

Agenda Council

You are hereby summoned to attend a meeting of the Sandwell Metropolitan Borough Council, to be held on Tuesday, 25 July 2023 at 6.00 pm for the purpose of transacting the following business:-

The Mayor of Sandwell, Councillor Bill Gavan, in the Chair

- | | | |
|----------|--|----------------|
| 1 | Apologies for Absence | 9 - 10 |
| | To receive apologies for absence (if any). | |
| 2 | Declarations of Interest | 11 - 12 |
| | Members to declare any interests in matters to be discussed at the meeting. | |
| 3 | Minutes | 13 - 20 |
| | To confirm the minutes of the meeting of Council held on 13 June 2023 as a correct record. | |
| 4 | Urgent Business | 21 - 22 |
| | To consider any urgent business (with prior approval by the Mayor). | |
| 5 | Announcements | 23 - 24 |
| | To receive announcements from the Chief Executive and The Mayor. | |



6 **Petitions** 25 - 26

To receive petitions under Standing Order No. 8

7 **Written Questions** 27 - 28

To consider written questions under Standing Order No. 9 from

- (a) Elected Members
- (b) Members of the Public

to:-

- (i) the Mayor;
- (ii) the Leader of the Council;
- (iii) any other member of the Cabinet;
- (iv) any person appointed to preside at a committee, sub-committee or panel;
- (v) 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 Jalil);
 - (iii) Transport for the West Midlands (Councillor Choudhry);
- (vi) 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 | Proposed Departure from Development Plan - Turners Hill, Rowley Regis | 29 - 44 |
| | To consider a departure from the development plan in respect of land at Turners Hill, Rowley Regis. | |
| 9 | Proposed Departure from Development Plan - Lower High Street, Rowley Regis | 45 - 78 |
| | To consider a departure from the development plan in respect of land at Lower High Street, Rowley Regis. | |
| 10 | Annual Report of Licensing Committee 2022-2023 | 79 - 96 |
| | To receive the Annual Report of the Licensing Committee 2022-2023 | |
| 11 | Annual Report of the Planning Committee 2022-2023 | 97 - 110 |
| | To receive the Annual Report of the Planning Committee 2022-2023 | |
| 12 | Appointments to Committees, Boards and Other Bodies and Revision to Terms of Reference | 111 - 122 |
| | To consider the appointments of Committees, Boards, and other bodies and revision to the Terms of Reference for General Purposes and Arbitration Committee. | |
| 13 | To receive the minutes of Cabinet | 123 - 134 |
| | To receive the minutes of the meeting of Cabinet held on 7 June 2023. | |

- 14 **To receive minutes of the Budget and Corporate Scrutiny Management Board** 135 - 148

To receive the minutes of the meetings of the Budget and Corporate Scrutiny Management Board held on 6 and 29 June 2023.

- 15 **To receive the minutes of the Audit and Risk Assurance Committee** 149 - 154

To receive the minutes of the meeting of the Audit and Risk Assurance Committee held on 5 June 2023.

- 16 **Notices of Motion** 155 - 156

To consider the following motions received under Standing Order No. 12:-

- 16(a) **Call for a ban on disposable single-use barbecues**

Proposer: Councillor Rollins
Secunder: Councillor Padda

“This Council believes that the Government should take action on banning the sale and use of disposable barbecues to prevent further devastating grass fires and habitat destruction.

Last summer, we saw a number of fire incidents across the country including at Swan Pool and Sheepwash amongst others, as well as the devastating fire at neighbouring Lickey Hills Country Park seeing the destruction of 5 hectares of valuable heathland.

We acknowledge the measures that the Government has put in place around user responsibility and packaging instructions, however, firmly believe that this does not go far enough.

The disposal of these barbecues remains a challenge for our staff, who encounter their remnants on a regular basis, and while we acknowledge that local authorities can impose restrictions through Public Space Protection Orders, effectively monitoring and enforcing this across our extensive parkland and green spaces would be nearly impossible.

We appreciate that a number of retailers have voluntarily chosen to cease selling disposable barbecues, including independent retailers close to our parks, however these items are still widely available

In addition, we are fully committed to reducing waste and in particular, single use items wherever possible and it is imperative that we tackle this issue collectively.

This Council calls on the Leader of the Council to write to the Minister of State for Crime, Policing and Fire to call for the ban on disposable single-use barbecues.

In addition, to commence a public awareness campaign on the risks and dangers of disposable barbecues and a campaign to local retailers to cease the sale of disposable barbecues.”

16(b) Tipton Flood Defence Strategy

Proposer: Councillor William Gill
Secunder: Councillor Wilkes

That this council recognises the impact on people and businesses in Tipton following the recent flash floods across the town.

And this council therefore recognises and reaffirms its duty to improve flood defences across Tipton.

And this council invites the executive to create Tipton Flood Defence Strategy placing an emphasis on improving on drainage efficiency.

16(c) Police Stations Proposal

Proposer: Councillor A Williams
Secunder: Councillor Chapman

This council welcomes the positive news regarding Tipton Police station and thanks all involved for campaigning to keep the Police Station open.

That this council welcomes the benefits of neighbourhood focused policing and agrees that one police station based in West Bromwich for the towns of Oldbury, Wednesbury and Tipton would be unsuitable for the needs of the local communities.

That this council condemn the proposals to close Wednesbury police station and Oldbury station and writes to the PCC to request that he U-turns on his unjustified decision to shut Wednesbury and Oldbury Station.

16(d) **Shadow Cabinet**

Proposer: Councillor D Fisher
Seconder: Councillor W Gill

That this council recognises the benefit of a strong opposition in promoting accountability and scrutiny within the authority.

This council recognises the benefits of a shadow cabinet and its role in promoting accountability.

This council calls on the Governance and Constitution Committee to investigate the feasibility of a shadow cabinet and to report back to this Council on their findings at the next full council meeting.



Shokat Lal
Chief Executive
Sandwell Council House
Freeth Street
Oldbury
West Midlands

Distribution
All members of Council

Contact: 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 13 June 2023 at 6.00pm
at Sandwell Council House, Oldbury**

Present: His Worshipful The Mayor, Councillor Gavan (Chair);
Deputy Mayor, Councillor E M Giles;

Councillor K Allcock, M Allcock, Ashraf, Bhullar, Carmichael, Chambers, Chapman, Chidley, Choudhry, Crompton, Davies, Dhatt, Dunn, Fenton, Fisher, Fitzgerald, J Giles, L Giles, S Gill, W Gill, Hackett, Hemingway, Hinchliff, Hughes, Hussain, Jalil, Johnston, Kalebe-Nyamongo, Kaur, Khan, Khatun, Kordala, Lewis, Loan, Maycock, Mayo, Melia, Millard, Moore, Muflihi, Padda, Pall, Preece, Rahman, Randhawa, Rollins, Shaeen, J Singh, Smith, Taylor, Tipper, Tromans, Trumpeter, Uddin, Uppal, Webb, Weston, Wilkes, Williams and Younis.

Officers: Shokat Lal – Chief Executive; Surjit Tour – Director of Law and Governance and Monitoring Officer; Elaine Newsome – Services Manager – Democracy; Trisha Newton – Deputy Democratic Services Manager; Connor Robinson – Democratic Services Officer; John Swann – Democratic Services Officer; Kennedy Brown – Sergeant at Arms.

67/23 **Apologies for Absence**

Apologies for absence were received from Councillors Abrahams, Akpoteni, Anandou, Dhariwal, Hartwell, Kalari, Millar, Owen, Piper and N Singh.



68/23 **Declarations of Interest**

No declarations of interest were received.

69/23 **Minutes**

Resolved that the minutes of the extraordinary and ordinary meetings of Council held on 23 May 2023 be approved as a correct record and signed by the Chair.

70/23 **Urgent Business**

There was one additional item of business which had been approved for inclusion by the Mayor – a question from Councillor Fisher to the Leader of the Council seeking an update on the ongoing bin strikes and what measures the Council were considering to reduce the impact of the strikes on residents. The matter was considered under Minute No. 73/23 below.

71/23 **Announcements**

The Mayor gave details of Mayoral and Deputy Mayoral engagements that had taken place.

72/23 **Petitions**

No petitions were received under Standing Order No, 5.

73/23 **Written Questions**

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



74/23

Annual Report of the Corporate Parenting Board 2021-2023

Council received the Corporate Parenting Board Annual Report 2021-23.

The report highlighted the Corporate Parenting Board's progress and achievements for children in care and care leavers throughout September 2021 to March 2023 where services had supported young people in adjusting to society's new normal post Covid-19.

75/23

Sandwell Council Improvement Plan

On 22 March 2022, the Secretary of State for Levelling Up, Housing and Communities announced an intervention package and a set of Directions to ensure the Council was able to comply with its best value duty under Part 1 of the Local Government Act 1999. These Directions were in-part influenced by the Grant Thornton report following their Value for Money Governance Review of December 2021.

A single Improvement Plan was agreed by Council on 7 June 2022.

Under the Statutory Directions, the Council was required to report progress against the Improvement Plan to the Department of Levelling Up, Housing and Communities every six-months following approval of the Plan. The first report was submitted in December 2022.

Cabinet considered the progress of the Improvement Plan on a quarterly basis and had received their quarterly progress report on 7 June.

The Leader outlined the progress that had been made in delivering the actions contained within the Improvement Plan and provided an update on Cabinet's recommendation to Council.



Resolved that the Improvement Plan Progress Reports, the Improvement Plan Annual Report and an accompanying letter be submitted to the Secretary of State for Levelling up, Housing and Communities to form the Council's six-monthly update on progress against the Improvement Plan.

76/23

Proposed Departure from the Development Plan at Forge Mill Farm, Forge Lane, West Bromwich

Planning Committee had granted conditional approval at its meeting held on 10 May 2023 in relation to planning application DC/23/67838 (Proposed Phase 1 - Conversion and change of use of existing barn 1 into cafeteria and natural play area, proposed single storey building containing support facilities (toilets, kitchen, lobby and draft lobby, classroom, stores and plantroom). Phase 2 - Proposed single storey education block containing 2 no. (30/40 students) classrooms and cloakroom area) at Forge Mill Farm, Forge Lane, West Bromwich.

The site was currently a Green Belt allocation and the proposed development would infill a small section of the farm. It was necessary for the Council to consider whether or not to grant an exception to adopted policy to allow the application to proceed.

Resolved that approval be given to an exception to the Development Plan in respect of planning application DC/23/67838 (Proposed Phase 1 - Conversion and change of use of existing barn 1 into cafeteria and natural play area, proposed single storey building containing support facilities (toilets, kitchen, lobby and draft lobby, classroom, stores and plantroom). Phase 2 - Proposed single storey education block containing 2 no. (30/40 students) classrooms and cloakroom area) at Forge Mill Farm, Forge Lane, West Bromwich.



77/23 **West Midlands Fire and Rescue Authority**

Council received an update on the work of the Fire Authority from Councillor Jalil, 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.

78/23 **Revisions to Appointments to Committees, Boards and Other Bodies**

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

Resolved that the revised appointments to committees, boards and other bodies, as set out at Appendix A, be approved.

79/23 **To receive the minutes of Cabinet**

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

80/23 **To receive the minutes of the Budget and Corporate Scrutiny Management Board**

The minutes of the meeting of the Budget and Corporate Scrutiny Management Board held on 29 March 2023 were received.

81/23 **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 16 March 2023 were received.



82/23 **Notices of Motion**

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

82/23(a) **Anti-Social Behaviour Plan**

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

“This Council recognises the impacts that antisocial behaviour has on our residents, businesses and communities.

This council welcomes the action taken by Government to announce the anti-social action plan and to make the West Midlands an area for hotspot policing.

And this Council resolves to invite the leader to write to the Police and Crime Commissioner to highlight the importance of this funding for our town centres and high streets and to work cooperatively with the Council’s partners to deliver this action plan in the coming weeks and months for local residents”.

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

“This Council recognises the impacts that anti-social behaviour has on our residents, businesses and communities.

This council welcomes the action taken by Government to announce the anti-social action plan and to make the West Midlands an area for hotspot policing. This council further welcomes the allocation of £110,000 over a two-year period with £55,000 being allocated towards staff costs for one hot spot area in Sandwell.

This Council resolves to invite the leader to write to the Police and Crime Commissioner, Simon Foster, to thank him for his partnership working that secured £110,000 pounds for the two-year pilot and to



highlight the importance of regular funding for our town centres and high streets and to work co-operatively with the Council's partners to deliver the action plan in the coming weeks and months for local residents in the pilot area.

As policing and enforcement is extremely important to the people of Sandwell, this council further resolves, in the Leaders communication to ask that Simon Foster PCC is invited to respond to the council to outline how funding is allocated to the West Midlands as a combined authority and how this is apportioned to Sandwell”.

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

Meeting ended at 7.35pm
(Following adjournment between 6.47pm and 7.02pm)

Contact: democratic_services@sandwell.gov.uk



Appendix A

Committee/Board/Other Body	Revision
Licensing Committee	Councillor J Singh to replace Councillor Uppal
Land & Asset Committee	Councillor Singh should read Singh Padda
West Bromwich Town Vice Chair	Remove Councillor J Giles
Mackmillan Educational Foundation	Extend Councillor Carmichael term for a further four years ending 2027
SIPS Education Board – one vacancy	Councillor J Giles
Harborne Parish Lands Charity	Replace Councillors Hinchliff and Hemingway with Councillors Davies and Muflihi
Transport Delivery Overview and Scrutiny Committee – two substitute members	Cllr K Allcock and Cllr Hemingway





Urgent Business

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

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Events Attended by the Mayor since 14 June 2023

- Wednesday 14 June 2023 – Citizenship Ceremony West Bromwich
- Thursday 15 June 2023 - Jubilee Arts Archive Sandwell Community History and Archives Service
- Saturday 17 June 2023 – Multistorey event - Wednesbury Day - Official opening of new Market area
- Tuesday 20 June 2023 - Inclusive Disability Employment Event
- Wednesday 21 June 2023 - Town Twinning AGM Meeting
- Friday 23 June 2023 - WINDRUSH EVENT (Celebratory event)
- Saturday 24 June 2023 - ARMED FORCES DAY AT DARTMOUTH PARK
- Sunday 25 June 2023 - Sandwell Pride 2023
- Tuesday 27 June 2023 - Visit to Aquatics Centre
- Wednesday 28 June 2023 - Citizenship Ceremony – West Bromwich
- Thursday 29 June 2023 - ARMED FORCES PARTNERSHIP MEETING.
- Friday 30 June 2023 - 3 care home visits - Warrens Hall Care Home (Tividale) Dingle Meadow (Oldbury) and Lyndon Hall (West Bromwich)
- Sunday 2 July 2023 - THEATREKIDZ ROWLEY VISIT - Amazing Concert of Musical and Cllr Pam Randhawa - Launch of Punjabi song by Local Bus Driver Event
- Thursday 6 July 2023 - High Sheriff's Awards Ceremony

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Petitions

To receive any petitions under Standing Order No. 8 (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

25 July 2023

Subject:	Written Questions
Director:	Surjit Tour – Director of Law and Governance and Monitoring Officer

The following written questions have been received: -

7(a) From Councillor Kaur to the Cabinet Member for Public Health and Communities

I am very concerned that over 5,000 bank branches have closed nationally since 2015 and others have announced that they will close for good in 2023, for example a branch has recently closed in Blackheath and it is believed that many other Towns will be affected. This will have an impact on many people in Sandwell – those with vulnerabilities, disabilities, the elderly and many other general users. Some of our residents cannot afford broadband and especially in the in the cost of living crisis meaning they are digitally excluded from online banking, others are afraid to use the internet for their finances. I would therefore like to ask the Cabinet member to outline what the Council offers in libraries to support those residents who may need help or access to digital equipment.

7(b) From Councillor Trumpeter to the Cabinet Member for Housing and Build Environment

In June 2022 a local press report announced that 1,245 houses in Sandwell were discovered not to have electrical safety certificates. Can the Cabinet Member for Housing and Built Environment please update us on the current position regarding the status of these checks.



7(c) From Councillor Dunn to the Cabinet Member Housing and Built Environment

Can the Cabinet Member for Housing and Built Environment please provide the figure of the number of Sandwell MBC residential properties that are currently suffering from serious damp and mould in Sandwell?

7(d) From Councillor Gill to Cabinet Member for Environment and Highways

Will the Cabinet Member for Environment and Highways use his office to facilitate a road safety review on Powis Avenue, to help deal with speeding cars and bikes particularly around the junction with Cupfields Avenue and take any necessary steps to tackle this issue?

7(e) From Councillor Chapman to the Cabinet Member for Regeneration and WMCA

Could the Cabinet Member for Regeneration and WMCA please provide me with an update on the Friar Park Urban Village development.

7(f) From Councillor Wilkes to Cabinet Member for Environment and Highways

Can I ask the Cabinet Member for Environment and Highways if this council will consider using CCTV cameras around schools in Sandwell to tackle the ongoing issue of dangerous parking?

7(g) From Councillor Fisher to Cabinet member for Regeneration and WMCA

Can the cabinet member for Regeneration and WMCA provide us with an update on the current situation regarding the right of way maps in West Bromwich.



