

Minutes of Council

**Tuesday, 12 December 2023 at 6.03 pm
at Council Chamber - Sandwell Council House, Oldbury**

Present: Councillors Abrahams, Akpoteni, Allcock, M Allcock, Ashraf, H Bhullar, Carmichael, Chambers, Chapman, Chidley, Choudhry, Crompton, Davies, Dhariwal, Dhatt, Fenton, Fisher, Fitzgerald, Gavan MBE, J Giles, L Giles, E M Giles, S Gill, W Gill, Hackett, Hartwell, Hemingway, Hughes, A Hussain, Jalil, Johnston, Kalebe-Nyamongo, Kaur, Khan, Khatun, Kordala, Loan, Maycock, Melia, Millar, Moore, Muflihi, Owen, Padda, Pall, Piper, Preece, Rahman, Randhawa, J Singh, N Singh, Taylor (Vice-Chair), Tipper, Tromans, Trumpeter, Uddin, Uppal, J Webb, Weston, Wilkes and Younis

129/23 **Apologies for Absence**

Apologies were received from Apologies for absence were received from Councillors Anandou, Dunn, Hinchliff, Lewis, Mayo, Millard, Rollins, Shaeen, Smith and Williams.

130/23 **Declarations of Interest**

There were no declarations of interest made.



131/23

Minutes

Resolved that the minutes of the extraordinary and ordinary meetings of Council held on 24 October 2023 are approved as a correct record and signed by the Chair.

132/23

Urgent Business

There were no urgent items.

133/23

Announcements

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

The Chief Executive welcomed Mike Jones as the new Monitoring Officer.

The Chief Executive welcomed and congratulated Joshua Singh following his accomplishment of winning the National Young Planner of the year 2023 award.

The Chief Executive announced that the Sandwell Transition Education Partnership Service (STEPS) and Youth Service, along with partners, had walked away with two wins in their respective categories at the November Children and Young People Now Awards 2023. STEPS had become the first winner of Children and Young People Now - New Supporting Child Refugees Award. Colleagues had also won the Partnership Working Award for their work on Sandwell County Lines Intensification Week led by Sandwell Children's Trust's Horizons Exploitation and Missing Team.

The Mayor gave details on the Anchor Network Partnerships Charter. The Partnership was facilitated by the Council, comprising local anchor organisations” who had an importance presence in Sandwell due to being largescale employers and purchases of goods and services. By signing the Sandwell Anchor Network Partnership Charter, the Council would lead the way by example. The Cabinet Member for Regeneration and WMCA also commented on the network before signing the Charter.

134/23

Petitions

No petitions were received under Standing Order No. 8.

135/23

Written Questions

Questions received under Standing Order No. 9. were asked of the relevant members and responses were received.

136/23

Designation of Interim Statutory Chief Officer

Brendan Arnold was appointed to the role of Interim Finance Director in September 2023 under delegated powers. The interim designation as Chief Officer/Section 151 Officer required confirmation from Full Council. The Council had a statutory obligation to designate an individual as Section 151 Officer as required by s.151 of the Local Government Act 1972.

Resolved that Brendan Arnold, the Council's Interim Finance Director, is designated as the Council's Section 151 Officer/Chief Finance Officer.

137/23

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 and the second report had been submitted in June 2023. The next report for submission was due in December 2023.

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 and an accompanying letter are 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.

138/23

Code of Corporate Governance

The Council was responsible for ensuring that its business was conducted in accordance with the law and proper standards, that public money was safeguarded, properly accounted for and used efficiently and effectively and that robust governance arrangements were in place. The Council had adopted the Local Code of Corporate Governance as a mechanism to demonstrate that the Council's governance structures complied with the principles contained in the framework.

As part of its commitment to ensuring that the governance infrastructure remained appropriate, the Council undertook a review of its arrangements and updated the Code accordingly.

The Audit and Risk Assurance Committee had considered the refreshed Code of Corporate Governance at its meeting on 23 November 2023 and recommended the matter to Full Council for approval.

Resolved that the updated Code of Corporate Governance is approved.

139/23

Consideration of Special Responsibility Allowance for Shadow Cabinet Members

The Council was required by the Local Authorities (Members' Allowances) (England) Regulations 2003 to undertake periodic reviews of its Scheme of Members' Allowances.

