

Minutes of Council

**Tuesday, 28 March 2023 at 6.10 pm
at Council Chamber - Sandwell Council House, Oldbury**

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

Councillors Abrahams, Akpoteni, Allcock, Allen, Anandou, Bhullar, Bostan, Carmichael, Chambers, Chapman, Chidley, Choudhry, Costigan, Crompton, Dunn, Fenton, Fisher, Gavan, E A Giles, E M Giles, J Giles, L Giles, M Gill, W Gill, Hackett, Hartwell, Hinchliff, Hughes, A Hussain, Jalil, O Jones, Kalari, Kaur, Khatun, Lewis, Mayo, McVittie, Melia, Millar, Millard, Owen, Padda, Piper, Preece, Rahman, Randhawa, Rollins, Singh, Smith, Uddin, Webb, Wilkes and Williams.

Officers: Shokat Lal – Chief Executive; Surjit Tour – Director of Law and Governance and Monitoring Officer; Elaine Newsome – Services Manager – Democracy; Suky Suthi-Nagra – Democratic and Member Services Manager; Stephnie Hancock – Deputy Democratic Services Manager; Trisha Newton – Deputy Democratic Services Manager; Ruth Darby – Lead Officer – Mayoralty and Member Development; Connor Robinson – Democratic Services Officer; John Swann – Democratic Services Officer; Kennedy Brown – Sergeant at Arms.

36 Minute Silence



The Council observed a minute silence to mark the passing of the former Speaker of the House of Commons, Baroness Betty Boothroyd of Sandwell.

Baroness Betty Boothroyd had represented the parliamentary constituency of West Bromwich from 1973 to 1974 and West Bromwich West from 1974 to 2000.

On behalf of Council, the Mayor extended condolences to her family and friends.

37 Apologies for Absence

Apologies for absence were received from Councillors Ahmed, Akhtar, Ashman, Davies, Dhallu, Dhariwal, G Gill, S Gill, Z Hussain, Moore, Shaeen, Simms and Trumpeter.

38 Declarations of Interest

Minute No.	Subject	Member	Interest
52/23(a)	Nominations for the Office of Mayor/Chair of Council and Deputy Mayor/Vice Chair of Council of Sandwell for the 2023/24 Municipal Year.	Councillors Gavan and E M Giles	Nominated for the positions of Mayor and Deputy Mayor 2023/24
		Councillors E A Giles, J Giles and L Giles	Relatives of Councillor E M Giles above

39 Minutes

Resolved that the minutes of the meeting of Council held on 21 February 2023 be approved as a correct record and signed by the Chair.

40 Additional Items of Business

There was one additional item of business – Revisions to Appointments to Committees and Boards (see Minute No. 55/23 below).

41 Announcements

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

42 Petitions

No petitions were received under Standing Order No, 5.

43 Written Questions

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

44 Pay Policy 2023 and Gender Pay Gap Reporting

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

The Council was required under 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 and 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 statements had informed that the pay ratio between the median FTE employee and the Chief Executive reduced in 2021 from 1:6 to 1:5 and had remained fairly static since. It was noted that this median salary

figure had continued to increase over the last 12 months from £28,672 to £30,151 per annum, or by 5.2%.

Sandwell Council's mean Gender Pay Gap figure for 2023 had narrowed from 3.4% to 0.6% over the last 12 months.

Resolved that:-

- (1) the Pay Policy Statement 2023 be approved;
- (2) the Gender Pay Gap data be approved.

45 Transport for West Midlands Update

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

46 West Midlands Police and Crime Panel

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

47 West Midlands Combined Authority

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

48 Annual Report of the Ethical Standards and Member Development Committee 2022-2023

Councillor Allcock, Chair of the Ethical Standards and Member Development Committee, presented the Annual Report of the Committee for 2022/23 and highlighted the business of the Committee for the year.

In presenting the report the Councillor Allcock wished to place on record his thanks to John Tew, who had retired as Independent Person.

49 To receive the minutes of Cabinet

The minutes of the meeting the Cabinet held on 15 February 2023 were received.

50 To receive the minutes of Budget and Corporate Scrutiny Management Board

The minutes of the meetings of the Budget and Corporate Scrutiny Management Board held on 2 February and 1 March 2023 were received.