Report to Full Council

25 July 2023

Subject:	Proposed departure from the Development Plan– 1 Turners Hill, Rowley Regis
Director:	Regeneration and Growth Tony McGovern
Contact Officer:	Alison Bishop Alison_bishop@sandwell.gov.uk

1 Recommendations



- 1.1 That approval be given to an exception to the Development Plan in respect of planning application DC/22/66968 - Proposed demolition of existing pub and construction of 3 storey detached building consisting 20 no. self-contained apartments with parking to rear at 1 Turners Hill, Rowley Regis.

2 Reasons for Recommendations

- 2.1 Whilst a small part of the site forms part of the Rowley Hills Strategic Open Space within the Development Plan, the site is already developed land, namely the Wheatsheaf Public House. It is therefore considered that development will not harm the openness of the Rowley Hills, provides a good quality scheme that would deliver much needed homes within the borough and raises no amenity issues.



3 How does this deliver objectives of the Corporate Plan?

	Quality homes in thriving neighbourhoods – the proposal provides a mix of flats which meet local need
	A strong and inclusive economy – during the construction process there will be an opportunity for apprenticeships

4 Context and Key Issues

- 4.1 At the meeting of the Planning Committee held on 28th June 2023 consideration was given to planning application DC/22/66968 for demolition of the existing Wheatsheaf public house and construction of 3 storey detached building consisting 20 No. self-contained apartments with parking to rear on 1 Turners Hill, Rowley Regis.
- 4.2 Planning Committee approved the planning application with conditions, and subject to the application being referred to Council as a departure from the Development Plan.
- 4.3 Part of this site is situated within the Rowley Regis Strategic Open Space under the Site Allocations and Delivery Development Plan Policies Map. It is necessary for the Council to consider whether or not to grant an exception to adopted policy to allow the application to proceed.
- 4.4 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.
- 4.5 The application has been publicised by neighbour notification letter, and site and press notice, without response. The Council's Highways, Planning Policy, 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 Refusal to depart from the Development Plan is an option.

6 Implications

Resources:	There are no financial implications.
Legal and Governance:	The proposal is in accordance with the Town and Country Planning Act.
Risk:	There are no implications.
Equality:	There are no implications
Health and Wellbeing:	There are no implications.
Social Value	The development will afford opportunities for apprenticeships during the construction process
Climate Change	Appropriate planning conditions are attached to the recommended decision to mitigate for climate change

7. Appendices

Report.

8. Background Papers

Planning application DC/22/66968



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Report to Planning Committee

28 June 2023

Application Reference	DC/22/66968
Application Received	22 April 2022
Application Description	Proposed demolition of existing pub and construction of 3 storey detached building consisting 20 No. self-contained apartments with parking to rear.
Application Address	The Wheatsheaf 1 Turners Hill Rowley Regis B65 9DP
Applicant	Jugraaj Singh
Ward	Tividale
Contact Officer	Alison Bishop Alison_bishop@sandwell.gov.uk

1 Recommendations

1.1 That subject to the application being reported to Full Council, and a s106 agreement to secure compliance with affordable housing, that planning permission is granted subject to conditions relating to:

- i) External materials;
- ii) Landscaping details;
- iii) Boundary treatments;
- iv) Ground investigation and remediation;





- v) Electric vehicle charge points;
- vi) Low NOx boilers;
- vii) Parking laid out and retained;
- viii) Vehicular cross over removed and footpath re-instated.
- ix) Noise assessment recommendations in relation to sound insulation, balconies and fixed plant;
- x) Construction management plan (to include noise, vibration and dust suppression measures etc);
- xi) Construction hours limited to 08:00 – 17:30 Monday to Friday, 08:00 – 13:00 Saturday and no working on Sunday and Public Holidays.
- xii) Waste management/refuse plan;
- xiii) Renewable energy details;
- xiv) Details of sustainable drainage system (surface water) and disposal foul;
- xv) Details of security measures to include CCTV, Lighting, access entrance points;
- xvi) Jobs and skills plan; and

2 Reasons for Recommendations

2.1 The development will not harm the openness of the Rowley Hills, provides a good quality scheme that would deliver much needed homes within the borough and raises no amenity issues.

3 How does this deliver objectives of the Corporate Plan?

	Quality homes in thriving neighbourhoods – the proposal provides a mix of flats which meet local need
	A strong and inclusive economy – during the construction process there will be an opportunity for apprenticeships

4 Context

4.1 The application was deferred at your last meeting as members resolved to visit the site.



- 4.2 The application is being reported to your Planning Committee because the proposal is a departure from the development plan and a s106 agreement is required to secure affordable housing. In addition, 3 objections have been received to the amended proposal.
- 4.3 It should be noted that the original scheme which had included a retail store, received 13 objections.
- 4.2 To assist members with site context, a link to Google Maps is provided below:

[The Wheatsheaf, 1 Turners Hill, Rowley Regis](#)

5 Key Considerations

- 5.1 The site forms part of the Rowley Hills Strategic Open Space in the Development Plan.
- 5.2 The material planning considerations which are relevant to this application are: -

Government policy (NPPF)
Proposals in the Development Plan
Overlooking/loss of privacy
Loss of light and/or outlook
Layout and density of building
Design, appearance and materials
Access, highway safety, parking and servicing
Traffic generation

6. The Application Site

- 6.1 The application site is a former public house, known as the Wheatsheaf and is situated at the junction of Portway Road and Turners Hill.



The site to the south west is surrounded by garden land and the Rowley Hills and Dudley Golf Course, to the east the Rowley Olympic Rooms, to the north west is a commercial tyre depot and residential properties are situated to the north on Portway Road.

7. Planning History

7.1 The planning history relates to development associated with the public house which is listed in detail below.

7.2 Relevant planning applications are as follows:

DC/07/47901	Smoking shelter	Grant with external materials 26.06.2007
DC/97/33119	Window alterations	Grant permission 10.04.1997
DC/2230A	Two set house name letters and two lanterns.	Grant advert consent 26.10.1984

8. Application Details

8.1 The applicant proposes to demolish the existing public house and construct a three-storey building containing 20 apartments with parking to the rear which provides 23 car parking spaces.

8.2 The development would provide 18, 1 bed and 2, 2 bed flats with balconies to provide outdoor amenity space for each flat. The internal floor space ranges between 39 sqm for the smaller 1, bed (1-person flats, to 50 sqm (1 bed, 2-person flats) and 72 sqm (2 bed, 4-person flats). Cycle parking and bin stores are provided within the block. Entrance points are provided from both the frontage and to rear from the car park area. Security gates form the vehicular entrance.



9. Publicity

9.1 The application has been publicised by neighbour notification letters, a site and press notice. The scheme has been amended from the original proposal to remove a retail element and was re-publicised as such.

9.2 Objections

Objections have been received on the following grounds:

- i) Road safety, given that the site is situated at a 4-way junction with no traffic signals and is already dangerous without the addition of 20 flats.
- ii) Insufficient parking is provided within the development. The removal of the retail component only sought to increase the number of flats. Where will visitors park? Surrounding streets are already congested.
- iii) Major current issues with school drop off/pick up for Oakham Primary school.
- iv) Large Goods Vehicle traffic would cause significant disruption during demolition and construction.
- v) Design is out of character being 'ultra-modern' and three storey height which is not in keeping with the local area.
- vi) Overdevelopment, due to increased pressure on existing highway infrastructure (busy roads/perilous junction) and the footprint of the building.

Non-material objections have been raised regarding loss of property value, loss of view, loss of area appeal and water pressure issues.

9.3 Support

One response has been received in support stating that following the removal of the retail component new homes are welcomed



9.3 Responses to objections

These are addressed in section 13 (Material considerations)

10. Consultee responses

10.1 Planning Policy

The scheme is a departure given that the site forms part of the Rowley Regis Strategic Open Space, however the site already benefits from built form, namely the Wheatsheaf public house with hardstanding surrounding it. The extent of the proposed development is arguably no greater than this. Other relevant policy issues are referred to in sections 11 and 12 below.

10.2 Highways

Highways raise no objections to the revised proposal, whilst the scheme has a shortfall of two visitor spaces, they consider that these can be comfortably provided on street.

10.3 Public Health (Air Quality)

No objections subject to conditions relating to electric vehicle charge points, low NOx boilers and a construction method statement to control dust emissions.

10.4 Public Health (Contaminated Land)

No objection subject to condition relating to site investigation and remediation measures.

10.5 Public Health (Air Pollution and Noise)

A noise survey and assessment has been undertaken due to the proximity to the road and the adjacent commercial (tyre) premises. The



survey findings are broadly agreed, however further mitigation in the form of solid protection to balcony enclosures fronting the public highway should be provided. All recommendations in report such as noise insulation, fixed plant should be conditioned as such. Furthermore, construction hours should be conditioned to 08:00 – 17:30 Monday to Friday, 08:00 – 13:00 Saturday and no working on Sunday and Public Holidays. A construction method statement details noise and vibration during the construction phases should also be conditioned.

10.6 West Midlands Police

No objection, but refers to security measures, such a lighting and secure entrance points.

10.7 Lead Local Flood Authority

The submitted drainage strategy required additional details, relating to discharge method, hydraulic calculations, exceedance and maintenance. A detailed drainage strategy can be conditioned.

10.8 Urban Design Officer

The revised scheme now works spatially within the footprint of the site given that the density has been reduced. This now provides more sustainable amenity space as well as a key pedestrian front access point into the block. Control into the rear court space has also been provided. The proposal now reduces the parking requirements and the provision is now reasonable. The very modern architectural design /concept for the site is welcome and will provide a focal point building that replaces the former Public House.

11. National Planning Policy

11.1 National Planning Policy Framework promotes sustainable development but states that local circumstances should be taken into account to reflect the character, needs and opportunities for each area.



11.2 Taking into account the views of the Council's Urban Design officer, I am of the opinion that the scheme is of a good design, in accordance with paragraph 124 of the NPPF.

11.3 In respect of paragraphs 128-130 of the NPPF, the Urban Design officer raises no objections to the scheme. The development would assimilate with the overall form and layout of the site's surroundings.

12. Local Planning Policy

12.1 The following policies of the council's Development Plan are relevant:

CPS4: Place Making

HOU2: Housing Density type and Accessibility

HOU3: Affordable Housing

DEL: Infrastructure Provision

ENV3: Design Quality

ENV5: Flood Risk, Sustainable Drainage System and Urban Heat Island Effect

ENV7: Renewable Energy

ENV8: Air Quality

EMP5: Improving Access to the Labour Market

TRAN4: Creating Coherent Networks for Cycling and Walking.

SAD H3: Affordable Housing

SAD EOS3: Rowley Hills Strategic Open Space

SAD EOS9: Urban Design Principles

SAD EMP2: Training and Recruitment.

12.2 The site forms part of the Rowley Hills Strategic Open Space in the Development Plan. Policy SAD EOS3 refers to development not being permitted which would prejudice the character of the Rowley Hills in terms of the wider open space, merging urban areas, the skyline and wildlife. The site itself, is already developed as a public house, the extent of the footprint is not substantially greater, arguably improving the



visual appearance of the site and its setting within the Rowley Hills open space.

- 12.3 HOU2 refers to providing appropriate density and new housing. In this instance the scheme works spatially in terms of the footprint and the number of units and provides a range of flat sizes.
- 12.4 HOU3 and SAD H3 requires scheme to provide 25% affordable housing, in this instance this equates to 4 units which will be secured through a s106 agreement.
- 12.5 CPS4, ENV3 and SAD EOS9 refers to well-designed schemes that provide quality living environments in context to the area. The proposed layout and design are considered to be acceptable creating a focal point on this prominent corner site with no concerns being raised from the Urban Design Officer.
- 12.6 ENV5, 7 and 8, these policies refer to sustainable drainage, renewable energy and air quality. Sustainable drainage and renewable energy can be conditioned along with mitigate in relation air quality such as electric charge points, low NOx boilers and a dust management plan during construction.
- 12.7 DEL1 refers to infrastructure provision, the scheme will require a financial contribution under the Community Infrastructure Levy and will also provide air quality mitigation measures referred to above.
- 12.8 EMP5 and SADEMP2 refers to securing access to the labour market. In this instance this can be achieved through a condition which requires an employment and skills plan during construction.



13. Material Considerations

13.1 National and local planning policy considerations have been referred to above in Sections 11 and 12. With regards to the other material considerations, these are highlighted below:

13.2 Proposals in the Development Plan

As referred to above, the site forms part of the Rowley Hills Strategic Open space but is already developed land and so does not prejudice the existing openness of the Rowley Hills.

13.3 Access, highway safety, parking, servicing and traffic generation

Highways have no objections to the traffic generation associated with this proposal, existing problems such a school drop cannot be blockage to new development when the scheme itself does not cause harm to the highway network. In terms of construction traffic, this can be scheduled to operate outside of peak network hours. In terms of the parking, there is a shortfall of 2 visitor parking spaces, however it is considered these can be accommodated on street.

13.6 Loss of light and/or outlook, Overshadowing and loss of privacy.

The footprint itself does not have any impact on neighbouring property due to the surrounding open space around the site.

13.7 Layout and density of building

The layout, as amended, now works spatially and meets the Council's external and internal spatial standards for residential flats.

13.8 Design, appearance and materials

The design is modern and bends around the corner of the site, however given that the building sits in isolation on this frontage, a modern design



provides opportunity to visually enhance the area. The materials do however pick up key notes such as red brick and anthracite roof and slates to the balcony features.

14 Alternative Options

14.1 Refusal of the application is an option if there are material planning reasons for doing so. In my opinion the proposal is compliant with relevant policies and there are no material considerations that would justify refusal.

15 Implications

Resources:	When a planning application is refused the applicant has a right of appeal to the Planning Inspectorate, and they can make a claim for costs against the Council.
Legal and Governance:	This application is submitted under the Town and Country Planning Act 1990.
Risk:	None.
Equality:	There are no equality issues arising from this proposal and therefore an equality impact assessment has not been carried out.
Health and Wellbeing:	None.
Social Value	Apprenticeships and job opportunities can be conditioned during construction
Climate Change	Sandwell Council supports the transition to a low carbon future, in a way that takes full account of the need to adapt to and mitigate climate change. Proposals that help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure, will be welcomed.



16. Appendices

Location Plan

Context plan

Proposed site layout

Proposed floor plans

Proposed elevations



Report to Full Council

25 July 2023

Subject:	Proposed departure from the development plan - Lower High Street, Rowley Regis
Director:	Regeneration and Growth Tony McGovern
Contact Officer:	Alison Bishop Alison_bishop@sandwell.gov.uk

1 Recommendations

- 1.1 That approval be given to an exception to the Development Plan in respect of planning application DC/23/67785 - Proposed 3 storey community skills hub building with 2 No. detached outbuildings for storage, substation, plant room, new vehicular access and gates to front, car parking, cycle storage, enclosed skip/refuse bays, boundary fencing, landscaping and associated works – Lower High Street, Rowley Regis.

2 Reasons for Recommendations

- 2.1 Whilst the site is allocated for residential development, the site itself is situated on the edge of the centre sandwiched between the Lidl Store and a commercial builder's yard on Lower High Street, Cradley Heath. Given these factors, it is considered that a commercial use is better suited to this location than a housing site.



Sandwell College has identified, largely through the Town Funding process, that there is a need for an education facility to serve the residents of Cradley Heath and Rowley Regis to provide them with skills to support them into employment. On balance, it is considered that, on this occasion, the policy should be set aside given the location of the site and the need for such a facility within Rowley Regis.

3 How does this deliver objectives of the Corporate Plan?

	Best start in life for children and young people - provides a new education facility within Sandwell specifically for residents within Cradley Heath and Rowley Regis.
	Strong resilient communities - – provides opportunities for additional training to assist with future employment for young people.
	A strong and inclusive economy – provides an opportunity for apprenticeship during construction and work thereafter through training.

4 Context and Key Issues

- 4.1 At the meeting of the Planning Committee held on 28th June 2023 consideration was given to planning application DC/22/67785 which sought approval for a new education skills hub on Lower High Street, Rowley Regis.
- 4.2 Planning Committee approved the planning application with conditions, and to the application being referred to Council as a departure from the Development Plan.
- 4.3 The site is currently allocated for residential development under the Site Allocations and Delivery Development Plan Policies Map. It is necessary for the Council to consider whether or not to grant an exception to adopted policy to allow the application to proceed.
- 4.4 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.



4.5 The application has been publicised by neighbour notification letter, and site and press notice, without response. The Council’s Highways, Planning Policy, 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 Refusal of the departure from the development plan is an option.