In 2022, the Independent Remuneration Panel met with members to seek views on the introduction and operation of a shadow cabinet member role and considered benchmarking data. The

Panel subsequently recommended to Council on 23 May 2023 that the issue of formally recognising a shadow cabinet was a matter for Council and should the Council wish to progress this issue, it would be the Panel's recommendation that the roles should be afforded an allowance equivalent to 10% of the Leaders allowance. The Governance and Constitution Committee met on 21 September 2023 and set up a working group to consider a Shadow Cabinet protocol. The protocol was subsequently approved by the Chair of the Committee in October 2023 and was considered and approved by Council on 24 October 2023.

The Independent Remuneration Panel met on 6 November 2023 to consider whether any SRA should be applied to the shadow cabinet member roles. The Panel considered the Shadow Cabinet Protocol which provided clarity on the role of shadow cabinet members; benchmarking data of other local authorities which identified whether other local authorities had a shadow cabinet and whether there was an allowance attached to the role. The Panel was of the view that a Special Responsibility Allowance should be payable to Shadow Cabinet Members, to be set at 10% of the Leader's Allowance (i.e. £2,858.40), where the size of the majority opposition group remains at 5% and above of the size of the controlling group.

Councillor Piper moved the following amendment to the Motion, seconded by Councillor Carmichael:-

"Full Council notes and endorses the principles set out in the recommendations of the Independent Remuneration Panel in relation to the payment of a Special Responsibility Allowance (SRA) to members of a Shadow Cabinet drawn from the largest qualifying opposition group only, subject to the threshold for payment being set at 15% of the overall Council size, giving a current threshold of 11"

The amendment was accepted, the amended motion was put to the vote and it was **Resolved** that a Special Responsibility Allowance of 10% of the Leader's Allowance is approved for Shadow Cabinet Members, providing the size of the largest opposition group membership equates to at least 15% of the membership size of the controlling political group on the Council.

140/23

Proposed Departure from the Development Plan at West Midlands Foundry Co Limited, Blakemore Road, West Bromwich

Planning Committee had granted conditional approval at its meeting held on the 25 October 2023 in relation to DC/23/68467 (proposed 2 No. portal framed buildings to house 7 No. small units for general industrial/storage and distribution use with associated vehicle access, substation, sliding front gates, parking and covered cycle shelter) at West Midlands Foundry Co Limited, Blakemore Road, West Bromwich.

The site was initially a residential allocation and the proposed development would infill a vacant yard within an existing industrial estate. 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 is given to an exception to the Development Plan in respect of planning application DC/23/68467 (proposed 2 No. portal framed buildings to house 7 No. small units for general industrial/storage and distribution use with associated vehicle access, substation, sliding front gates, parking and covered cycle shelter) – West Midlands Foundry Co Limited, Blakemore Road, West Bromwich.

141/23

Proposed departure from the Development Plan at Locarno Works, Locarno Road, Tipton

Planning Committee had granted conditional approval at its meeting held on the 29 November 2023, which considered planning application DC/23/68518 (Retention of light industrial and storage use, vehicular access, car and vehicle parking, lighting and CCTV).

The site was currently a residential allocation and the proposed development would make use of a yard within an existing industrial estate. 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 is given to an exception to the Development Plan in respect of planning application DC/23/68518 (Retention of light industrial and storage use,

vehicular access, car and vehicle parking, lighting and CCTV) at Locarno Works, Locarno Road, Tipton.

142/23

Proposed departure from the Development Plan at Tata Cargo Ltd, Rigby Street, Wednesbury

Planning Committee had granted conditional approval at its meeting held on 25 October 2023, which considered planning application DC/22/67520 which sought approval for the retention of heavy goods lorry and trailer parking area with portable office at the site of Tata Cargo Ltd in Wednesbury.

The site was currently allocated for housing under the Site Allocations and Delivery Development Plan Policies Map. 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 is given to an exception to the Development Plan in respect of planning application DC/22/67520 - Retention of heavy goods lorry and trailer parking area with portable office at the site of Tata Cargo Ltd, Rigby Street, Wednesbury, WS10 0NP.

143/23

Proposed departure from the Development Plan at land at corner of Cleton Street and Sedgley Road East/Tipton Road, Tipton

Planning Committee had granted conditional approval at its meeting held on 29th November 2023, which considered planning application DC/23/68624 which sought approval for 2 no. detached light industrial units with new access, parking, landscaping and new retaining wall with railings to rear.

