material. Some of the main ones are these:
- a. **Defamation:** if you publish an untrue statement about a person that is damaging to their reputation you may be liable to pay damages;
  - b. **Copyright:** publishing information that is not yours, without permission, may also result in an award of damages against you;
  - c. **Harassment:** it is an offence to repeatedly pursue a campaign against a person that is likely to cause alarm, harassment or distress;
  - d. **Data protection:** do not publish personal data of other people, including photographs, without their express permission to do so;
  - e. **Incitement:** it is an offence to incite any criminal act;
  - f. **Discrimination and ‘protected characteristics’:** it is an offence to discriminate against anyone based on protected characteristics (as defined in the Equality Act 2010);
  - g. **Malicious and obscene communications:** it is an offence to send malicious or obscene communications

- 2.3 Likewise, inappropriate and offensive material should not be published. This includes revealing confidential or commercially sensitive information belonging to the Council, personal or confidential information about an individual, publishing something that could reasonably be considered insulting or threatening and something that promotes illegal activity or is intended to deceive.
- 2.4 Additional considerations apply to Councillors.

#### Bias and pre-determination

- Members sitting on regulatory committees such as planning or licensing should be aware that they are allowed to have a view but must not have gone so far as to have predetermined their position on a matter. Any views aired on social media could be used as evidence of making a decision in advance of hearing all relevant information. The Council's decision is then open to challenge and could be invalidated, and the 'disrepute' provisions of the Code of Conduct for Members could be engaged.

#### Equality and discrimination

- The Council is a public authority required to comply with the Equalities Act 2010. As noted above it is an offence to discriminate against anyone based on their protected characteristics. The Council must also have 'due regard' to the Public Sector Equality Duty (which consists of eliminating unlawful discrimination, advancing equality of opportunity and fostering good relations) and that applies to Councillors when appearing to act in their official capacity.

#### Electioneering

- Council resources, including any the use of social media on Council mobile devices or IT equipment, should not be used for political/campaign purposes. Particular care should also be taken when using social media during the pre- election period. The Electoral Commission has further guidance including on the requirements to provide a return of expenditure on election advertising which includes web advertising.

## Human Rights

- Article 8 of the European Convention provides that public authorities should not interfere with the right of individuals to a private and family life without lawful authority to do so, and where it is necessary, proportionate, and in pursuit of one of the aims set out in Article 8(2). (These are national security, public safety, economic well-being, health or morals, prevention of crime or disorder, or protecting others' rights).

## Code of Conduct

- Councillors may use social media in both an official and personal capacity but they must be aware that the public may perceive them as acting in either capacity when that is not their intention. Any social media account which could be potentially linked to a councillor would need to meet the standards of the code of conduct.

### **3. Responsibilities of Councillors**

- 3.1 Councillors will need to monitor and, where appropriate, censor or remove the contributions made by others to their sites. Allowing defamatory or offensive statements to remain on a site can become the Councillor's own legal problem as the 'publisher' of the material and could also give rise to Code issues where allowing comments to remain could be seen as condoning or endorsing them.
- 3.2 Similarly, 'liking', 'sharing' or 're-tweeting' posts could be seen as an endorsement of them and legally this can be a separate instance of publication, by the Councillor, to which all the legal and Code considerations would apply.
- 3.3 Beyond that it is generally best to allow disagreement rather than to seek to censor it. However, there is no need to respond to everything and unhelpful online arguments should be avoided. Be professional, respectful and polite, even (or especially) when corresponding with those who do not return the courtesy.
- 3.4 Careful use of language is required. Sarcasm, irony and ambiguous comments should be avoided.

- 3.5 Promptly admit to mistakes.
- 3.6 Avoid using social media when you are tired, angry, upset or your judgment may be impaired as something permanently published can't be easily taken back
- 3.7 Think carefully about who to 'follow' or 'befriend' online. Online 'friendships' with council officers should be avoided as they may compromise the appearance of impartial advice. It is inadvisable to 'follow' anyone without a good reason – some constituents may find it uncomfortable (and see the Human Rights comments above). Many Councillors wait to be 'followed' before returning the compliment.
- 3.8 Always ensure the security of your devices to prevent unauthorised access by third parties who may make inappropriate use of the device.

#### 4. Principles for using Social Media

You should follow these five guiding principles for any social media activities:

- **Be respectful** – set the tone for online conversations by being polite, open and respectful. Use familiar language, be cordial, honest and professional at all times. Make sure that you respect people's confidentiality – do not disclose non-public information or the personal information of others.
- **Be credible and consistent** – be accurate, fair, thorough and transparent. Encourage constructive criticism and deliberation. Make sure that what you say online is consistent with your other communications.
- **Be honest about who you are** – it is important that any accounts or profiles that you set up are clearly and easily identifiable. Be clear about your own personal role, in particular a clear distinction should be drawn between use of an account in your personal capacity and use in your capacity as a councillor. Note that merely stating you are acting in your private capacity may not be sufficient.

- **Be responsive** – make an effort to share what you know. Offer insights where appropriate and put people in touch with someone who can help if you cannot. Respond to questions and comments in a timely manner.
- **Think twice** – think carefully about all your social media posts. Once published it will be too late to change your mind. Following these rules and seek further guidance if you need it.