6 Implications

Resources:	There are no implications.
Legal and Governance:	The proposal is in accordance with the Town and Country Planning Act.
Risk:	There are no implications.
Equality:	There are no implications.
Health and Wellbeing:	There are no implications.
Social Value	The development will afford opportunities for apprenticeships/training during the construction process and as part of the new skills hub.
Climate Change	Appropriate planning conditions are attached to the recommended decision to mitigate for climate change

7. Appendices

Report

8. Background Papers

Planning application DC/22/67785



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Report to Planning Committee

28 June 2023

Application Reference	DC/22/67785
Application Received	14 December 2022
Application Description	Proposed 3 storey community skills hub building with 2 No. detached outbuildings for storage, substation, plant room, new vehicular access and gates to front, car parking, cycle storage, enclosed skip/refuse bays, boundary fencing, landscaping and associated works.
Application Address	Sandwell MBC Public Car Park Lower High Street
Applicant	Sandwell College
Ward	Cradley Heath & Old Hill
Contact Officer	Alison Bishop Alison_bishop@sandwell.gov.uk

1. Recommendation

1.1 Subject to the application being reported to Full Council, that planning permission is granted subject to conditions relating to:

- i) External materials (to include detailed design of the chain motif to the window reveals);
- ii) Landscaping scheme;
- iii) Boundary treatments;




- iv) Ground investigation and remediation;
- v) Electric vehicle charge points;
- vi) Low NOx boilers
- vii) Noise assessment relating to fixed plant and mitigation;
- viii) Construction management plan (to include logistics plan, dust suppression measures etc);
- ix) Cycle storage;
- x) Bin storage;
- xi) Waste management/refuse plan;
- xii) Parking/drop and access to be laid out and retained;
- xiii) Travel plan;
- xiv) Details of sustainable drainage system (surface water) and disposal foul;
- xv) Details of security measures to include CCTV, Lighting, access entrance points;
- xvi) Jobs and skills plan;
- xvii) No vinyl to windows serving the frontage of the development.
- xviii) Parking servicing and management plan; and
- xix) Parking surveys before and post development and any subsequent mitigation.



2 Reasons for Recommendations

2.1 The submission has demonstrated that the scale and design of the proposal sits comfortably within the site and wider area. Parking whilst limited, has been justified through the evidence provided in the Transport Assessment and appropriate mitigation identified should manage parking issues resulting from the development. Finally, the location, design and landscaping would safeguard the privacy/outlook/light of adjoining residential property.

3 How does this deliver objectives of the Corporate Plan?

	<p>Best start in life for children and young people – provides a new education facility within Sandwell specifically for residents within Cradley Heath and Rowley Regis.</p>
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	Strong resilient communities – provides opportunities for additional training to assist with future employment for young people.
	A strong and inclusive economy – provides an opportunity for apprenticeship during construction and work thereafter through training.

4 Context

- 4.1 At the last committee meeting the application was deferred and further information was requested regarding student travel patterns by car, due to the age demographic of students and is detailed in **8.6 (e)** of the report. It should also be noted that parking provision has been increased within the site to now provide a total of 10 parking spaces which includes, 2 disabled bays, 8 dedicated parking spaces and 2 drop off spaces. In addition, further information was requested regarding the relationship of the development to the residents on Printers Drive and this is detailed in **13.6** along with plans appended to the report. Finally, clarification was sought about the site selection process/member engagement and the Town Funding position. Whilst not material to this decision **section 14** provides an overview of these details for information purposes only.
- 4.2 Members also visited the site before their March planning committee meeting.
- 4.2 The application is being reported to your Planning Committee because it is a departure from the development plan, a s106 is required and 29 objections as well as a petition from local residents has been received. In addition, Councillor Vicki Smith also requested that the application should be reported to Planning Committee referring to concerns relayed to her from residents in relation to a lack of parking within the site.
- 4.3 To assist members with site context, a link to Google Maps is provided below:

[Lower High Street, Cradley Health](#)



5 Key Considerations

- 5.1 The site is allocated for housing in the Development Plan.
- 5.2 The material planning considerations which are relevant to this application are: -

Government policy (NPPF)
Proposals in the Development Plan
Overlooking/loss of privacy
Loss of light and/or outlook
Overshadowing
Public visual amenity
Layout and density of building
Safety Security/ASB
Design, appearance and materials
Access, highway safety, parking and servicing
Traffic generation
Noise and Pollution

6. The Application Site

- 6.1 The application site is a vacant piece of hardstanding. The site had been previously used as a Council pay and display car park but is now closed.
- 6.2 The site is situated to the north of Lower High Street, Cradley Heath opposite Sydney Road and Mary Macarthur Gardens and adjacent to the Lidl retail store. To the rear of the site is a new residential development (Printers Drive). The site is located 220 metres from Cradley Heath train station and 200 metres from Cradley Heath town centre.

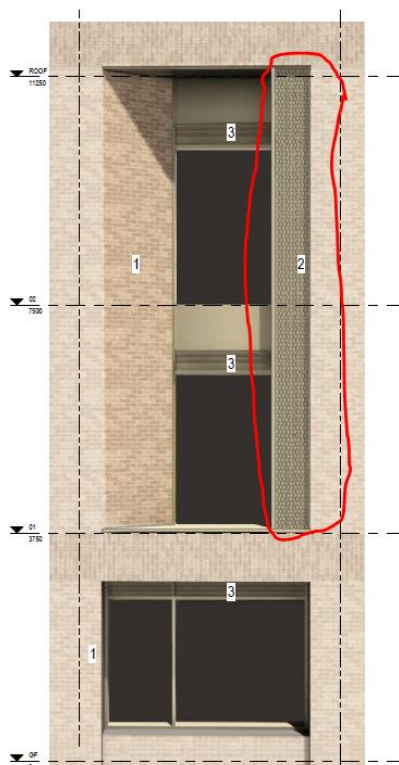
7. Planning History

- 7.1 There is no planning history associated with the site.



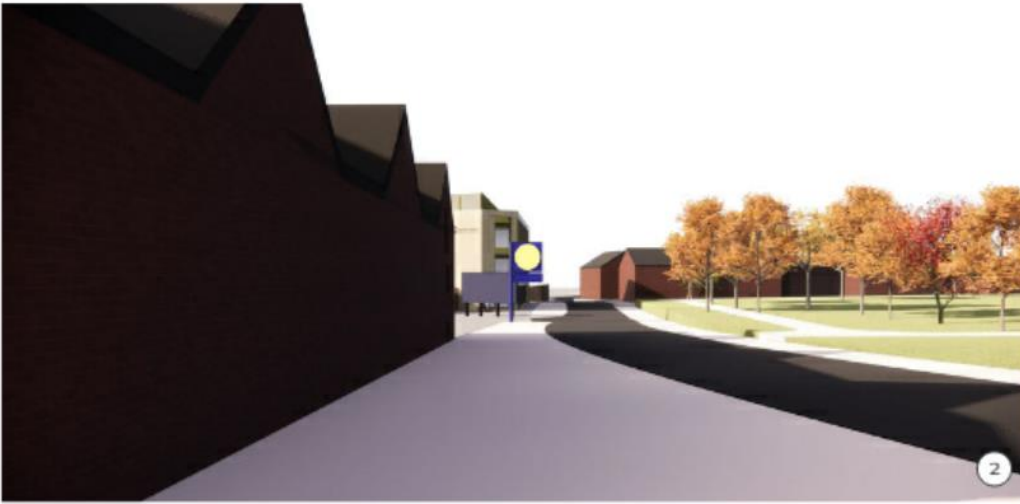
8. Application Details

- 8.1 The applicant proposes to construct a 3-storey community skills hub building. The building is an irregular shape which sits to the frontage of Lower High Street. At the widest point it measures 34 metres (W) by 25.5 metres (L) and reduces to 14 metres adjacent to the existing builder's yard. The maximum height would be 13.7 metres, to include roof plant. The building would incorporate a palette of materials which would largely be a textured buff colour and would be arranged in soldier and standard bond courses to the front elevations and a hit and miss Flemish bond detail to the side elevation. The proposed design would also incorporate a perforated metal spandrel panel with a chain making motif to the side of the window reveals. As indicated in the bay section extract below: -



- 8.2 The building would provide education and training for the following individuals: -
- 16-18 years old
 - 19-25 years old (NEETs)
 - 24+ (un)employed adults.
- 8.2 A café would also be provided to serve both students and the wider community on the ground floor.
- 8.3 14 staff would be employed at the site and the building would accommodate a total of 183 students in any given day.
- 8.4 12 parking spaces are provided within the site, which includes, 2 disabled bays, 8 dedicated parking spaces and 2 drop off spaces.
- 8.4 The application includes various supporting documents such as a Transport Statement, Design and Access Statement, Ground investigation report, Archaeological Desk Based Assessment and Drainage Report.
- 8.5 The Design and Access Statement provides a narrative about how the design solution evolved and justifies the materials choice and the scale of the building. Firstly, the buff colour materials are influenced by the stone buildings situated within Cradley Heath and refers to the former Municipal Building, now the Fire Station on the corner of Barrs Road/Halesowen Road. The scale in relation to its setting is demonstrated by a photomontage showing the building both along Lower High Street and to the rear from residential properties (Printers Close). See image extracts below: -





Views from Cradley Heath Town Centre



View from Mary Macarthur Gardens



The flat roof design was chosen due to the irregular shape of the building whereby pitch roofs would have looked awkward and complex. Instead it is considered that a flat roof with plant above and a simple screen would allow plant and photovoltaics (pvs) to enjoy the extensive roof, provide safe access for their maintenance and reduce the scale and massing compared to a full pitched room.

The landscaping scheme proposes to enhance the existing native planting to the rear of the site and would introduce additional native trees.



Existing view from South into Printers Drive off Chester Road

8.6 The Transport Statement has indicated that: -

- a. There are 371 public car parking spaces within a 6-minute walking distance of the site and at peak times (07:00-19:00) a total of 46 spaces remained empty.
- b. The site is 2km from a number of surrounding residential areas and so a high proportion of students could walk to the site.
- c. Several bus services operate along Lower High Street with a bus stop within 100 metres of the site and the train station 200 metres from the site.



- d. The development provides 18 sheltered cycle spaces to support sustainable travel to the site which have been located immediately adjacent to the building.
- e. The original Travel Survey took place in January 2022 of users of the existing Sandwell College campus. 279 (63%) staff and 980 (16%) students responded. The findings showed that 75% of staff and 20% of students travelled by car and 57% of students travelled by public transport. When applying this pattern to the site, this equates to a daily total of 10 staff and 36 students by car, however at peak times this would likely be 18 (am) and 11 (pm) car journeys.

Subsequent to this original survey given the questions raised by members regarding the travel patterns of adult learners, further analysis has been carried out to review the travel patterns of adult learners from existing student survey information. This indicated that those students on an ‘Adult Study’ course type were recorded to have the highest propensity to travel by car (20%), in comparison to ‘A’ level students (1%), School leavers (1%) and Apprenticeships (11%) course students.

A further sensitivity test has been undertaken to demonstrate a more realistic position that takes into consideration the likely number of students on site on any given day, based on their course type, the average group size and average number of students within a group. The table below shows three scenarios:

Scenario 1 – summaries the current position as already outlined

Scenario 2 – considers the same but then applies the specific driver mode by age.

Scenario 3 – provides more realistic numbers of students on a given day (110) as provided by the College and applies scenario 2 above.



Table 2: Sensitivity Test

		Car Driver Mode Share	Scenario 1 (TA)			Scenario 2			Scenario 3		
			Pupil Ratios	Pupil Nos	Daily Car Driver Trips	Pupil Ratios	Pupil Nos	Daily Car Driver Trips	Pupil Ratios	Pupil Nos	Daily Car Driver Trips
Pupil Nos.	16-18 year olds	1%	0%	0	0	35%	63	1	35%	38	0
	19-24 year olds	11%	0%	0	0	27%	50	6	27%	30	3
	Over 25s	20%	100%	183	36	38%	70	14	38%	42	8
	Total	-	-	183	36	-	183	20	-	110	12

Source: PJA

To conclude when this additional sensitivity testing is applied the number of car born trips is reduced further.

- f. A Travel plan will be implemented from initial occupation and both staff and students will be aware that there is no car parking provision within the site. The Travel Plan would include annual monitoring reports, a cycle to work scheme for staff, TOTUM discounts (student discount cards for retail purchases) and bus metro train passes for students.
- g. There will be no loading bay on street. Refuse will be in line with the existing Traffic Regulation Order. Servicing deliveries would occur within the car park. No minibuses would be stored within the site.
- h. Data analysis of accidents along Lower Higher Street shows that there have been no serious accidents adjacent to the site.
- i. Occasional weekend use for community use which would be a meeting room with maximum capacity 12 and that the off-street parking would be available during these times.
- j. Café users would be staff and students but also open to members of the public; however this would likely be linked to Lidl and Station use passers by linked trips only.

9. Publicity



9.1 The application has been publicised by neighbour notification and press notice. A petition and 29 neighbour objections have been received.

9.2 **Objections**

Objections have been received on the following grounds:

- i) Traffic generation/road safety concerns
 - a. Proximity of the site to the junction of Sydney Road and at a bend in the road will cause safety issues when vehicles exit the site.
 - b. Construction traffic will cause massive disruption and will use side streets to avoid traffic congestion.
 - c. Lower High Street is an extremely busy road.
 - d. The builder's yard adjacent, already causes congestion from deliveries and customers.
 - e. Congestion on residential streets (Whitehall Road) would affect emergency vehicle access.
 - f. Safety of children if vehicles fly park and force pushchairs into the road around the park.

- ii) Insufficient parking
 - a. Limited parking within the development for staff/students.
 - b. Parking is already a problem in surrounding streets due to train commuters/builders yard/Buddhist Centre/Dentist.
 - c. Parking will occur on resident's streets adjacent, as the resident's parking zone only covers part of Sydney Road.
 - d. Loss of existing much needed car park.
 - e. Concerns about construction parking during development of the site.
 - f. Nearby town centre car parks are limited to shoppers with only 1½ hours free use.
 - g. Reduces parking for children with young families using Mary Macarthur Gardens



- iii) Inappropriate Design
 - a. The design is a brutalist monolith which will detract from the amenity of Mary Macarthur Gardens and is not in keeping with the locality.
 - b. Overdevelopment of the site – too dominant within the street scene/insufficient parking.
 - c. The site is too small for the footprint of the building.
 - d. Limited outside space for students/staff.

- iv) Amenity concerns (loss of light/privacy/outlook)
 - a. The building, due to being on higher ground and proximity, would affect the privacy/light of residential properties on Printers Drive.
 - b. Due to the size of the building it will impact on the outlook from residential properties.
 - c. Overshadowing of residential properties would affect solar gain to solar panels.

- v) Noise/Air pollution
 - a. Noise increase to residential properties from the proposed use (increase footfall students/staff).
 - b. Air pollution increased from additional traffic.

- vi) Increased Anti-Social Behaviour/safety
 - a. Concerns about increase threat of break-ins to residential properties.
 - b. Safeguarding of children – privacy
 - c. Increase in litter (already noted when children are off school)
 - d. Parking disputes could increase community tensions.

- vii) Loss of Trees/wildlife
 - a. Loss of trees
 - b. Impact on wildlife

- viii) Other
 - a. Offer of free bus passes would be impossible to enforce



- b. Questions about public consultation prior to the submission of the planning application
- c. The site closes at 5pm so would not be inclusive to the wider community
- d. A better location would be to use the site opposite the station.

Non-material considerations have referred to loss of property value.

9.3 Responses to objections

These are addressed in section 13 (Material considerations).

10. Consultee responses

10.1 Planning Policy

The site is allocated for housing and is departure from the Development Plan however due to the surrounding development and its proximity to the town centre an education facility is deemed acceptable. Further discussion will be referred to in section 12 regarding relevant policies within the development plan.

10.2 Highways

Concerns had been expressed regarding the lack of parking provision within the site and how the site would operate. Following the submission of further details, Highways have removed their objection on the understanding that proposals within the travel plan (i.e. cycle to work schemes, travel passes etc) would incentivise staff and students to use sustainable transport. This however relies on the success of the Travel Plan, which would be difficult to enforce if staff/students chose to use cars to travel to the site. The Highways service have therefore requested that a s106 agreement also secures an obligation for the applicant to undertake baseline surveys before the development commences and then a further survey after the development is complete and occupied. If it is then found that car traffic related to the development is affecting adjacent residential streets, then the applicant



would contribute to further mitigation in the form of further residents' parking schemes/TROs.

10.3 **Public Health (Air Quality)**

No objections subject to conditions relating to electric vehicle charge points, low NOx boilers and a construction method statement to control dust emissions.

10.4 **Public Health (Contaminated Land)**

No objection subject to condition relating to site investigation and remediation measures.

10.5 **Public Health (Air Pollution and Noise)**

No objection subject to condition relating to noise assessment and mitigation.

10.6 **West Midlands Police**

No objections but provide commentary in relation to secured by design principles, such as CCTV, security to building and lighting.

10.7 **Lead Local Flood Authority**

A sustainable drainage strategy has been submitted and is deemed acceptable.

10.8 **Severn Trent**

No objection subject to standard conditions regarding a detailed drainage scheme for the disposal of surface water and foul from the site.



10.9 Urban Design Officer

The roof design and materials for the development are considered to be out character with the area. The officer asserts that Cradley Heath is predominately a red brick with pitched roofs. Notwithstanding this, if the materials are deemed acceptable, details relating to the chain motif should be conditioned. Other matters which can be conditioned related to minimal planting to the frontage, the location of the cycle storage/parking, boundary treatments, bins storage and no vinyl on the windows serving the café/ground floor space.