The site was currently allocated for housing under the Site Allocations and Delivery Development Plan Policies Map. 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 is given to an exception to the Development Plan in respect of planning application DC/23/68624 - Proposed 2 No. detached light industrial units with new access, parking, landscaping and new retaining

wall with railings to rear at land at corner of Cleton Street and Sedgley Road East/Tipton Road, Tipton.

144/23 Planning Delegations Agreement

The Council's planning delegations agreement was last reviewed in 2012. The purpose of the planning delegations agreement was to ensure that planning applications are determined in an open and transparent manner.

Local planning authorities were closely monitored by the Government regarding the time taken to determine planning applications. The revised planning delegations agreement had been updated to align with new legislation and Council structure, clarify the reasons for reporting a planning application to the Planning Committee and to remove the need to report certain planning applications to the Committee that were not controversial

Resolved that the revised planning delegations agreement is approved.

145/23 Political Balance of Committees and Boards

Council considered the political balance of the committees, boards and other fora for the remainder of the 2023-2024 municipal year.

Resolved that the political balance of the committees, boards and other fora for the remainder of 2023-24 be approved.

146/23 Revisions to Committees, Boards and Other Bodies

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

Resolved that the revisions to appointments to committees, boards and other bodies, as set out in Appendix A, is approved with immediate effect.

147/23

To receive the minutes of the Cabinet

The minutes of the meetings of the Cabinet held on 18 October and 15 November 2023 were received.

147/23(a) Medium Term Financial Strategy - Autumn 2023

The Local Government Finance Act 1992 required the Council to set a balanced, risk assessed budget each year and approve a Council Tax precept by 11 March.

The current position of the medium-term financial strategy sought approval to commence consultation on a range of potential savings options to support the Council in setting a balanced budget in February 2024.

Resolved that the Autumn 2023 update of the Medium-Term Financial Strategy Update is approved.

147/23(b) Council Tax Base 2024/2025

The Council Tax Base was an assessment required by each billing authority to determine the number of chargeable dwellings, converted to Band D equivalents (the average band), allowing for discounts, exemptions, non-collection and new properties. This information would later be used when setting the Council's budget.

The Council Tax Base was calculated in accordance with the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012 and used to determine the annual amount of collectable Council Tax.

Resolved that:

- (1) the Council Tax Base of 78,217,27 for 2024/2025 is approved;
- (2) in accordance with (1) above, the Section 151 Officer is authorised to adjust the Council Tax base as required.

147/23(C) Local Council Tax Reduction Scheme 2024/2025

The Local Council Tax Reduction Scheme provided crucial support to low income families and vulnerable residents. Sandwell Council was one of only a few nationally that still provided 100% support towards Council tax.

Resolved that the Local Council Tax Reduction Scheme for 2024/25 is approved.

147/23(d) **The review of council tenant rents and housing related property charges**

The Council had to achieve the right balance between supporting tenants to mitigate the continued cost of living pressures and protecting the Housing Revenue Account (HRA) to ensure that it could continue to provide affordable social housing for residents.

There was a recognition that the council needed to maintain the existing housing stock to a good standard and cover operational costs and to achieve the right balance between protecting tenants, protecting tax payers and ensuring that the council could deliver on its commitments to build new social homes.

For 2024/25, the government had not announced a rent cap, therefore the council was permitted to increase rents by CPI+1% in line with the Rent Standard and Policy Statement on Rents for Social Housing issued annually in April.

Resolved that the Interim Director of Housing is authorised to adjust council rents and housing related charges with effect from 1 April 2024 as follows:

- (1) that the housing rental charges is increased by 7.7% which is the consumer price index 6.7% (September 2023) plus 1%, which is equivalent to a 7.7% increase;
- (2) that the housing service charges increase by the consumer price index (CPI)+ 1%, equivalent to a 7.7% increase;
- (3) that housing service charge is implemented on properties not currently being charged but are receiving the service in line with similar properties receiving the service provision, including heating, water and laundry facility following consultation with residents;

- (4) that subject to consultation with the residents of the site, to increase rent at the traveller's pitch in Hills View, Tipton by 7.7%;
- (5) that properties managed by Riverside under the Private Finance Initiative (PFI) agreement receive a 7.7% rental increase and a 7.7% increase in service charges to match the council's rent and service charge increase;
- (6) that properties that sit outside the Housing Revenue Account (including service tenants for Parks, Sandwell Valley and Caretaking) receive a 7.7% increase in rental charges and service charges equivalent to CPI plus 1%;
- (7) that the leaseholder annual management fee is increased by 7.7%, CPI + 1% in 2024/25 from £115.66 to £124.57;
- (8) that the Director of Housing is authorised to implement adjustments to council rents and housing related charges as set out in this report with effect from 1 April 2024; and
- (9) that the Director of Housing is authorised to introduce associated service charges in respect of Building Safety Regulation requirements for Leasehold properties.