51 To receive the minutes of the Ethical Standards and Member Development Committee

The minutes of the meeting of the Ethical Standards and Member Development Committee held on 7 March 2023 were received.

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

51/23(a) DBS Checks for Elected Members

Council considered the recommendation of the Ethical Standards and Member Development Committee in respect of DBS Checks for Elected Members.

Resolved that the DBS Check Protocol for Elected Members, as set out in Appendix A, which includes:

- (1) annual Basic DBS Checks to be undertaken for all elected members not identified in the roles set out in (2) below;
- (2) annual Enhanced DBS Checks to be undertaken for those elected members in the roles set out below:-
 - 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.

be approved with effect from the commencement of the 2023 municipal year.

52 To receive the minutes of the General Purposes and Arbitration Committee

The minutes of the meeting of the General Purposes and Arbitration Committee held on 14 March 2023 were received.

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

52/23(a) Nominations for the Offices of Mayor/Chair of Council and Deputy Mayor/Vice Chair of Council of Sandwell for the 2023/24 Municipal Year

The Council considered the recommendation of the General Purposes and Arbitration Committee in respect of the nomination for the Office of Mayor/Chair of Council and Deputy Mayor/Vice Chair of Council of Sandwell for the 2023/24 Municipal Year.

Resolved that: -

- (1) Councillor Gavan be nominated to the office of Mayor/Chair of Council for the Borough of Sandwell for the 2023/24 Municipal Year;

- (2) Councillor E M Giles be nominated to the office of Deputy Mayor of the Borough of Sandwell for the 2023/24 Municipal Year.

(Councillors Gavan, E A Giles, E M Giles, J Giles and L Giles left the Council Chamber during consideration of the item and took no part in the debate)

53 To receive the minutes of the Audit and Risk Assurance Committee

The minutes of the meeting of the Audit and Risk Assurance Committee held on 19 January 2023 were received.

54 Notices of Motion

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

54a/ 23 Motion to explore the introduction of an Additional Licensing Scheme for Houses of Multiple Occupation across Sandwell

It was moved by Councillor Dunn and seconded by Councillor Wilkes:-

“That this Council recognises that Houses of Multiple Occupancy (HMOs) with under five occupants is difficult to monitor due to the lack of requirements needed when registering with Local Authorities and is therefore having an impact on the wellbeing of residents within our community.

As a result, this Council moves that the Cabinet Member for Housing commissions a report to the next meeting of Cabinet, which outlines the feasibility of having an Additional Licensing Scheme, for all HMOs within Sandwell Metropolitan Borough, which runs alongside the Mandatory Licensing Scheme, pursuant to Section 56 of the Housing Act 2004 and report the findings of this Report to the next Full Council Meeting, which falls in the next Municipal Year.”

In accordance with Standing Order No.12, Councillor Piper moved the following amendment to the Motion, seconded by Councillor Carmichael:-

“That this Council recognises that Houses of Multiple Occupancy (HMOs) with under five occupants is difficult to monitor due to the lack of requirements needed when registering with Local Authorities and is therefore having an impact on the wellbeing of some residents within our community.

It must be noted that HMOs, where of good quality, make an important contribution to the private rented sector (PRS) by catering for different housing needs, including for some key workers, professionals and single persons and by contributing to the overall provision of affordable or private rented stock.

It is important that Sandwell has a mixture of housing and homes available for its residents especially with the current waiting list that the council currently operates - that is why this administration welcomed the councils introduction of the West Bromwich Trial for Additional Licensing to gather evidence needed to submit a scheme to the whole borough.

This Council moves that the Cabinet Member for Housing continues with the current trial that has been in place for 9 months so that robust evidence can be gathered which outlines the feasibility of having an Additional Licensing Scheme, for all HMOs within Sandwell Metropolitan Borough, which runs alongside the Mandatory Licensing Scheme, pursuant to Section 56 of the Housing Act 2004 and report the findings and bring a report back to this council.”

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

54b/ 23 DBS Legislation Review

It was moved by Councillor Allcock and seconded by Councillor Crompton:-

“The work the Disclosure and Barring Service (DBS) does is vital to safeguarding initiatives across the UK and they undertake millions of checks every year.