11. National Planning Policy

- 11.1 National Planning Policy Framework promotes sustainable development but states that local circumstances should be taken into account to reflect the character, needs and opportunities for each area.
- 11.2 The guidance also refers to development adding to the overall quality of the area by achieving high quality design, achieving good architecture and layouts. The applicant has provided significant evidence to justify the design proposal and its relationship within the footprint of the site.
- 11.3 The same guidance promotes sustainable transport options for development proposals and paragraph 111 states that developments should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The Highways team do not consider that the development would have a severe impact on the highway network as the number of trips associated with this development would be only circa 1% increase in vehicle trips of the existing highway network.

12. Local Planning Policy

- 12.1 The following polices of the council's Development Plan are relevant:



CPS4: Place Making
DEL1: Infrastructure Provision
HOU5: Education and Health Care Facilities
ENV3: Design Quality
ENV5: Flood Risk, Sustainable Drainage System and Urban Heat Island Effect
ENV7: Renewable Energy
ENV8: Air Quality
EMP5: Improving Access to the Labour Market
TRAN4: Creating Coherent Networks for Cycling and Walking.
SAD HE5: Archaeology & Development Proposals.
SAD EOS9: Urban Design Principles
SAD EMP2: Training and Recruitment

- 12.2 The site is allocated for residential development and so this proposal is contrary to the allocation and is a departure from the development plan. As such there should be a robust justification to set aside this policy.
- 12.3 Policy HOU5 refers to new educational facilities being well designed, suitably located and providing a need within the area. With regard to location, the site is conveniently located to Cradley Heath town centre and the train station. Design considerations will be referred in later sections. The site itself is situated on the edge of the centre sandwiched between the Lidl Store and a commercial builder's yard. Given these factors, it is considered that a more commercial use is better suited to this location than a housing site. Turning to need, Sandwell College has identified, largely through the Town Funding process, that there is a need for an education facility to serve the residents of Cradley Heath and Rowley Regis. As has been outlined above, this facility is aimed at young adults to provide them with skills to support them into employment.
- 12.4 CPS4, ENV3 and SAD EOS9 refers to understanding historic character and local distinctiveness which makes a positive contribution to place-making. The scheme should be well designed providing good pedestrian and public transport access. Matters of scale and compatibility



with their surroundings should also be considered. In the main, the proposal sits comfortably within the group of buildings fronting Lower High Street, as the visuals referred to in the design and access statement demonstrate. The levels do drop significantly to the rear of the site and visuals show that the housing scheme is on significantly lower ground.

The materials choice is more unconventional given the strong red brick presence within Cradley Heath, however it is acknowledged that other civic buildings within the locality used buff materials, such as stone, render and brick. I do however consider that to ensure the massing and scale of the building assimilates and responds to Cradley Heath as a place, that the use of the chain motif, using perforated metal, should be included and that landscaping to the rear boundaries is enhanced to retain and soften the impact of the building to residential property on Printers Drive.

12.5 TRAN4 refers to creating good pedestrian and cycle connections to sites. The proposal's main door is currently served to the side elevation with no visual connection from the main façade. Ideally a direct link from the public realm would be preferred, but the design requires a side entrance for appropriate security when entering the building. The cycle stores are located to the rear of the site and it had been requested that these are located adjacent to the building, however the applicant has stated that for logistical reasons the materials store needs to be located nearest to the building.

12.6 ENV5, 7 and 8, these policies refer to sustainable drainage, renewable energy and air quality. The development proposes to incorporate a Sustainable Drainage System (SuDS), introduces photovoltaics within the roof (renewable energy) and conditions can be attached to mitigate air quality such as the Travel Plan, electric charge points, low NOx boilers and a dust management plan during construction.

12.8 EMP5 and SADEMP2 refer to securing access to the labour market. In this instance this can be achieved firstly through a condition which



require an employment and skills plan during construction, but in addition the proposal itself seeks to provide training to support young people back into employment.

- 12.9 The site falls within an area of archaeological significance, a desk-based assessment accompanied the application and its conclusions state there is limited significance of buried archaeology within the site and no further action is required.

13. Material Considerations

- 13.1 National and local planning policy considerations have been referred to above in Sections 11 and 12. With regards to the other material considerations, these are highlighted below:

13.2 Proposals in the Development Plan

The site is allocated for housing, in this instance given the location of the site it is considered that a commercial use is better suited.

13.4 Access, highway safety, parking, servicing and traffic generation

Residents have expressed concerns about the impact of this development within the local highway network, in particular, with regard to highway safety. The Transport Statement has demonstrated that there is no data showing that significant accidents have occurred on this section of Lower High Street. The vehicular access to the site only serves limited traffic which again will not significantly affect traffic. In terms of the national policy the proposal would not have a severe impact on road safety to warrant refusal and Highways have not objected on safety grounds.

The wider concerns relate to traffic generation serving the new development. The Transport Statement has carried out analysis of the likely vehicle movements based on surveys of staff and adult students at the Central West Bromwich Campus. This suggests that at worst, on



any given day, there would be a total of 46 vehicles and that within 2km of the site there is sufficient parking provision from existing public car parks. Notwithstanding this, as a means to ensure that cars associated with this development use these car parks rather than parking on adjoining streets, the s106 agreement would ensure that this is monitored and if found to occur, sanctions in the form of additional resident parking schemes and/or TROs would be introduced at the cost of the applicant. On the basis of the information submitted and the safety net of the s106 agreement, highways have no objections to the proposal.

Other concerns referred to existing businesses causing problems in the locality, however this cannot be a justification to refuse permission if the scheme demonstrates that it would not impact on the road safety and parking. Given the analysis and proposed mitigations it is considered that the scheme is acceptable in highway terms.

13.6 Loss of light and/or outlook, Overshadowing and loss of privacy

Residents on Printers Drive, off Chester Road have raised concerns about loss of privacy, light, overshadowing and outlook. In the first instance the application site, in the main, does not directly interface with residential properties and is situated opposite the resident's parking court.

There are however, side elevations which face part of the application site. These elevations are 27.3 metres from the rear elevation of the building. In addition, the rear elevation immediately adjacent to these residential properties provides a stairwell and a blank façade, therefore given the separation and the design of the building it is considered that there would not be any direct overlooking or loss of privacy. See image below:





SOUTH ELEVATION
1:100

Turning to concerns about overshadowing, members requested additional information was provided and details of the modelling of the path of the sunlight during the day have been provided to demonstrate that the building will not cause harm to residential properties in Printers Drive. The full detailed drawings for the winter, spring, summer and autumn equinox are appended to this report and demonstrate that due to the orientation of the sun, there will be no overshadowing from this development towards Printers Drive.



The image below indicates the orientation of the sun and an extract of the sunlight plan for the Spring equinox is provided.



Solar Study: Spring Equinox



9:00



12:00



15:00

Red circles indicate the shadow cast by the development during the day.



13.7 Design, layout, appearance and materials

Residents have stated that they consider the design to be a ‘brutalist monolith’ which will detract from the amenity of Mary Macarthur Gardens and is not in keeping with the locality. They consider that the development is too dominant and the footprint too large for the site with no outside space for staff/students. The Design and Access Statement provides visuals showing the proposal in context to existing built form, which indicates that the scale of the building would assimilate with the wider context of the area. Design can be subjective, but the applicants have provided evidence of where they have drawn their design influences from within Cradley Heath’s past and present along with reference to civic buildings of this design style in other areas of the country. From the visuals presented I do not consider that the development would unduly detract from the character of the wider area or the setting of the adjacent gardens. Turning to spatial standards, the footprint is large, but provides opportunity for enhanced landscaping to the boundaries, although arguably trees to the frontage rather than planters would assist with breaking up the vertical lines of the building. In terms of the latter, the applicants have stated that planters were chosen because of tree root constraints and to retain outward views from the building. Whilst limited outdoor space is provided, given the proximity of the gardens opposite and nearby town centre, it is considered that students and staff have easy access to additional outdoor space and facilities.

13.8 Safety Security/ASB

The Police have raised no objections to the proposal, aside from recommendations regarding security of the building. Residents to the rear of the site will naturally be concerned about safety. But it is considered that the presence of this building is more likely to improve safety and natural surveillance of the site and boundaries would be improved along with the addition of CCTV and lighting. Other matters such as litter, safeguarding of children and parking disputes have been raised. The proposed boundary treatments to the rear and security



measures would protect residents from trespass and loss of privacy. In terms of litter, this will be for the management of the applicant, but appropriate waste facilities will be provided within the site. With regard to parking disputes, the s106 should ensure that if inappropriate parking arises, this can be managed.

13.9 Noise and Pollution

Public Health have raised no objections to the proposal subject to conditions requiring a noise assessment for plant and any mitigation thereafter to be implemented. Electric charge points, low NOx boilers and a construction management plan have also been recommended and can be conditioned.

13.10 Loss of Trees/wildlife

The site is currently all hardstanding with some landscaping to the boundaries. The development would introduce additional landscaping (including trees), therefore it is considered that there would be a neutral impact for both trees and wildlife.

13.11 Other considerations

It should be noted that the land is currently in the ownership of the Council. Therefore, prior to entering into a s106 agreement to secure parking mitigation, the land would have to be transferred to the applicant. It is understood negotiations are already taking place. However, this in itself has no bearing on the recommendation and is in the interests of transparency.

It is acknowledged that the proposed Travel Plan measures may not be adopted by students and staff, however the surveys suggest that take up of public transport is high for students. Furthermore, given the catchment area for students will be within the local area, walking and cycling is more likely to occur.



Questions have been raised about public consultation prior to the submission of the planning application. This in itself is not a requirement of a planning application submission, notwithstanding this, 42 neighbours on the surrounding streets of Lower High Street, Chester Road, Printers Drive, Sydney Road and Compton Street, Cradley heath have been consulted. Residents in turn, have responded to the planning submission and their concerns reported to your committee and have been responded to within this report.

The facility is specifically for the local community of Cradley Heath and Rowley Regis, albeit specially for those trying to improve their education attainment in order to gain employment. Alongside this, the café will be open to the public and the facility can be used for community use at the weekend.

14. Site selection, funding process and member engagement

Funding process

On 6th September 2019 it was announced that 101 Towns had been identified by Government to benefit from the Town Fund. In Sandwell, West Bromwich, Smethwick, and Rowley Regis were identified for Towns Fund by Government. A Town Investment Plan detailing proposed projects was submitted for each Town in October 2020 and in March 2021, Heads of Terms for £23.5m was offered by the Department for Levelling Up, Housing and Communities (DLUHC), which was accepted following Cabinet approval.

The Satellite Education Hub was one of the 6 projects originally put forward as part of the Town Investment Plan to deliver a much-needed uplift in education, training and skills amongst the people of Rowley Regis. Following the submission of the full business case in March 2022, Government approved 5 of these 6 schemes, including £9m for a Satellite Education Hub.



The £9m funds will be released once DLUHC receive full assurance that the project is proceeding, which is subject to a favourable planning committee decision. Should this not be the case, there is a high risk that the approved £9m investment would be lost to Cradley Heath as the Towns Fund programme ends in March 2026.

Site Selection Process

The following sites were considered as part of the site selection process:-

- Cradley Heath Town Centre
- High Street / St Anne's Road
- Land at Lower High Street / Silverthorne Lane
- Former financial Services head office, Old Hill town centre
- Former Hill Passage / Haden Road car park, Old Hill

There were several constraints which were as follows:-

- i) Pursuing a privately-owned site at this stage is not a viable option due to the following considerations:
- DLUHC may require evidence of land acquisition prior to approving/releasing funding for project
 - If private landowners are reluctant to sell site, a CPO process can take 12-18 months with no guaranteed outcome (Aug 23 - Feb 2025). Project would not be approved by DLUHC at this late stage as the Towns Fund Programme ends 31st March 2026.
 - Additional funding would have to be sought to cover the legal costs of proceeding with a CPO (c£250,000)
 - No guarantee of approval from DLUHC following project change request.



- ii) Sites too small to accommodate the skills hub
- iii) Sites poorly located to public transport
- iv) Buildings not suitable for refurbishment to meet the needs of the skills hub

Member Consultation

There has been full involvement of the Rowley Members in the decision by the Council to promote and support the development, in partnership with Sandwell College, of a Satellite Education Hub on the former Lower High Street car park. The project was discussed as a number of Town Members meetings which are provided below. Although there was discussions and concerns regarding parking issues, no objections were received with regards to the site selected for the project.

20th September 2020

At the early stages of the Towns Fund Programme, proposed projects were presented to Town Members Meeting on 20th September 2020, where the Satellite Hub was discussed along with other Towns Fund projects. Queries regarding parking were raised at this point. However, the project continued to be developed with further updates provided at subsequent meetings.

26th July 2021

The scheme – along with two other Rowley Regis Towns Fund proposals – was discussed at length in a specially-convened Rowley Town Members meeting on 26 July 2021, which was attended by a members of the Planning Regeneration team and Sandwell College to provide additional detail and answer questions – of which there were very few, both raised by the late Councillor Shackleton, seeking points of clarification.

16th June 2021



The late Cllr Shackleton raised the issues of elected member consultation at June 2021 Cabinet. This resulted in Cabinet approving a Town Lead and Deputy Lead on each Local Board to represent their wards and report back to Town members meeting.

September 2021

Shortly after this, in September 2021, a report was prepared and submitted to the Cabinet Member [at that time, Councillor Padda] as a first step in the formal process of disposing of the site to Sandwell College. The report alludes to a broad consensus of Member support for the proposal.

November 2021

A further response was provided in November 2021, following the tabling of another question from Councillor Shackleton on the same theme.

14 December 2021

An update on the progress of the Satellite Hub business case was presented to the elected members.

7th April 2022

Following the submission of the Full Business Cases in March 2022, an updated was provided to the Town members meeting in April 2022.

9th March 2023

A Towns Fund update was presented to Town Members meeting in March 2023.

15 Alternative Options

- 15.1 Refusal of the application is an option if there are material planning reasons for doing so. In my opinion the proposal is compliant with



relevant polices and there are no material considerations that would justify refusal.

16 Implications

Resources:	When a planning application is refused the applicant has a right of appeal to the Planning Inspectorate, and they can make a claim for costs against the Council.
Legal and Governance:	This application is submitted under the Town and Country Planning Act 1990.
Risk:	None.
Equality:	There are no equality issues arising from this proposal and therefore an equality impact assessment has not been carried out.
Health and Wellbeing:	None.
Social Value	Apprenticeships and job opportunities can be conditioned during construction
Climate Change	Sandwell Council supports the transition to a low carbon future, in a way that takes full account of the need to adapt to and mitigate climate change. Proposals that help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure, will be welcomed.

17. Appendices

Location/Context Plan
 Site Layout
 Proposed Elevations
 Proposed Floor Plans
 Proposed Landscape Plan
 Sunlight plans





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Report to Council

25 July 2023

Subject:	Annual Report of the Licensing Committee and Licensing Sub Committees for 2022/23
Director:	Director – Borough Economy – Alice Davey
Contact Officer:	Nicola Plant – Assistant Director Public Protection and Community Safety nicola_plant@sandwell.gov.uk Liz Nembhard – Operations Manager, General Licensing liz_nembhard@sandwell.gov.uk Alasdair Morrison - Operations Manager, Taxi Licensing Alasdair_morrison@sandwell.gov.uk

1 Recommendations







- 1.1 That the Licensing Committee annual report for the 2022/23 municipal year is received.

2 Reasons for Recommendations

- 2.1 To receive the Licensing Committee annual report for the Municipal year of 2022/23.



3 How does this deliver objectives of the Corporate Plan?

	The work of the Licensing Committee enforces key council policies and provides an effective response to local issues as they arise.
	The activities undertaken contributes to the delivery of the 2030 Vision, in particular the following: <ul style="list-style-type: none">- 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.- our distinctive towns and neighbourhoods are successful centres of community life, leisure and entertainment where people increasingly choose to bring up their families.
	
	
	
	

4 Context and Key Issues

4.1 The Licensing Committee is responsible for exercising the powers and duties of the Council with regard to licensing matters under relevant legislation set out in this report.

The committee is required to produce an annual report to Council detailing activities completed throughout the Municipal year including the outcomes of the Committee. The report outlines the activity of the committee and responses to local and national issues. A copy of the annual report is attached at Appendix 1.

5 Alternative Options

5.1 There are no alternative options given for consideration as it is a requirement under the legislations that an annual report of the activity of the Licensing Committee is produced.



6 Implications

Resources:	<p>There are no resource implications arising from this report.</p>
Legal and Governance:	<p>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 Licensing matters under the Licensing Act 2003, the Gambling Act 2005, the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847 as extended by the Public Health Act 1875.</p> <p>The Licensing Act 2003 (Alcohol Licensing) The Gambling Act 2005 (The Licensing of Gambling) and the Local Government Act 1972 (Licensing of Taxis) allow the Licensing Committee to arrange for the discharge of any of its functions by a sub-committee or an officer of the Licensing Authority in accordance with its terms of reference and officer scheme of delegation. Arrangements may provide for more than one sub-committee or officer to discharge the same functions concurrently.</p> <p>The membership of the Sub Committee is reviewed each year following the appointment of members to the Licensing Committee at the Annual Council Meeting.</p> <p>The Licensing Committee has already delegated the majority of its licensing functions to the Sub Committee and/or Officers.</p>



Risk:	There are no risks identified in relation to crime and disorder from the recommendation of this report. 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.
Equality:	There are no equality implications arising from this report.
Health and Wellbeing:	There are no direct health and wellbeing implications arising from this report.
Social Value	There are no direct social value implications arising from this report.

