

Agenda

General Purposes and Arbitration Committee

Thursday, 9 June 2022 at 6.00 pm
In Committee Room 1 at Sandwell Council House, Oldbury

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

1 Apologies for Absence

2 Declarations of Interest

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

3 Minutes

7 - 10

To confirm the minutes of the meeting held on 31 March 2022 as a correct record.

4 Exclusion of the Press and Public

That the public and press be 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 information which is likely to reveal the identity of an individual.



5 **Procedure for Hearing** 11 - 16

6 **Appeal Against the Decision of the Adaptations Panel** 17 - 94

1

For the Committee to consider an appeal against the decision of the Adaptations Panel in respect of a Disabled Facilities Grant.

(By virtue of paragraph(s) 1 of Part 1 of Schedule 12A of the Local Government Act 1972)

Kim Bromley-Derry CBE DL
Managing Director Commissioner

Sandwell Council House

Freeth Street

Oldbury

West Midlands

Distribution

Councillor Dhallu (Chair)

Councillors E Costigan, Dhariwal, Jones, Millar, Simms and Trumpeter

Contact: democratic_services@sandwell.gov.uk

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Members who cannot attend the meeting should submit apologies by contacting Democratic Services (democratic_services@sandwell.gov.uk)



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Minutes of General Purposes and Arbitration Committee

Thursday 31 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 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

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General Purposes and Arbitration Committee

Procedure for Hearing Appeals

The General Purposes and Arbitration Committee shall hear appeals in accordance with the following procedure:-

1. (a) **The Council's representative states the case**
(and may call witnesses)

This is the Council's opportunity to state its case. You should allow the officer to present their case without interruption. You are advised that if you do interrupt the officer the Chair of the Committee will be asked to stop you and any comments you have made will be ruled inadmissible.

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- (b) **Appellant may ask questions**

*You may now **ask questions** of the council's representative on the details of the case they have presented. You may also may also ask questions on matters that may have been referred to in the earlier stages of the appeal process which have not been mentioned this time but which you feel are important to the case and to which the council's representative should be given the opportunity to respond.*

*At this point you should **only ask questions and not make statements or begin to present your case**. You will have an opportunity to state your case later. If you do begin to make comments the Chair will stop you and any inappropriate comments you have made will be ruled inadmissible.*

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- (c) **The Committee may ask questions**

The members of the Committee may wish to ask the council's representative(s) questions on the detail of the case they have just presented. This is to clarify information and to draw out information on points they may consider relevant to the case.

2. (a) **Appellant states their case**
(and may call witnesses)

This is your opportunity to state your case to the Committee. It is the only opportunity you will have to present your views so you should include everything you wish to cover.

You are advised that if you begin to make allegations or personal comments about the officers involved in the case the Chair of the Committee will be asked to stop you and the comments will be ruled inadmissible.

(b) **Council's representative may ask questions**

The Council's representative(s) present may ask you questions on the details of the case you have just presented. They may also ask questions on matters that may have been referred to in the earlier stages of the appeal process which have not been mentioned this time but which they feel are important to the case and to which you should be given the opportunity to respond.

*The Council's representative **should only ask questions** at this point. If they begin to make comments the Chair will remind them that they should only be asking questions and any inappropriate comments they have made will be ruled inadmissible.*

(c) **The Committee may ask questions**

The members of the Committee may ask you questions on the details of the case you have presented. This is to clarify information and to draw out information on points they may consider relevant to the case.

3. **General questions**

At this point, the Committee members may ask questions of both parties or the advisors to the Committee.

The advisors may also ask questions of either side in order to clarify points you or the Council's representative(s) have made.

The advisors may also ask questions in order to raise issues they feel members should be made aware of but which may not have been covered by either side. In this case, both sides will be given the opportunity to respond and the Chair will allow debate on that particular point until he feels satisfied that the particular issue has been dealt with sufficiently.

4. (a) **Appellant(s) may sum up their case**

*This is your opportunity to remind members of the Committee points you have raised. You **cannot** introduce new issues/evidence or make statements on matters which have not already been raised. This is because the Council's side do not have a further opportunity to respond or refute these statements. If you do attempt to introduce new issues/evidence, the Chair will stop you. Members will be advised that the comments are inadmissible.*

(b) **Council's representative may sum up their case**

This is the Council's opportunity to remind members of the Committee of the points they have made. The same restrictions apply to the Council's representative as they do to you.

5. Both sides withdraw

You, and the Council's representative(s) will be asked to leave the room whilst the Committee comes to a decision.

6. The Panel consider the case

The Panel will deliberate in private. The Advisors will remain to provide advice.

If members require further clarification on any issues, both parties will be asked return so they can hear what is said. The question will be put to the appropriate person and a factual answer given. The respondent should not express any opinion or raise any related issues. No debate will be allowed. Subsequent questions may however, be asked by the Committee.

Both parties will again be asked to withdraw.

7. Decision announced

When the Committee has reached a decision both parties will be asked to return. The Democratic Services Officer will announce the decision to both parties.

Either side may ask for clarification of any part of the decision. This will be given by the Chair or at their request, one of the Advisors.

No further debate will be entered into once the decision has been made

General Notes on the Conduct of Appeals

The Chair will be as lenient as possible in the application of the above procedure to allow as full a debate of the issues before the Committee as possible, however, this privilege should not be abused.

The Chair's ruling is final. All parties are obliged to adhere to the Chair's rulings throughout the course of the hearing.

The Chair will not tolerate unacceptable behaviour by any party and may stop the proceedings at any time if they feel this is necessary.

If you do not wish to answer a question put to you then you are not legally obliged to. However, you should consider carefully how this will appear to the Committee or what the consequences of this course of action may be for your case.

NB Reference to 'appellant(s)' includes the appellant's representative where one has been appointed.

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