## **5. Use of Social Media during Committee Meetings**

- 5.1 Use mobile devices sparingly, discreetly and with common sense at meetings, considering the impression they are giving to others. Councillors should be mindful that regulatory committees such as planning or licensing require the Councillor to alert officers to any lobbying material they have received. This would be difficult if it arrives on Twitter and is read by the Councillor during the course of a meeting.
- 5.2 Mobile devices enable councillors to manage their busy lives when time is at a premium. There may be occasions when texting or e-mailing between Councillors during meetings on matters relevant to the debate at hand may be valuable (on the same basis as circulating paper notes) However it is important for Councillors not to give the impression that insufficient attention is being given to the discussion at the meeting. That could lead to the relevant decision coming under challenge if Councillors are perceived to have made a decision without having properly listened to the debate. It could also result in Code complaints of a failure to treat others with respect or of bringing the Council into disrepute.

## **6. Inappropriate use of Social Media by Others**

- 6.1 Anyone receiving threats, abuse or harassment via their use of social media should report it to the police and the Monitoring Officer. Member are asked to complete an incident log sheet for each incident and then to collate all of these into the complaint form at appendix 2.

- 6.2 Other inappropriate content can be reported to the social media site directly to ask for it to be removed. You may wish to save a screenshot in the circumstances.

## **7. Further Reading Materials**

- 7.1 Connected Councillors – A guide to using social media to support local leadership. Local Government Association.  
[https://hedonblog.files.wordpress.com/2010/04/connected\\_councillors.pdf](https://hedonblog.files.wordpress.com/2010/04/connected_councillors.pdf)
- 7.2 The Local Government Association’s webpage on social media  
<https://www.local.gov.uk/our-support/guidance-and-resources/comms-hub-communications-support/digital-communications/social-1>

## **8. Complaints**

- 8.1 These guidelines do not form part of the Code of Conduct for Members but there may be instances where councillors’ use of social media amounts to a breach of the Member’s Code of Conduct and the Monitoring Officer may take these guidelines into account when considering whether such a breach has taken place.

## **9. Contact details**

For further information please contact:

Surjit Tour, Monitoring Officer on 0121 569 3172  
Email: [Surjit\\_Tour@Sandwell.gov.uk](mailto:Surjit_Tour@Sandwell.gov.uk)

Maria Price, Deputy Monitoring Officer and DPO on 0121 569 3175.  
Email: [Maria\\_Price@Sandwell.gov.uk](mailto:Maria_Price@Sandwell.gov.uk)

# Social Media Incident Report Form

**Reporting incidents of abusive/harassing behaviour**  
**You should report and incidents of harassing behaviour**  
**directly to the police.**

Unfortunately, there are rare circumstances where individuals abuse social media. We recognise that this can have an unpleasant and profound effect on you and your emotional wellbeing. The Council can support and assist you and in certain circumstances can take action on your behalf to manage such behaviours. In order to assist you we require you to provide some information.

Please refer to the Social media and policy guidance for members. This form should not be used to report incidents/allegations of breach of the social media policy by other elected members. In such circumstances the members code of conduct/arrangements should be referred to.

## Your details

1. Please provide us with your name and contact details.

<b>Title:</b>	
<b>First name:</b>	
<b>Last name:</b>	
<b>Address:</b>	
<b>Contact telephone:</b>	
<b>Email address:</b>	
<b>Signature:</b>	
<b>Date of complaint:</b>	

Your address and contact details will not usually be released unless necessary or to deal with your complaint.



The following people will see this Form:

- The Monitoring Officer of the authority and appropriate officers supporting the Monitoring Officer.

2. Please provide us with the name of the Individuals(s) you believe have harassed/abused you on social media:

Title	First name	Last name

3. Please explain in this section (or on separate sheets) exactly what has occurred, when it occurred, why you feel it is harassing and or abusive and what action you have taken to ask the individual(s) to stop the behaviour. In order to progress this matter you will need to provide screen shots of all of the messages/tweets/ re-tweets and or blogs. You should also supply dates, documentary evidence and details of any witnesses that you believe would substantiate the allegations.

Please include the following,

- If you asked for the conduct to stop and when
- Details of any reports you have made to the Police about this allegation and when
- All correspondence that you have had with this individual (s)
- Details of if you reported to the incident to a host site, when and what action was taken such as taking posts down.
- You should be specific, wherever possible, about exactly what you are alleging and what it was they said or did to insult you.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- Details of any incidents that have occurred of a harassing/abusive nature in addition to those on social media
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information or other relevant documentary evidence to support your allegation(s).

- If your allegation(s) relate to behaviour or conduct that occurred some time ago clearly explain why your complaint was not made earlier.

**Please provide us with the details of your complaint.**

Please provide the relevant screen captures at the back of this form

**Only complete this next section if you are requesting that your identity is kept confidential**

4. Please indicate the remedy or remedies you are looking for or hoping to achieve. i.e. taking offensive posts down, apology, other action

5. Please indicate whether you have raised your complaint directly with the individual(s) concerned and if so what response you received.

(Continue on separate sheet(s), as necessary)

### **Additional Information**

6. Your concerns need to be submitted in writing along with supporting evidence in order of the Monitoring Office to properly consider the options available to you and the council. Please use this Form to submit your complaint.
7. In line with the requirements of the Disability Discrimination Act 2000, we can make reasonable adjustments to assist you if you have a disability that prevents you raising your concerns. We can also help if English is not your first language.
8. If you need any support in completing this form, please contact the Monitoring Officer as soon as possible.

**PLEASE RETURN YOUR COMPLETED FORM TO:**

**Surjit Tour**

Director of Law and Governance  
& Monitoring Officer

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Law and Governance  
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