7. Appendices

Annual Report of the Licensing Committee and Licensing Sub Committees for the Municipal year of 2022/223

8. Background Papers

None



Annual Report of the Licensing Committee



Chair's Foreword

As Chair of the Licensing Committee I am pleased to report on the work of the Licensing Committee and of the officers in Taxi and General Licensing which support the Committee's work.

The Council's Licensing Committee deals with many aspects of licensing and most of its work continues to be discharged on its behalf through delegated powers granted to officers.

The past year has been a busy time from a Taxi and General Licensing team perspective. Our licensed businesses have been impacted by the factors such as the cost of living crisis. The hospitality industry, which includes alcohol licensed premises, are trying to rebuild following the COVID pandemic and are experiencing rising fuel and produce costs. Our transport services, including taxi and private hire, have also seen an ongoing impact from the pandemic, with more people working from home.

Both licensing services have had to adapt to new ways of working to support and provide the necessary advice to the trade.

Taxi Licensing have recently introduced a new online application system with further development of the system to follow, this will provide further opportunity for the team to respond in a more efficient way.

Our Committee members have participated in the relevant training to enable them to undertake their role on this important Committee. More training is being planned during the municipal year 2023/24.

This report provides a summary of the work undertaken in 2022/23 by the Taxi and General Licensing teams.



Cllr John Giles, Chair of Licensing Committee



Introduction to the ... Committee

What is the role of the Committee

The purpose of the Licensing Committee which is established by Council each year is to determine all matters in relation to the Council's powers and duties under the following Acts and Regulations: -

- Town Police Clauses Act 1847;
- Local Government (Miscellaneous Provisions) Act 1976;
- House to House Collections Act 1939;
- Local Government (Miscellaneous Provisions) Act 1982;
- The Police, Factories etc. (Miscellaneous Provisions) Act 1916;
- Consumer Credit Act 1974;
- Safety of Sports Grounds Act 1975;
- Part II of the Local Government (Miscellaneous Provisions) Act 1972.


Who sits on the Committee

Membership of the Licensing Committee for 2022/23 was as follows:-

Licensing Sub Committee 1	Licensing Sub Committee 2	Licensing Sub Committee 3
Cllr Allen (Chair)	Cllr Fenton (Vice-Chair)	Cllr Gavan (Vice-Chair)
Cllr M Gill	Cllr Z Hussain	Cllr Kausar
Cllr Mayo	Cllr Akpoteni	Cllr J Giles
Cllr Singh	Cllr A Hussain	Cllr Jalil
Cllr Wilkes	Cllr Dunn	Cllr W Gill



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

	<p>Strong resilient communities</p> <p>The work of Licensing Committee enforces key council policies and provides an effective response to local issues as they arise.</p>
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Committee Development Activity

Training has been provided to all members of the Committee on the following topics: -

- Licensing Act 2003
- Taxi Licensing
- Gambling Act

Training included licensing procedures, natural justice, understanding the risks of child sexual exploitation, and disability equality, as well as any additional issues deemed locally appropriate.

Committee Activity Overview

Work Programme Spotlight – Taxi Licensing

On 22nd April 2022, the Private Hire and Hackney Carriage Licensing Policy was adopted following consultation with stakeholders and the Licensing Committee to adopt the Statutory Standards recommendations as published by the Department of Transport in July 2020 with the exception of introducing a mandatory CCTV policy. This affected condition of all licences added additional safeguarding requirements and reviewed Section 7 of the Policy in respect of rehabilitation periods for convictions.

In the municipal year 1 April 2022 to 30 March 2023, the Committee considered 41 reports regarding the grant of new licence applications or the renewal or review of existing licences.



Date	Granted	Renewed	Suspended	Revoked	Refused	Adjourned/ Deferred	Warning issued	No Action	Total
4/4/22	1					2			3
11/7/22				1		1	2		4
18/7/22							1		1
22/7/22						1			1
5/9/22	1		2		1				4
17/10/22	2				1		1		4
24/10/22				1			1		2
14/11/22	2					1	1		4
12/12/22	1					3			4
23/1/23	1		1	1	1				4
20/2/23	1		1	1	1	1			5
27/3/23		1				1	3		5
Total	9	1	4	4	4	10	9	0	41

Delegated officer decisions

During the same period the following delegated officer decisions were made by the Taxi Licensing Managers which resulted in fewer reports being taken to Committee for member consideration and decision:

	Municipal year 2022/23
Licensed drivers who had their licence revoked or suspended with immediate effect on the grounds of public safety	1
Licensed drivers who had their licence suspended with immediate effect as their DBS certificate had expired	1
Licensed drivers who were issued with 21 days delayed suspension notice for failure to sign up to the DBS update service	15
Licensed Drivers who had their licence suspended with 21 days delayed suspension notice as their Medical certificate had expired	17



Licensed drivers who had their licence suspended with immediate effect as they were not medically fit	5
Warning letters issued due to failing to declare minor road traffic endorsements on application or within the designated period	1
Drivers issued with an exemption certificate from carrying guide and assistance dogs due to a medical condition	6
Warning Letters issued at conclusion of complaint Investigation	1

Numbers of licences

The numbers below are the registered licences for the municipal year of 2022/23 broken down by licence type.

Licence type	Total number of current licences as at 31/3/2023	Total number of licences as at 31/3/2022
Private Hire Operator	41	45
Private Hire Driver	934	923
Hackney Carriage Driver	16	18
Dual Licence Holder	310	328
Private Hire Vehicle	1136	1068
Hackney Carriage Vehicle	66	81

Policy Position

Private Hire and Hackney Carriage Policy Handbook

A policy review was undertaken following the publication by the Department for Transport of the Statutory Taxi and Private Hire Vehicle Standards in July 2020. A revised policy was issued on 22nd April 2022.

In August 2022, the Licensing Committee were consulted on and supported the use of other vehicle testing stations for full tests and interim safety checks for both private hire and hackney carriage vehicles and the use of GMC Registered



Medical Practitioners to complete driver medicals giving applicants more choice on who conducted these tests. In January 2023, the ability to use other medical practitioners was introduced and the procurement process is currently being undertaken to identify and approve other garages to conduct the vehicle tests.

A further full review of policy is planned once the results of Best Practice Guidance Survey are issued by the Department for Transport. The consultation on this document took place during 2022, but the results have not yet been published due to Ministerial changes in Central Government.

Service Improvements

During 2021/22 considerable work was done on the application forms and their submission with supporting documents and online payments which resulted in the successful introduction of an online applications portal which was launched in January 2022. During the 2022/23 municipal year, work has continued the digital transformation of licensing activities. Customers can now apply for new licences, renew licences, make payment and submit supporting documents for applications online. The system has also started to open further opportunities for digital communication which is streamlining and speeding up processing timescales.

In February 2023, online diaries to book and pay for garage appointments with Fleet Services went live, together with the ability for applicants to book appointments and make payments where required for the following office appointments with the taxi licensing team:

- DBS Form Check
- Knowledge Test for drivers, operators and vehicle licence holders who are not drivers e.g. hire companies
- Appointment to collect driver licence and badge
- Appointment to collect vehicle licence, plates and window stickers

From April 2023, new window stickers are being issued to all vehicle licence holders as they renew or apply for a new vehicle licence. The notice reminds customers not to smoke in their vehicle, contains the vehicle plate number visible from the outside and on the inside for the customer how to make a complaint should they have any issues with the vehicle. Notices also advise on when the vehicle has to be pre booked and which authority to make the complaint to with the team telephone number and email address.



In response to concerns raised by licence holders a service improvement plan was created and considered by committee to drive improvements to the service. Of the 21 areas of improvement or policy amendment agreed by committee, 18 were completed in 2022-23. This included allowing medicals to be undertaken by any qualified GMC practitioner. The development of an approved provider list of garages to provide customer choice for some vehicle inspections is in progress and will be completed in 23/24. The remaining two areas relate to policy areas of permitted colours for private hire and hackney carriage vehicles and licensing of vehicles that have been written off by insurance companies. A decision on vehicle colours has been deferred until the publication of the national Taxi and Private Hire Licensing Best Practice Guidance, and the matter of licensing vehicles written off by insurance companies will be considered by the licensing committee in 23/24.

Enforcement Activity

Between 1 April 2022 and 31 March 2023, the Taxi Licensing Enforcement Team carried out 12 Multi Agency Stop Operations and visited 42 Operator bases.

The Multi Agency Stop Operations (MASO) include both licensing and enforcement officers working in partnership with other agencies like the police, DVSA, and other West Midlands Licensing Authorities. Enforcement Officers have also worked in partnership with the Travel Assistance Service and Adult Social Care Transport (TAS) Team to undertake mini MASO operations at schools across Sandwell, but these have not been recorded separately are included in the 12 above.

Fare Increases

Following a meeting with representatives from the Hackney Carriage licence holders, a request was received to increase the fares across the Borough. The increase was advertised in the Express and Star during April and as no objections were received the new charges came into effect on 19th May 2022. National league tables on charges are published by Private Hire and Taxi monthly and measure against the cost of a 2-mile journey. Currently Sandwell



charge £6.92 for a two-mile journey and are ranked as of 10th May 2023 at 165 out of 344 licensing authorities. The league table can be viewed at <https://www.phtm.co.uk/taxi-fares-league-tables/2023-05>

The comparison for surrounding authorities as at 10/5/2023 is as follows:

Name of Authority	Charge	Place in national table
Birmingham	£7.40	92
Solihull	£7.40	101
Sandwell	£6.92	165
Wolverhampton	£6.80	196
Dudley	£6.60	213
Walsall	£5.90	300

Work Programme Spotlight – General Licensing

Detailed in the table below is a breakdown of the type of applications considered by the Licensing Sub Committees in the municipal year 1 April 2022 to 31 March 2023:

Reviews

Agency triggering review	Total 2022/23
Trading Standards	1
Police	2
Court order	0
Environmental Health	1
	Total 4

Reasons for review	Total 2022/23
Serious Crime and Disorder	3
Crime, disorder, and Public Safety	1
	Total 4

Other hearings	Total 2022/23
Grant application	7



Vary premises licence application	1
Sex Establishment applications	2
Temporary Event notices	2
Expedited review	1
Scrap Metal	1
	Total 14

Delegated officer decisions

The table below states the total number of delegated officer decisions on Licensing applications

Decision Type	2022/2023
New Premises licences	37
Minor Variations	11
Full Variation	8
Vary Designated Premise Supervisor	168
Transfer Premise Licence Holder	79
Licences surrendered	33
Licences suspended	24
Change of name/address Premises Licence	52
Personal licences	127
Change of name/address Personal Licence	68

Number of Licences

The numbers below are the current registered licences for the municipal year 2022/23 broken down by licence type.

Licence type	Total number of current licences for 2022/23
Premises licences	973
Personal licences	4540
Casino	2



Bingo	7
Alcohol Licenced Gaming Machine Permit (ALPGM)	34
Adult Gaming Centre (AGC)	12
Betting (BET)	42
Betting Premises (TRACK)	1
Unlicensed Family Entertainment Centre (UFECP)	2
Family Entertainment Centre (FEC)	0
Club Machine Permit (CMP)	37
Sexual Entertainment/Establishment Venues) (SEV)	2
Scrap Metal	65
Temporary event notice (TEN)	152

Policy Position

Scrap Metal Policy

The Scrap Metal Dealers Act 2013 has been introduced to help prevent some of the issues associated with the sale, collection, storage, and disposal of scrap metal and ensure that these activities are carried out lawfully. A policy for determining the suitability of an applicant for a scrap metal licence will be produced this municipal year.

Service Improvement

During the 2022/23 municipal year focus on the digital transformation of the licensing activity has mainly focused on Taxi Licensing. The key objective of digitalisation is to enable customers to apply and communicate with the Licensing Department.

Work on the licensing system for General Licensing was paused due to limited capacity to undertake business as usual activity, navigate through reset and recover and balance project support and management of the system for both teams.



Work will continue into the municipal year of 2023/24 on a revised workplan and timeline of the digitalization project for the General Licensing elements of the project.

Enforcement activity

The General Licensing Team has conducted enforcement and compliance visits to 219 premises during 2022/23.

The team works closely with various partners and responsible authorities such as West Midlands Police, Trading Standards, Environmental Health, Planning and West Midlands Fire Service to visit 'problem' premises to ensure licence holders are compliant with the operating schedule and conditions of their licence.

The team has worked closely with Trading Standards on a programme of underage test purchases across the Borough.

As part of the Sandwell Council's Safer 6 campaign, General Licensing worked alongside Trading Standards and West Midlands Police and carried out enforcement visits to nine traders in West Bromwich.

Temporary Event Notices (TEN's)

TEN's permit licensable activities on unlicensed premises, or outside the hours of an existing licence, for short periods of time and are subject to restrictions on the number that can be given for premises or to an individual during a specified period. The process of applying is formally known as 'serving' a Temporary Event Notice.

The number of times a person may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people).

The number of times a person may give a late temporary event notice (10 times per year for a personal licence holder and 2 times per year for other people).



The number of times a temporary event notice may be given in respect of any premises (15 times or, for event periods occurring wholly or partly in 2022 or 2023, 20 times a calendar year).

The length of time a temporary event may last for these purposes (168 hours or 7 days).

The maximum aggregate duration of the periods covered by temporary event notices at any individual premises (21 days or, for event periods (or any part of those periods) occurring in 2022 or 2023, 26 days per calendar year); and

The scale of the event in terms of the maximum number of people attending at any one time (a maximum of 499).

Late TENs count towards the total number of permitted TENs.

A notice given more than ten working days before the event is a standard notice, when given between nine and five working days before the event it is a late notice. Only the Police or Environmental Health may object. Objections to a standard notice may result in a hearing, for a late notice a counter notice is given meaning the event cannot go ahead.

During 2022/23 there were 152 Tens', 39 of these were late notices.

Looking Ahead

Moving into the municipal year of 2023/24 Taxi Licensing Work will continue to set up the “back office function” in Verso which will allow for licences to be issued through the system, reminder letters sent straight to the applicant’s registered email and the ability to report things like accidents, change of address, apply for duplicate licence copies when lost or damaged and to report accidents via their online account. They will also be able to see when medicals and vehicle checks are due and when they come to renew applications, relevant information from previous applications like conviction history will be pulled through to the application form so that the applicant does not have to enter all details each time they apply for a new licence.

Work with General Licensing will take place to introduce an online function for the processing of licensing applications, creating efficiencies and an improved customer journey. Performance indicators on key areas of activity will be introduced for both teams.



Concluding Remarks

The Committee carries out its role with a view to ensuring the public are kept safe from harm. In making its decisions, the Committee puts this perspective at the forefront of its decision making. This should provide further assurance to the public that the Council views the safety of its citizens as paramount in carrying out this function.

Members and officers are constantly reviewing Council Policy and delegations to reduce committee time and further improve the level of service offered to license holder's contribution to the delivery of the 2030 Vision.



Report to Council

25 July 2023

Subject:	Annual Report of the Planning Committee 2022-2023
Director:	Tony McGovern – Director – Regeneration and Growth
Contact Officer:	John Baker Service Manager; Development Planning and Building Consultancy John_baker@sandwell.gov.uk

1 Recommendations







- 1.1 That Council receive the Planning Committee Annual Report for 2022-23.

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

Resources:	Officer time and legal costs for dealing with planning applications are resourced from application fees and existing budgets.
Legal and Governance:	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.
Risk:	There are no direct risks associated with this report.
Equality:	There is no requirement for an equality impact assessment.
Health and Wellbeing:	There are no direct health and wellbeing implications from this report.
Social Value	There are no direct social value implications from this report.



7 Appendices

Annual Report of the Planning Committee 2022-23.

8. Background Papers

None.



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Annual Report of the Planning Committee



Chair's Foreword

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

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 success throughout 2022 and into the continuing challenging times faced in 2023.

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 and the setting of performance targets above and beyond those required (and closely monitored) by Central Government, coupled with a rolling programme of Member training regarding new planning regulations and related matters.

I was extremely pleased with the way Members and officers alike rose to the challenges and dealt with each application in such a professional manner. We are all unfortunately too well aware of the 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, coupled with the flexibility shown by colleagues to take account of the changing circumstances, has meant that the planning process has continued to perform well.

In 2023/ 24 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 Kay Millar - Chair of Planning Committee

Introduction to the Planning Committee

The Council establishes the Planning Committee each year to deal with matters relating to the Town and Country Planning Acts and related legislation. This mainly concerns the determination of planning applications which is a statutory function of the local authority.

How Planning Committee Works (At the Meeting)

The aim has always been to ensure that Committee is as open and inclusive as possible. In this respect, both applicant and objectors are invited to the meeting at which the application they have an interest in is to be determined.