However, a legal loophole that allows dangerous individuals to potentially bypass these measures exist. By simply changing one's name by deed poll, the link to an individual criminal record is broken.

By law, people convicted of sex offences or those on the sex offenders' register must inform the police if they change their name and failure to do so can lead to a 5-year prison sentence. If the individual in question decides to change their name without informing the police, they could potentially disappear and bypass the DBS process.

Also during the development of the Sandwell Council's DBS check protocol, it has become apparent that the "Enhanced Disclosure" criteria is somewhat vague in respect to the duties undertaken by Councillors. The reality is that we do not know what level of exposure to vulnerable persons we will have whilst carrying out our duties and Enhanced checks that offer greater level of scrutiny and assurance may be declined by DBS.

This Council requests that the Leader of the Council, with cross party support, write to the Minister for Safeguarding, Sarah Dines MP to close this loophole in the legislation and consider the role of a Local Councillor as automatic qualification for Enhanced Checks as part of the planned Government review."

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

54c/ 23 Dog Waste

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

"This Council recognises the impact of dog mess in our local communities and the concerns that residents raise about the issue, particularly in hotspot areas like in parks and on popular dog walking routes.

This Council recognises and reaffirms its duty to ensure Sandwell's streets are safe and clean.

This Council requests that the executive work with Serco to explore the option of introducing more bins onto our local housing

estates, parks and nature reserves, to encourage people to pick up and dispose of their dog waste – and encourages the Council’s communications department to continue to emphasise the importance of clearing up after your pets.

That this Council requests that the Cabinet Member explores the option of a local database of ‘dog dna’ to trace, fine and bill any people who leave their dog waste on our streets as this has proven in other areas of both the United Kingdom and the western world to significantly reduce the amount of dog waste reported to local authorities.”

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

54d/ 23 West Bromwich Albion

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

“That this Council recognises the benefit of having local sports teams like West Bromwich Albion in our community.

And it is acknowledged that fans have concerns surrounding the majority shareholder and the use of club funds, but this Council welcomes the steps taken by central government to introduce a white paper which will help reform football governance.

Finally, this Council will commit to work proactively with groups like Action for Albion along with West Midlands Police to assist in any necessary road closures and management of the ongoing lawful protests that fans are engaging in.”

In accordance with Standing Order No.12, Councillor Hackett moved the following amendment to the Motion, seconded by Councillor Hughes:-

“That this Council recognises the benefit of having local sports teams like west Bromwich Albion in our community – to be inclusive we must recognise that all sports clubs are a benefit to Sandwell.

It is acknowledged that West Bromwich Albion fans have concerns surrounding the majority shareholder and the use of club funds,

this Council welcomes the positive steps taken by central government to introduce a white paper which will help reform football governance and protect the heritage of football clubs. The white paper does need to go further with the need to review women's football, player welfare, equality- diversity- inclusion, agent regulation and alcohol at football.

We ask this Council to commit to work proactively with groups like Action for Albion along with West Midlands Police to assist in any road closures as judged necessary by the police with regard to ant outgoing lawful protests that's fans are engaging in.

We also ask the Cabinet Member for Environment that - when making the decision to close roads - the council along with West Midlands Police take into consideration the effect on traffic near the M5 Junction 1 island.

Finally, we ask the same Cabinet Member to report back to this council any developments that the council and National Highways, who are responsible for road infrastructure in the area, both working to improve traffic flow at the junction in the short-term and will work with the club in the development of scheme options for a longer-term solution to ease the burden of fans travelling to games on match days.”

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

55 Revision to Appointments to Committees and Boards

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

Resolved:-

- (1) that Councillor Dunn be appointed to the Budget and Corporate Scrutiny Management Board to replace Councillor Anandou;
- (2) that Councillor Fisher be appointed to the Planning Committee to replace Councillor Williams;

- (3) that Councillor Chapman be appointed to the Economy, Skills, Transport and Environment Scrutiny Board to replace Councillor Abrahams.

Meeting ended at 8.54pm following an adjournment between 7.26 – 7.57pm

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