One representative from each side is given a maximum of five minutes each to make their particular case. Members may also ask supplementary questions of each side. Senior officers from Planning as well as Democratic Services, Highways, Legal Services and Public Health are present to field questions that Members may have. Plans and photographs are displayed on large screens for all present to see. The public gallery is also managed by planning officers who are at hand to answer any further questions from the public. The public are given a real opportunity to take part in the meeting, see the democratic process in action and have their voice heard.



Membership

From April 2021 to May 2022 the following Members sat on the Planning Committee:-



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

At its annual meeting in May 2022 the Council appointed the following Members to the Planning Committee:-

Councillor Millar (Chair);
Councillor Kaur (Vice-Chair);
Councillors Akhtar, Allcock, Allen, Chapman, Dhallu, Fenton, Gill, Hussain, O. Jones, Mabena, Preece, Singh, Webb and Williams.

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

	<p>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.</p>
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Legislation Reference

The primary legislation is the Town and Country Planning Act 1990 (as amended).



Committee Activity Overview

Work Programme Spotlight

During 2022/23, Planning Committee 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.

The number of planning and related applications received and determined between 1st April 2022 to 31st March 2023 was;

1153 planning applications received of which **1169*** applications were determined. (**this number is larger as we determined applications in this period that were carried over from previous months*).

Of the 1169 applications determined, 1124 (96%) were dealt with by officers using delegated powers.

Of those applications determined:-

1058 were approved (91%)

111 were refused permission (9%)



Those applications that were determined at Planning Committee, with the decision made, is as follows;

Date of Committee	No of Applications on Agenda	Decision With Officer Recommendation	Decision Against Officer Recommendation	Application Withdrawn	Visit	Deferred
May	10	5	1	0	3	1
June	8	7	1	0	0	0
July	9	6	0	0	3	0
Sept	7	5	0	0	2	0
Oct	8	6	0	1	1	0
Nov	7	3	1	0	2	1
Jan	7	5	1	0	1	0
Feb	6	3	0	0	3	0
March	6	0	0	0	3	3
Total	68	40	4	1	18	5

The figures above do not take account of the 'Prior Approval' system which is intended to primarily allow householders greater scope above and beyond existing regulations to extend their properties. Before 2013 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 189 such applications in 2022/23.

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 2022/23 also dealt with around 300 complaints regarding alleged breaches of planning control. (A similar number of investigations were carried out in the preceding year). 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 2022/ 23 were also investigated by officers as potentially requiring tidy up work using 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). This area of work has grown in recent years on the back of the Council's own previous '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 exceeded these performance targets. The on-going commitment of all staff, coupled with the assistance of Planning Committee, has very much helped to achieve this;

Major applications received: 45; No. determined in 13 weeks: 41

Performance – 91.1%

Minor applications received: 310; No. determined in 8 weeks: 285

Performance – 91.9%

Other applications received: 814; No. determined in 8 weeks: 735

Performance – 90.3%

Planning Committee is integral to the Council achieving the Government’s performance targets with regards to the time taken to determine planning applications. Throughout the year, Members and officers have strived to work together to not just achieve these targets but also consistently exceed them.

These performance figures also bear testament to the collective efforts to attract new development to the Borough in these continuing difficult economic times. The Planning system can be a positive catalyst for economic regeneration and growth in Sandwell.

Building on this progress, in June 2014 Sandwell achieved the national award from the Royal Town Planning Institute of “Local Authority Planning Team” of the Year for 2014/ 15.



As part of the judge’s comments, it was noted that;

“Sandwell has an exemplary track record with the Planning Service consistently exceeding national targets....”

In 2018 the Planning Service also took part in a Corporate Peer Review and it was noted in particular that the service contributes positively to the wider aspirations of the Council.

Training and Development

The following training sessions for Members of the Committee were run during 2022/ 23 on the topics below;

June	Introduction to Planning for new Members
June	The Planning Committee Process
November	Material Considerations
January	Highway Considerations
February	The New Sandwell Development Plan

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. 92% 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 and pragmatism shown by Committee Members is invaluable for the service to continue to maintain the high performance and customer satisfaction levels achieved to date.



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Report to Council

25 July 2023

Subject:	Appointment to Committees/Boards/Other Bodies and revision to Terms of Reference
Director:	Surjit Tour – Director of Law and Governance and Monitoring Officer
Contact Officer:	Trisha Newton Senior Democratic Services Officer Trisha_newton@sandwell.gov.uk

1 Recommendations







- 1.1 To receive and consider revisions to appointments to committees, boards and other bodies established by the Council, as set out in Appendix A.
- 1.2 To approve the revised Terms of Reference for the General Purposes and Arbitration Committee, as set out in Appendix B.
- 1.3 That subject to 1.1 above, the nominations received be approved and appointed to those bodies with immediate effect.

2 Reasons for Recommendations

- 2.1 Appointments to positions on committee/boards/other bodies is a matter for Council to determine.



3 How does this deliver objectives of the Corporate Plan?

		The Council's decision-making structures are designed to support the delivery of Sandwell's Vision 2030.
		
		

4 Context and Key Issues

4.1 The Council's Constitution sets out the executive, scrutiny and constitutional functions and the rules and procedures for how the Council operates, it also prescribes the issues that the Council should address at its Annual Meeting in identifying the person(s) or bodies it wishes to carry out its functions as a local authority and the portfolios and terms of reference for those persons and bodies.

Health and Wellbeing Board

The Health and Care Act 2022 brought about changes to NHS structures, which has led to the loss of three GPs representing the Integrated Care Board on the Health and Wellbeing Board. These members are currently part of the Board's quorum so it has been necessary to review the membership, voting arrangements and quorum. The statutory duties of the Board have not changed, nor has the statutory membership, save for replacing "Clinical Commissioning Group" with "Integrated Care Board".

In accordance with S194 of the Health and Social Care Act the Health and Wellbeing Board has been consulted on the proposed changes and there are no objections. The revised membership, voting arrangements and quorum are set out in the attached Appendix



Terms of Reference – General Purposes and Arbitration Committee

Following approval of the Private Sector Housing Assistance Policy and the Policy on Adaptations for Disabled Tenants in Council Housing by Cabinet at its meeting on 7 June 2023, appeals in relation to adaptations have now been delegated to the Director of Housing. The terms of reference for General Purposes and Arbitration Committee have therefore been revised to remove reference to these appeals.

Co-opted Representation on Committees dealing with Educational Matters

Guidance in relation to the implementation of the Local Government Act 2000 and Localism Act 2011 advises that Church and Parent Governor representatives must be appointed to the relevant overview and scrutiny committee(s) where education matters are being discussed.

The Council's Constitution therefore provides that the Children's Services and Education Scrutiny Board shall include in its membership the following voting representatives:-

- (a) 1 Church of England diocese representative;
- (b) 1 Roman Catholic Archdiocese representative;
- (c) 2 Parent Governor representatives.

If the scrutiny board deals with matters other than education functions that are the responsibility of the executive, these representatives shall not vote on those matters, although they may stay in the meeting and speak.

5 Alternative Options

- 5.1 There is no alternative option. Appointment of elected members to committees and other/outside bodies and revisions to terms of reference of constitutional committee can only be made by full Council.



6 Implications

Resources:	There are no direct resource implications arising from this report.
Legal and Governance:	Council can determine the making of non-executive appointments to committees and other fora. Council is under a legal and constitutional obligation to make appointments to its committees, boards and other fora to ensure the effective operation of the Council's functions and other obligations, duties and responsibilities.
Risk:	A risk assessment is not required.
Equality:	An equality impact assessment is not required.
Health and Wellbeing:	The proposals have no direct implications.
Social Value	The proposals have no direct implications.
Corporate Parenting:	There are no direct implications.

7. Appendices

Appendix A – Revision to Appointments to Committees, Boards and Other Bodies

Appendix B – Revised Terms of Reference – General Purposes and Arbitration Committee.

8. Background Papers

None.



Appendix A

Committee/Board/Other Body	Revision/nomination
River Trent Regional Flood and Coastal Committee	Replace Councillor Jalil with Cabinet Member for Environment & Highways
Children's Services and Education Scrutiny Board - Co-opted Primary Parent Governor Representative	Yvonne Ologbo
Health and Wellbeing Board	See attached



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Proposed Sandwell Health and Wellbeing Board Membership 2023-24

Organisation	Position	Status	Voting rights	<i>Proposed Change/Remarks</i>
Sandwell MBC	Cabinet Member for Adults, Social Care and Health	Statutory	Yes	<i>No change</i>
	Cabinet Member for Public Health and Communities	Discretionary	Yes	<i>Replaces Deputy Leader, Councillor Piper</i>
	Cabinet Member for Children and Education	Discretionary	Yes	<i>No change</i>
	Cabinet Member for Housing and Built Environment.	Discretionary	Yes	<i>No change</i>
	Health and Adult Social Care Scrutiny Board	Discretionary	No	<i>No change</i>
	Children's Services and Education Scrutiny Board	Discretionary	No	<i>No change</i>
	Opposition Representative	Discretionary	No	<i>NEW</i>

	Director of Adult Social Care.	Statutory	Yes	<i>To be given voting rights.</i>
	Director of Children's Services	Statutory	Yes	<i>To be given voting rights.</i>
	Director of Public Health	Statutory	Yes	<i>To be given voting rights.</i>
Black Country Integrated Care Board (ICB)	Two representatives	Statutory(1)	Yes	<i>Addresses loss of GP representatives due to structural changes at the ICB.</i>
Healthwatch Sandwell	One representative (2 Named Substitutes)	Statutory(1)	Yes	<i>No change</i>
NHS England	One representative	Discretionary	No	<i>Remove.</i>
Faith Sector	One representative	Discretionary	Yes	<i>No change</i>
West Midlands Police	One representative	Discretionary	No	<i>No change</i>
Sandwell and West Birmingham Hospitals NHS Trust	One representative	Discretionary	No	<i>No change</i>
Black Country Healthcare NHS Foundation Trust	One representative	Discretionary	No	<i>No change</i>

Sandwell Council of Voluntary Organisations	One representative	Discretionary	No	<i>No change</i>
West Midlands Fire Service	One representative	Discretionary	No	<i>No change</i>
Sandwell Children's Trust	One representative	Discretionary	No	<i>No change</i>
SHAPE Forum	One representative (plus named substitute)	Discretionary	Yes	<i>NEW</i>

Quorum shall be:-

- 1 Councillor
- 1 Director
- 1 Healthwatch
- 1 ICB representative

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General Purposes and Arbitration Committee

Terms of Reference

Within approved Council policy and in accordance with the overall aims and objectives of the Council, the Committee shall:-

1. consider and make recommendations to the Council on all matters which fall within the following terms of reference:-
 - (a) the nomination of the Ceremonial Mayor of the Borough;
 - (b) all matters relating to electoral boundaries of the Borough and its Wards including Parliamentary boundaries and associated electoral registration issues;
 - (c) functions relating to the name and status of areas and individuals, including confirming the title of honorary aldermen and honorary alderwomen and the admission of honorary freemen and honorary freewomen;
 - (d) to make nominations for the Queen's Birthday Honours List to highlight the good work by citizens of Sandwell;
 - (e) the power to make, amend, revoke and re-enact by-laws;
 - (f) the power to promote or oppose local or personal Bills;
 - (g) functions relating to local government pensions etc. under the The Local Government Pension Scheme Regulations 2013 and other relevant statutory requirements, regulation or direction;
2. deal with all matters which fall within the following terms of reference, which are delegated to it:-
 - (1) to act as Managing Trustees of the Charity of Leonard Andrews Poole;

- (2) the determination of appeals against decisions of the relevant Director or staff reporting to them with regard to non-inclusion on the standing list for residential services and the approved list for non-residential services;
 - (3) the determination of appeals against decisions of the relevant Director or staff reporting to them to exclude providers from the standing list of residential and nursing homes and the approved list for non-residential services;
 - (4) the determination of oral or written representations made by applicants for registration under the provisions of the Registered Homes Act 1984, the Registered Homes (Amendment) Act 1991 and the Children Act 1989;
 - (5) the determination of appeals against the decision of the relevant Director(s) in relation to access to personal files under the Access to Personal Files (Housing) Regulations 1989.
 - (6) the determination of disputes arising from the Joint Consultative Panel;
 - (7) the determination of disputes arising from decisions of the executive in relation to which a formal 'Failure to Agree' is registered by a Trade Union(s);
 - (8) any other employee relations matter which the Proper Officer, in consultation with the Deputy Chief Executive, may from time to time determine are relevant to be considered by the Committee to comply with appropriate human rights legislation;
 - (9) the determination of any appeals against decisions made by the Section 151 Officer on the ranking of charges, the redemption figure or the loan amount, in relation to the repatriation of the Kick Start Loan Portfolio.
3. submit its recommendations and key issues to the Council for consideration and/or information as appropriate.

Ends

Minutes of Cabinet

**Wednesday 7 June 2023 at 3.30pm
at Council Chamber, Sandwell Council House**

Present: Councillor Carmichael (Chair);
Councillors Hackett, Hartwell, Khatun, Padda, Piper and
Rollins.

In attendance: Councillors Moore, Taylor, Lewis, E Giles and Fenton.

Also present: Shokat Lal (Chief Executive), Surjit Tour (Director of Law and Governance and Monitoring Officer), Gillian Douglas (Director of Housing), Michael Jarrett (Director of Children's Services), Tony McGovern (Director of Regeneration and Growth), Simone Hines (Director of Finance), Elaine Newsome (Service Manager – Democracy), Emily Rees-Woodhall (Social Media & Marketing Apprentice – SHAPE), Anthony Lloyd (Democratic Services Officer), Idnan Shafiq (Lead Officer), Sarah Sprung (Senior Lead Officer), Harpreet Dhillon (Marketing & PR), Neesha Patel (Project Manager) and Suky Suthi-Nagra (Democratic Services Manager).

51/23 **Apologies for Absence**

Apologies were received from Councillors Hinchliff, Millard, Owen and Tipper.

52/23 **Declarations of Interest**

There were no declarations of interest declared.

53/23 **Minutes**

The minutes of the meeting held on 15 March 2023 were approved as a correct record.

54/23 **Additional Items of Business**

There were no additional items of business to consider as a matter of urgency.

55/23 **Young People's Corporate Plan**

Approval was sought to the Sandwell's Young People's Corporate Plan (YPCP).

The Corporate Plan, which had been approved in 2021, in its adopted format, may not be easy for young people to see how the things that matter to them were prioritised and delivered. Officers spoke to both the SHAPE Forum and the Carer Leavers Forum to determine if, using the Corporate Plan as a base, they would like to set it out in a way that emphasised what matters to young people.

As a result, the Young People's Corporate Plan had been co-designed and co-produced by young people in Sandwell. The SHAPE Forum and the Care Leavers Forum had worked with Council Officers to determine the approach, to plan engagement activity, analyse results and to determine the outcomes.

It was important that young people owned this plan, so they could contribute openly and have creative control as to what was included in the plan. The SHAPE Forum agreed to take ownership of the Young Person's Corporate Plan.

The plan had been split into three sections: -

- Issues that concern young people in Sandwell,
- what can we as a Council do to improve this?
- performance measures/ milestones.

Performance measures were developed so going forward they will be able to be used to hold the Council to account and chart progress.

Young people who had contributed to the Young People's Corporate Plan attended the meeting and discussed what they had done as part of the engagement and identified nine key themes for the young people of Sandwell which detailed future service provision to achieve these key themes, and how young people would be able to hold the Council to account via performance measures and milestones. The Young People's Corporate Plan touches on all the objectives of the Corporate Plan as it engaged young people's opinions on several issues ranging from mental health to housing.

Members of the Cabinet and the Chief Executive thanked those involved for all of their hard work in helping the Council to communicate with its residents and young people and also how their work had been presented within the plan.

Clarification was sought by the Chair of the Economy, Skills, Transport and Environment Scrutiny Board in relation to what had been in place to represent young people diagnosed with learning and physical disabilities as well as young people with alternative provision or home education to inform the report.

The Cabinet Member for Children, Young People and Education highlighted that the plan was developed and owned by young people. The process was led by the SHAPE Forum and Care Leavers forum with both fora being inclusive and providing equal opportunities. The priorities in the plan were formulated through intelligence gathered from the SHAPE survey 2023; all schools were asked to provide a representative sample of students from a range of backgrounds.

Reason for Decision

The Council's refreshed Corporate Plan may not have been easy for young people to see how the things that matter to them are prioritised and delivered. Officers spoke to both the SHAPE Forum and the Carer Leavers Forum to determine if, using the Corporate Plan as a base, they would like to set it out in a way that emphasised what matters to young people.

Alternative Options Considered

The alternative option would be that there would be no Young Person's Corporate Plan. There would still be a Corporate Plan for the Council, which in the refresh did consult young people, however, it does not contain in-depth information from consultation and co-production specifically with young people.

Resolved that the Sandwell's Young People's Corporate Plan 2023-2026, as set out in the [Appendix, be approved](#).

56/23

Corporate Plan and Performance Management Framework Refresh

Approval of the refreshed Corporate Plan, Corporate Performance Management Framework and the corporate plan commitments was sought. Considerable progress had been made over the recent years including an improved OFSTED rating, a successful commonwealth games, the flagship Harvest View social health care facility opening and the Council's initiative to help Sandwell's residents during the cost of living crisis. Attention was raised to the necessity of the corporate plan to be a living document, constantly adapting to the needs of the borough.

The Chair of the Economy, Skills, Transport and Environment Scrutiny Board requested further information on Sandwell Council's expectations when dealing with noise nuisance. A request was also made on why homeless people, who wished to remain homeless, were not included or considered in the report.

The Deputy Leader and Cabinet Member for Finance and Resources confirmed that both anti-social behaviour and nuisance were wide areas of work with a range of investigative approaches and powers to tackle issues depending on the nature and circumstances. Due to these varying possibilities, it was not possible to have uniformity in these investigations. Investigations against council tenants or an individual was either a legal or quasi-legal process and as a result, evidentiary requirements must have been met. The Council was required to justify enforcement action and clearly display that such action is proportionate. Therefore, residents may have been asked to complete and submit records more than once.

In relation to questions around homelessness, it was highlighted that the Council's objective was to prevent homelessness as far as practically possible. The Homeless and Rough Sleeping Strategy was refreshed in 2022 which enabled the Council to relieve homelessness when it occurs and assist with a wide range of support. Sandwell had the lowest numbers of rough sleepers in the West Midlands Region.

Reasons for recommendations

The Corporate Plan was developed in 2021, at a time when the borough was still responding to and recovering from the COVID-19 pandemic. It was important to regularly review the Corporate Plan and related Performance Management Framework to ensure that they reflected the progress made.

The strategic outcomes in the Corporate Plan had been reviewed to ensure that they would reflect and support the council's priorities. Amendments had been made to ensure that core elements of the Improvement Plan are captured within the single Corporate Plan.

Alternative options considered

The alternative to the refresh of the Corporate Plan and Performance Management Framework would have been to continue with the previously agreed version of both documents that had been agreed in 2021 and early 2022. Whilst both set the strategic direction for the council and enable monitoring of performance, if no review or refresh was to take place, there would not be the recognition or allowance that priorities change over time. This would result in the council's resources and services being out of alignment with the needs of residents, the organisation's priorities and the improvement journey that the council was part way through.

Resolved:-

- (1) that approval be given to the refreshed Corporate Plan and Corporate Performance Management Framework as set out in [Appendix 1](#);
- (2) that the corporate plan commitments in the directorate business plans as set out in [Appendix 2](#) be noted as the delivery vehicle for the Corporate Plan for 2023/24 onwards.

57/23

Private Sector Housing Assistance Policy and Policy on Adaptations for Disabled Tenants in Council Housing

Approval was sought to adopt both the revised Private Sector Housing Assistance Policy and the Policy on Adaptions for Disabled Tenants in Council Housing. Approval was also sought to authorise the Director of Housing to implement the new policies.

The Chair of the Budget and Corporate Scrutiny Management Board requested assurance on the possibility of better communication between Adult Social Care and the Housing Improvement Team going forward as part of the new policy. The Cabinet Member for Housing and Built Environment confirmed that officers across directorates were developing detailed processes and guidance to support the implementation of the policy.

Following further discussions and questioning, the following answers were confirmed:-

- the Housing Needs Assessment 2022 did not consider the impact of long covid on the expected numbers of residents with disabilities or long term conditions. Instead, it considered the impact of physical and mental impairments more broadly as part of this needs assessment and its long-term effect on an individual's ability to carry out normal day-to-day activities;
- the Council's Telecare service and the equipment store was provided across all housing tenure;
- consultation was advertised via email to voluntary sector partners, through SCVO newsletter and SCIPS newsletter which was a hard copy posted to their membership. It was also advertised on the SMBC website, and placed on the SMBC Citizenspace page. A targeted approach was also made to organisations that support residents with disabilities or mobility issues, who were more likely to access this service. The organisations targeted offer boroughwide services so would have included residents from all social and economic backgrounds;
- where the Occupational Therapist assessment identified the same need for both residents living in the same household, the application could be in joint names;
- target timeframes were confirmed as; equipment – 7 calendar days, urgent minor adaptations and hospital discharge – 24 hours, standard minor adaptations – 10 working days (with the exception of ramps and over bath showers which would take longer due to scale of work required);
- The appeals process had been changed to speed up the process for the customer and is in line with other review processes across the council. The reviewing officer will consult with all necessary colleagues;
- The Disability Facilities Grant, a Government grant, which was accessed via the Better Care Fund and applied to Private Sector Housing Council Housing would be used to fund the policies;

- loans for empty houses and street scene improvement were in the Private Sector Housing Assistance Policy. The relevant policy was “Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (RRO);
- details of the loan scheme would be developed following implementation of the policy with the principle that they must represent value for money, ensuring the loan was secured by the value of the property and if nominations rights for lettings are agreed they were for the longest period possible;
- weather proofing and the improved street scheme were not different, and any external improvement scheme would cover both. The Director of Housing would make the decision when resources were available for such work, and would agree areas/streets to be improved according to priorities, needs and stock condition at that time;
- the Regulatory Reform Order gave Local Authorities wide ranging powers to improve living conditions within localities and the Empty Homes Loans could only be offered if it was identified within its published Housing Assistance Policy. A separate Empty Homes Strategy was available that provided more detail on implementation of this element of the policy.

Reasons for Decision

The focus for reviewing and revising the policy was to continue to provide adaptations and housing improvements to disabled residents, offering the most cost effective and best value solutions, that was targeted at those with the greatest need.

The revised policies would expand and maximise opportunities for improving the homes of vulnerable and disabled people. These changes were designed to promote independence and reduce/prevent demand on health and social care services and fundamentally improve quality of life. The policies introduced a more customer centred approach by offering residents more bespoke and easily accessible service irrespective of tenure. The changes reflected good practice as set out in the Adult Social Care Reform White Paper 2021 and the Disabled Facilities Grant.

Alternative Options Considered

The policy could remain unchanged and Sandwell Council would have continued to deliver adaptations in the same way. The introduction of the Better Care Fund in April 2014 and the Care Act in April 2015 was leading to the creation of new integrated services centred on the home. This would potentially make grant delivery more effective, efficient and customer-focussed. There was a need to balance the preventative role of the DFG in keeping people living

safely and independently with the need for the grant to be used in more flexible and responsive ways to help reduce pressures on health and social care and improve quality of life.

Resolved:-

- (1) that approval be given to adopt the revised Private Sector Housing Assistance Policy as set out in [Appendix A](#) and the Policy on Adaptations for Disabled Tenants in Council Housing as set out in [Appendix B](#);
- (2) that in connection with Resolution (1) above, the Director for Housing be authorised to implement the new policies.

58/23

Improvement Plan Progress & Phase 3 Refresh

Approval was sought for Cabinet to recommend to Council that the Improvement Plan Progress and Phase 3 Refresh Report, the March progress report, the Improvement Plan Annual Report and an accompanying letter be submitted to the Secretary of State for Levelling up, Housing and Communities to form the Council's six monthly update on progress against the Improvement Plan.

Reasons for decision

Under the Statutory Directions, the council was required to report progress against the Improvement Plan to the Department of Levelling Up, Housing and Communities every six months. The first report was submitted in December 2022. It was proposed that this report, the quarterly update received by Cabinet in March (appendix 9) and the Improvement Plan Annual Report (appendix 2) form the basis of the report to the Secretary of State along with a covering letter (appendix 10). Council are responsible for approving the report made to the Secretary of State and Cabinet would make a recommendation to Council.

Alternative options considered

The Directions issued by the Secretary of State are a statutory requirement and the council has a legal obligation to respond appropriately. Failure to do so would likely result in further intervention measures. Reviewing progress against the Improvement Plan enables senior officers and members to have oversight of delivery, and take corrective action, as necessary. Alternative methods of monitoring progress could be adopted. The current monitoring method was regularly reviewed to ensure it remains fit for purpose and provides Leadership Team with the oversight they require. Alternative formats for reporting to the

Secretary of State could have been adopted, however the proposal to submit a covering letter along with the quarterly reports made to Cabinet made use of existing reports. The Department for Levelling Up, Housing and Communities confirmed that this was an acceptable format to them.

Resolved:-

- (1) that progress against the Improvement Plan up to 11 May 2023 be received;
- (2) that the response to the CIPFA FM Model Re-Assessment Report be received;
- (3) that the Improvement Plan Risk Register be received;
- (4) that changes to the Improvement Plan be noted;
- (5) that any recommendations or comments made by Budget and Corporate Scrutiny Management Board and Audit and Risk Assurance Committee in relation to the Improvement Plan progress be received;
- (6) that the Council be recommended to submit the Improvement Plan and Phase 3 refresh report, the March progress report, the Improvement Plan Annual Report and an accompanying letter to the Secretary of State for Levelling up, Housing and Communities to form the Council's six-monthly update on progress against the Improvement Plan.

59/23

Social Housing Decarbonisation Fund – Wave 2.1 Funding

Approval was sought to authorise acceptance of a maximum of £5.5m grant funding from the Government's Department for Energy Security & Net Zero (DESNZ) to fund proposed energy-efficiency improvements to Council-owned dwellings in Sandwell.

In response to questions from the Chair of the Safer Neighbourhoods and Active Communities Scrutiny Board, it was confirmed that 17,779 dwellings (63% of all stock) was assumed to be EPC D or lower. This would be validated as the Council carried out stock condition surveys across the stock. It was also confirmed that there would be future waves of SHDF by central government where Sandwell would be able to bid for funding. There were also additional grant funding sources that were available to help retrofit improvement.

Following a further question from the Chair of the Economy, Skills, Transport and Environment Scrutiny Board, it was highlighted that properties that had received decarbonisation investment would be subject to the same right to buy opportunities as all other properties.

Reasons for decision

This initiative supported the drive towards a greener, low-carbon economy and a need to address Climate Change priorities. It would also help to address high levels of fuel poverty in the Sandwell area.

Acceptance of the proposals would reduce fuel poverty levels, improve living conditions for tenants in Council homes, improve EPC ratings for the properties concerned and promote the Council's reputation as being serious about climate change and the move towards a carbon-neutral economy.

Alternative options considered

The Council could do nothing, not accept the grant and not invest in the properties to improve the energy efficiency. This was not considered a suitable option as the Council is committed to improving the energy efficiency to EPC C or above of all council housing stock by 2030.

Resolved:-

- (1) that approval be given to authorise acceptance of a maximum of £5.5m grant funding, from the Government's Department for Energy Security & Net Zero (DESNZ) to fund proposed energy-efficiency improvements to council-owned dwellings in Sandwell;
- (2) that the Director of Law and Governance and Monitoring Officer be authorised to enter into a grant funding agreement with DESNZ, subject to a satisfactory financial appraisal being completed by the Strategic Finance;

- (3) that subject to Resolution (1) and (2) above, the Director of Finance be authorised to allocate the sum in the order of £16m from the Housing Revenue Account (HRA), to both match-fund and supplement proposed energy-efficiency improvements to council-owned dwellings in Sandwell;
- (4) that the Director of Housing be authorised to instruct the Council's External Improvement Programme construction partners once appointed (currently being procured), to deliver associated energy improvement works in accordance with the contractual arrangements;
- (5) that the Director of Housing be authorised 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.

Meeting ended at 4.23pm

Contact: democratic_services@sandwell.gov.uk

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Minutes of Budget and Corporate Scrutiny Management Board

Wednesday 6 June 2023 at 6.00 pm
In the Council Chamber at Sandwell Council House, Oldbury

Present: Councillor Moore (Chair);
Councillors Chambers, Fenton, Fisher, Hinchliff, Lewis,
Owen, Taylor and Tipper.

Observing: Councillor Melia.

In attendance: Rebecca Jenkins (Senior Lead - Service Improvement), Kate Ashley (Strategic Lead - Service Improvement), Surjit Tour (Director of Law and Governance and Monitoring Officer), Suky Suthi-Nagra (Democratic Services Manager, Statutory Scrutiny Officer) and Anthony Lloyd (Democratic Services Officer).

34/23 **Apologies for Absence**

Apologies were received from Councillor Giles.

35/23 **Declarations of Interest**

There were no declarations of interest made.



36/23

Minutes

Resolved that the minutes of the meeting held on 29 March be approved as a correct record.

37/23

Additional Items of Business

There were no additional items of business.

38/23

Improvement Plan Progress

The Board received an update on the progress of the Improvement Plan up to 11 May 2023. On 22 September 2022, Budget and Corporate Scrutiny Management Board received the Improvement Plan and requested regular updates on progress. This report was the fourth quarterly progress report to Budget and Corporate Scrutiny Management Board.

Specific feedback and comments made by external reviewers were relayed to the Board. Feedback had largely been positive with no further recommendations highlighted from return visits.

Continuous development of member development programme was underway and Chairs and Vice-chairs of Committees and Boards were receiving training. The Cabinet Forward Plan was also being shared with Scrutiny Boards and the Audit Committee.

A summary of progress as of April 2023 consisted of significant milestones including positive progress in relation to the expert determination process for Lion Farm, approval of the commercial strategy, a response to the CIPFA follow-up review had been embedded into the improvement which, in turn, had been embedded into the refresh of the Corporate Plan.

An annual report had been prepared that reflected the significant progress over the year with examples of how the changes had an impact on the organisation. Within the annual report was the next steps of the improvement journey.

Areas of concern were broken down by each theme contained within the improvement plan and highlighted to the Board.

Organisation Culture

Issues had been encountered in the member-officer relationship survey work-stream. A lower response rate than expected was received and therefore, consideration would be given to timescales for a repeat survey. Slippage was witnessed in the approval of the next phase of the member development programme due to revisions needed to the member induction as a result of the large quantity of new members. A Member Development Plan was now in place and member handbooks and inductions packs had been issued.

Corporate Oversight:

Slippage had been experienced in establishing the infrastructure for Corporate Transformation. Resources from across the Council had been collated to consolidate resources. Local Partnerships were now supporting a review of Corporate Transformation and PMO arrangements in the Council. Delays to actions related to the improvement framework and lessons learned framework had occurred due to a lack of resources. Directorate level restructuring and reviews of spans of control were initially put on hold but was now being considered after the appointment of an Assistant Chief Executive. The planned due date of March 2023 for the implementation of the workforce development plan had not been met however, it was due to be finalised by July 2023.

Strategic Direction:

The planned due date for the procurement of a strategic delivery partner for the regeneration pipeline had not been met however, a decision was going forward to Cabinet in July. A small response rate had been received in relation to the Customer Journey Strategy member survey. Additional meetings with members were being arranged. Issues in the procuring stock conditions had been experienced as only one tender had been received. An award was not made and therefore, a re-tendering process would need to take place.

Decision Making:

No exception items were raised.

Procurement and Commercial:

Slippage had occurred regarding the original timescales to bring forward an options appraisal due to a lack of resources. Resources and a project plan were now in place. The options appraisal was due to take place by August 2023.

Partnerships and Relationships:

A VCS strategy was being prepared for approval in Autumn. It was brought to the attention of the Board that the strategy was now being developed over a longer period of time to enable a fundamental look at the relationship with the VCS to take place.

Next steps were being considered with the next phase being vital to demonstrating that the changes made were embedded and sustainable. A focus on a stable medium-term financial position to build on Council prosperity and continued focus on improving customer experience were key to streamlining processes and delivering a high quality service.

Following questions from members, the following clarifications were reported:-

- The Assistant Chief Executive position had been advertised via a number of channels. The vacancy was listed in the municipal journal and advertised on WM Jobs. Penna, an external consultant, had also targeted individuals to encourage them to apply.
- The Council's approach to ensuring that the procurement process included a diverse range of companies would be clarified and reported back to members.
- Low response rates to member surveys were most likely due to the busy election period – members suggested the potential of incorporating face-to-face interviews instead.
- A report detailing the implementation of Oracle Fusion would be presented at the next available Budget and Corporate Scrutiny Management Board.
- Further communications would take place with members following the request for further information on stock surveys and the timeframes that can be expected for the issues to be addressed and resolved.
- An update regarding the Lion Farm Expert Determination Process would be provided once officers were legally allowed to do so.

- When considering voluntary section funding and grants, officers would ensure that community partnership grants from the Communities Team would be included.
- In the event of organisations not following the correct procedures, they would be removed from the process.

Officers were thanked for presenting to the Board.

39/23

Cabinet Forward Plan

Members considered the possibility of receiving an urgent briefing on the Parking Charges Policy item.

The Monitoring Officer highlighted that a 12-month forward plan was being planned with directorates to enable Scrutiny to add value to the decision-making process well in advance. The suggestion of including further information on each item would be considered by Cabinet Members. Members were reminded that working groups could be created across Boards for certain cross-cutting items if required.

40/23

Scrutiny Tracker

Members noted the updates to the Scrutiny Tracker.

Meeting ended at 6.59pm.

Contact: democratic_services@sandwell.gov.uk

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Minutes of Budget and Corporate Scrutiny Management Board

Thursday 29 June 2023 at 6.01 pm
In the Council Chamber at Sandwell Council House, Oldbury

Present: Councillor Moore (Chair);
Councillors Fenton, Fisher, E Giles, Lewis, Owen and Taylor.

In attendance: Simone Hines (Director of Finance – Section 151 Officer),
Surjit Tour (Director of Law and Governance and Monitoring
Officer), Rebecca Maher (Head of Finance), Suky Suthi-
Nagra (Democratic Services Manager, Statutory Scrutiny
Officer), Alexander Goddard (Scrutiny Lead Officer) and
Anthony Lloyd (Democratic Services Officer).

41/23 Apologies for Absence

Apologies were received from Councillors Anandou, Hinchliff,
Owen and Tipper.

42/23 Declarations of Interest

There were no declarations of interest made.



Minutes

Resolved that the minutes of the meeting held on 6 June 2023 March be approved as a correct record.

Additional Items of Business

There were no additional items of business.

Oracle Fusion Implementation Progress

The Board received a presentation on the progress made towards the implementation of the Oracle Fusion Enterprise Resource Planning (ERP) system. The Oracle Fusion implementation was a key corporate project and would fundamentally change the way the Council's Finance, Procurement, HR and Payroll services would operate.

A benefit exercise had been undertaken to identify what was needed from the new system and what would be the surrounding design principals. The following design principals were identified:-

- Adopt, not adapt. This was to ensure that the Council utilised Oracle Fusion's functionality as fully as possible rather than trying to amend the system to fit with historic ways of working.
- Maximising self-service and empowerment.
- Paper-free;
- No offline processes;
- Automation where possible;
- Oracle Fusion first to help remove un-needed satellite systems or to instead integrate them where possible;
- One source of truth.

It was stated that many benefits would be reaped as a result of these design principles:

- Empowerment for employees;
- Easier and streamlines processes;
- Innovation;
- Better use of money and value for money;

- Informed decision making as the current system used did not support real-time decision making.

In 2021, Cabinet agreed to pause the project following termination of the contract with the support provider. Grant Thornton, the Council's external Auditor also highlighted issues around the governance and programme management of the contract at the time. The implementation of Oracle was re-commenced in Autumn 2022 following the appointment of a new support provider. The finalisation of what the Council sought from the programme occurred in February 2023 and the "modelling phase" was about to conclude. The original completion target date for the modelling phase was set for the end of May 2023 however, this phase had been extended for the Payroll workstream due to slippage and delays; a recovery plan was in place to ensure timelines were met.

Once the modelling stage had been completed, the development stage would begin to commence testing of the system – finance and procurement were undergoing this phase.

In total, the running costs of the new system amounted to £2.8m over a 10-year period with an additional cost of £9.7m for implementation. Infosys, the Council's system integration partner for the Oracle Fusion project had regular contractual meetings with the Council to ensure that needs were being considered and met

The new system would see a wholesale change in how the Council operated. A change summary heatmap was provided to the Board. The heatmap would ensure that every potential user or team of users were aware of the new changes how they needed to proceed in order to accommodate the arrival of the system. One key feature of the new system was the ability to automatically scan invoices; this would significantly manual input and therefore, save the Council time and money. Regarding procurement, suppliers would be given access to a self-service portal to submit invoices and update details where necessary. Doing so would enable the Council to shift responsibility to suppliers to manage their own accounts.

Key risks that had been identified were relayed to the Board. Delays in the progress regarding HR and Payroll were concerns however, members were advised that they would not impact the go-live date of April 2024. Officers were reviewing the risks of the project every fortnight to ensure that the project was on track. It was also highlighted that Birmingham City Council's

implementation had been studied and a lesson learned log had been collated. Birmingham City Council's main issue was that a back-up option was not in place when the roll out of the new system was not successful. It was confirmed that Sandwell Council would be sure to run both the new and old system so that any issues could be resolved if the new system encountered problems. Additional assurance was to be provided by Grant Thornton, the Council's auditor, who was reviewing the project. Additionally, Swansea Council had recently launched the service with a successful implementation and officers from Sandwell Council were monitoring its roll-out in that authority.

Governance arrangements were in place consisting of a programme board, technical design authority, business readiness group and an implementation board. Additional working groups were also in place including HR, Finance, Payroll and IT groups.

Additionally, it was also confirmed that a Learning and Development plan was in place to train users on the Oracle system 3 months before the system was planned to go live. This was to ensure officers had were familiar with the system. An investment in the Oracle guidance module had been made and demonstrations and drop-in training sessions would also be available to help provide for all learning styles.

Following questions from members, the following points were made:-

- Well documented policy procedures were in place to ensure continuity in the event of staff turnover;
- Other authorities implementing the system were being watched closely to analyse the launch of the system;
- Servers for Oracle Fusion were cloud-based and therefore, the old physical services in the Council House would become redundant;
- Infosys were the implementation and integration partner for the project;
- A benefit case had assumed that over £1m in annual savings would be made;
- Restructures had already occurred in some areas in preparation of the implementation of the system..

Following further discussions, it was agreed that a further report would be considered by the Committee to review progress against the implementation of Oracle Fusion.

Officers were thanked for their attendance.

Resolved that a further update on progress of the Oracle Fusion Implementation be brought to the Budget and Corporate Scrutiny Management Board in September 2023.

46/23

2022/23 Financial Outturn

The overall outturn position for the General Fund was an underspend of roughly £1.9m. High inflation and an unexpectedly high pay award to Council staff had also been experienced with an extra £8m added to the outturn as a result. Overspend was also due the increasing costs of Special Educational Needs and Disabilities (SEND) transport although directorate underspend in other areas helped offset these costs.

Members noted that although General Fund earmarked reserves and during the year balances had reduced by £33.818m, £30.499m of this related to the use of Section 31 grants which funded reduced Business Rates income due to COVID. The net movement of reserves excluding this was a reduction of £3.319m.

The following responses were provided to members following further questions:-

- An increase of children with Education, Health and Care Plans, and an increase in the levels of complexity of needs identified, had contributed to the increase in out of borough placements costs due to little provision within Sandwell. Work was in place to investigate if that provision could be provided by Sandwell;
- SEND Transport costs were being reviewed and alternative options such as personal budgets for parents and collective pick-ups/drop-offs were being considered;
- Debt restructures referred to profiling a debt repayment in a different way. Costs would remain the same however, payments would be smaller in the first years to create savings in the early years;
- Unexpected dilapidation costs to the Court House had arisen. The Council were required to maintain and bring the property back to the original standard;

- Further detail would be provided at a later date in relation to green spaces revenue regeneration.

Officers were thanked for the report.

47/23

Scrutiny Review – Customer Journey

In 2022, the Budget and Corporate Scrutiny Management Board agreed to investigate the experience of Sandwell residents when accessing or requesting Council services. Subsequently a Scrutiny Review was conducted via the establishment of a working group which carried out the review to ascertain an understanding of the customer journey.

Several recommendations were identified as a result of the review. Members agreed that customer service was not to the standard expected as a local authority however, positive work already achieved was recognised. Weaknesses in responding and ensuring that enquiries reached the correct back-office staff were the main concerns highlighted during the Review.

The Deputy Leader and Cabinet Member for Finance and Resources welcomed the report and thanked the working group for the work undertaken to identify recommendations that would be extremely useful.

Resolved that:-

- (1) Cabinet is requested to approve the following recommendations arising from the Customer Journey Scrutiny Review:-
 - (1) that the Director of Regeneration and Growth/Assistant Chief Executive, in consultation with the Cabinet Member for Finance and Resources and Cabinet member for Adult Social Care, be authorised to agree a customer care standards/charter, and staff responsibilities in relation to those standards to ensure;
 - a) that “back-office” staff take ownership and accountability of customer requests received via Contact Centre Agents;

- b) a standard approach is taken to making officer contact numbers available on Outlook and to customers to prevent additional calls being made to the Contact Centre;
- c) a standard approach to the complaints process and deadlines for responding to complaints are clear and accessible across all Council services;
- d) that key contacts are identified within each service area to aid Customer Service Agents in their enquiries;
- e) that residents are regularly updated and informed about the current process of their request/query.

(2) that the Director of Regeneration and Growth/Assistant Chief Executive be authorised to commission/develop a customer training package that incorporates the following topics:-

- a) The completeness of response letters
- b) Methods to manage customer expectations and awareness around the Council's remit and responsibilities.

(3) that the Director of Regeneration and Growth/Assistant Chief Executive ensure that all members of staff undertake training around customer care standards as identified in (2) and that staff performance against these standards be incorporated within the appraisal process;

(4) that mandatory corporate customer service training be included as part of the induction process for all staff;

(5) that the Director of Regeneration and Growth/Assistant Chief Executive, in consultation with the Director of Finance, investigate options for procuring a single joint Customer Relations System across the Council;

- (6) that the Director for Director of Regeneration and Growth/Assistant Chief Executive considers the introduction of automated feedback surveys and that regular feedback on Council enquires/complaints are analysed and shared with Directorates;
 - (7) That the Director for Director of Regeneration and Growth/Assistant Chief Executive introduces corporate guidelines in relation to the use of Council contact numbers to ensure that all officers are contactable and that contact details are updated regularly;
 - (8) that the Director of Regeneration and Growth/Assistant Chief Executive considers the feasibility of amalgamating the current three contact centres (Corporate Contact Centre, Revenues and Benefits Contact Centre and Adult Social Care Care) into a single contact centre number with staff specialising in various areas;
 - (9) that the Director of Regeneration and Growth/Assistant Chief Executive, as part of the refresh of the Council's website, ensures the Council continues to promote the use of Sandwell Digital First and the Council's website as the first point for accessing information and raising an issue/request;
 - (10) that as part of the customer journey review being undertaken, the Director of Regeneration and Growth/Assistant Chief Executive reviews current timescales for responding to enquiries and consider a reduction, wherever possible, including member enquiries being reduced from 10 working days to 3-5 days.
- (2) That a further report be submitted to the Budget and Corporate Scrutiny Management Board, within 2 months' time, on the decision of Cabinet.

Meeting ended at 7.17pm.

Contact: democratic_services@sandwell.gov.uk

Minutes of Audit and Risk Assurance Committee

5 June 2023 at 6.01pm
In the Council Chamber at Sandwell Council House

Present: Councillor Preece (Chair);
Councillors Anandou, Bhullar, L Giles, Smith and Tipper.
Mr Hussain (Independent Member).

Officers: Kate Ashley (Strategic Lead – Service Improvement);
Rebecca Jenkins (Senior Lead - Service Improvement);
Surjit Tour (Director Law and Governance and Monitoring
Officer); Stephnie Hancock (Deputy Democratic Services
Manager) and Anthony Lloyd (Democratic Services Officer).

20/23 **Apologies for Absence**

An apology was received from Mr Ager (Independent Member).

21/23 **Declarations of Interest**

There were no declarations of interest.

22/23 **Minutes**

Resolved that the minutes of the-meeting held on 16 March
2023 are confirmed as a correct record.

23/23 **Urgent Additional Items of Business**

There were no urgent additional items of business.



Improvement Plan Progress and Phase 3 Refresh

An update was provided to the Committee on progress made against the Improvement Plan up to the end of April 2023. The update formed the content of the Council's June 2023 letter to the Secretary of State for Levelling Up, Housing and Communities.

Several significant achievements were noted including progress made in relation to the Lion Farm Expert Determination process, and the approval of the Council's Commercial Strategy. A follow up review from the Local Government Association had taken place, as well as a follow-up review in relation to the CIPFA financial review and recommendations had been embedded into the Improvement Plan.

An annual report had been prepared that reflected the significant progress over the year with examples of how the changes had impacted on the organisation. The annual report set out the next steps of the improvement journey.

The Committee noted exception reports on each of the six themes within the Improvement Plan:-

Organisational Culture

There had been a low response rate to the member-officer relationship survey launched in April 2023. Consideration was being given to timescales for a repeat survey and lessons learnt in relation to the poor response rate would be taken on board. There had been some slippage in the approval of the next phase of the member development programme as a result of the number of new councillors following the May election. The induction programme had been finalised and a Member Toolkit was in development to support members further.

Corporate Oversight

Local Partnerships was supporting a review of Corporate Transformation and the Programme Management Office



(PMO) arrangements in the Council. This review was due to report in June. There had been some slippage to the timelines for the establishment of the Corporate Transformation PMO, associated governance, and the implementation of a programme and project management system due to timescales for Local Partnerships' review not reflecting the dates within the Improvement Plan. Timescales had been reprofiled and the Corporate Transformation PMO would be established in September 2023 (subject to the recommendations of the Local Partnerships Review), with the Programme and Project Management System to be implemented in July 2023, and the Corporate Transformation Board to be operational in June 2023.

Continuous improvement and lessons learnt activity was underway throughout the Council. Examples included continuous improvement around the scrutiny function, lessons learnt around SEND transport, and a case study around supporting residents experiencing damp and mould.

A directorate level restructure was in progress; however, actions were on hold, pending implementation of the workforce strategy and a review of spans and layers of control across the organisation.

Strategic Direction

The deadline for the engagement of a strategic delivery partner in relation to the regeneration pipeline had not been achieved. Engagement with a provider was currently taking place with an update expected to be reported to the Cabinet in July. A procurement exercise for a stock condition survey had only resulted in one tender being received and so the specification was being reviewed before a re-tendering exercise. The stock condition survey would inform the Housing Revenue Account Business Plan in future years.

Procurement and Commercial

The development of an options appraisal for a performance management system had slipped due to resource



challenges. Resources and a project plan were now in place and the options appraisal was due to be completed by August 2023.

Partnership and Relationships

A Voluntary and Community Sector Strategy was in development, however, timescales had been extended to enable a more fundamental look at the relationship with the VCS.

The Committee also noted that two of the risks on the Improvement Plan Risk Register had been closed. Of the remaining risks, five were now green and five amber.

In response to members' comments and questions, the following points were clarified/noted:-

- The establishment of a Programme Management Office was a high priority. Following a re-alignment of resources, the key officers across the Council undertaking programme management would be brought together as a team. Benchmarking against other authorities had taken place to ensure best practice.
- The Council's new culture and values framework would apply to everyone in the organisation and would be linked to appraisals and other relevant policies.
- A series of workshops would be taking place during the summer months to engage with residents. Intelligence from complaints was also being considered.
- The span of control workstream had initially been put on hold whilst the Council recruited a Chief Executive. The Chief Executive was now in a position to review the structure of the Council.
- A wide range of channels had been used to communicate the member-officer relationship survey to members, however, the low response was likely due to the timing of the survey, which was during the pre-election period.
- A network of in-house culture champions, along with the results of bi-annual staff surveys would be used to measure



capacity to adapt to change across the organisation and the effectiveness of the new culture and values framework.

25/23 **Audit and Risk Assurance Committee Resolution - Update**

The Committee noted a written response from the Leader of the Council in relation to the Committee's resolution of 17 March 2022 (Minute No. 23/22 refers).

The Leader's response reiterated that the reason that particular employees' names had been raised as part of an historical investigation, was not connected to race. It also reiterated the Council's commitment to the Equality, Diversity and Inclusion (EDI) agenda.

The Council had already established a new Equalities Team; had recently approved a new Equality Policy and was reviewing its Equality Objective; and had adopted the LGA's Equality Framework to develop and implement a new EDI Strategy that would set out the Council's roadmap to delivering excellence in EDI over the next 5 years.

The Chair pledged to move forward and focus on meeting the needs of the people of the borough.

26/23 **Cabinet Forward Plan**

The Committee noted the Cabinet Forward Plan.

Meeting ended at 6.56 p.m.

Contact: democratic_services@sandwell.gov.uk



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Report to Council

25 July 2023

Subject:	Motions – Responses and Updates
Director:	Director Law and Governance and Monitoring Officer - Surjit Tour
Contact Officer:	Trisha Newton Trisha_newton@sandwell.gov.uk

1 Recommendations


That Council receive and consider the Motions, as set out on the agenda.

2 Reasons for Recommendations

Any member of the Council may give notice of not more than one motion for consideration at any ordinary meeting of the Council. Such a motion may be considered at the request of that member without prior reference to a committee, the Cabinet or a cabinet member.

The Leader of the Council may give notice of more than one motion for consideration at any ordinary meeting of the Council.

3 How does this deliver objectives of the Corporate Plan?

	<p>Councillors submitting motions are demonstrating their local leadership role, acting as a voice for their local community and expressing local concerns.</p>
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4 Context and Key Issues

- 4.1 The Council regularly considers notices of motion submitted by members under Standing Order No 7.
- 4.2 Details of the Council resolutions in response to motions, action taken and responses received can be found on [Modern.gov](https://www.modern.gov)
- 4.3 Responses received to motions will be reported back to the next available meeting of Full Council.

5 Alternative Options

- 5.1 There are no alternative options.

6 Implications

Resources:	There are no strategic resources arising from this report.
Legal and Governance:	Standing Order No 7 provides that any member of the Council may give notice of not more than one motion for consideration at any ordinary meeting of the Council and sets out the process for dealing with the motion. The motion can only be accepted if it relates to matters for which the Council has powers, duties and responsibility, or which affect the Borough or a part of it, or some or all of its citizens.
Risk:	There are no risk implications arising from this report.
Equality:	There are no implications for equality arising from this report.
Health and Wellbeing:	There are no implications of the proposals on health and wellbeing of our communities arising from this report.
Social Value	There are no implications for social value arising from this report.