147/23(e) **10 Year Business Rates Retention Agreement**

Proposals were made for a new agreement with the Department for Levelling Up, Homes and Communities (DLUHC) which allowed the seven West Midlands metropolitan local authorities to retain 100% of their business rates income for the ten years from 2024/25, with a share payable each year to the West Midlands Combined Authority (WMCA) (and 1% payable to the West Midlands Fire and Rescue Authority).

The agreement was in accordance with the "West Midlands Trailblazer Deeper Devolution Deal", which was set out in a paper to Cabinet on 13th September 2023. Cabinet resolved to approve

the Deeper Devolution Deal, as set out in the report, and resolved that further reports would be received by Cabinet on specific issues relating to the detail of the Deeper Devolution Deal.

Resolved that:

- (1) approval is granted for the Council to enter into a 10-year business rates retention arrangement with the Department for Levelling Up, Homes and Communities (DLUHC), the West Midlands Combined Authority (WMCA) and the six other West Midlands metropolitan local authorities;
- (2) the Director of Finance, in consultation with the Monitoring Officer, is authorised to complete any necessary agreements for the retention arrangement referred to in (1) above;
- (3) the Director of Finance is authorised to make an annual payment to the West Midlands Combined Authority of £1.264m in 2023/24, which constitutes the Council's proportion of the "WMCA Share" of regional business rates income collected in the current year under the existing 100% business rates retention pilot arrangements and;
- (4) subject to approval of recommendation 1.1, the Director of Finance is authorised to make an annual payment to the West Midlands Combined Authority in each year throughout the 10-year period commencing on 1st April 2024, comprising of the Council's proportion of the "WMCA Share" of regional business rates income collected in that year.

148/23

To receive minutes of the Budget and Corporate Scrutiny Management Board

The minutes of the meeting of the Budget and Corporate Scrutiny Management Board held on 28 September 2023 and 5 October 2023 were received.

149/23

To receive the minutes of the General Purposes and Arbitration Committee

The minutes of the meetings of the General Purposes and Arbitration Committee held on 3 August 2023, 22 September 2023 and 12 October 2023 were received.

149/23(a) Statutory Polling District and Polling Place Review 2023

On 4 December 2023, the General Purposes and Arbitration Committee received a report on the Statutory Polling District and Polling Place Review 2023.

The notice of review was published on 2 October 2023 and the consultation period was from 2 October 2023 to 2 November 2023. All elected members, Members of Parliament, local political parties and local disability and community groups were consulted. The review focused polling stations that required change due to the current venue no longer being available, or due to significant issues with the polling place identified at the local election in May 2023.

Resolved that:-

- (1) the proposed changes to polling districts and polling places, as set out in Appendix B, are approved to take effect at all elections from 2 January 2024;
- (2) The proposed changes to polling places, as set out in Appendix C, are approved to take effect at any future Parliamentary General Elections only; and
- (3) in the event of any or any unforeseen reason, and should there be a need to change any further Polling Places or Polling Stations prior to elections in 2024, the Returning Officer is authorised to effect further changes following consultation with relevant Ward Members.

150/23 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 21 September 2023 were received.

151/23 To receive the minutes of the Ethical Standards and Member Development Committee

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

152/23 Notices of Motion

The Council proceeded to consider the following motions received under Standing Order No. 12.

152/23(a) Modern Slavery

The motion on Modern Slavery was withdrawn.

152/23(b) End Violence Against Women and Girls (White Ribbon Day)

It was moved by Councillor Gill and seconded by Councillor Fisher:-

“Council acknowledges the concerns of women and girls regarding their safety on public transport particularly whilst engaging in the night-time economy and welcomes the work done by local community organisations to raise awareness of violence against women and girls.

Council notes and welcomes the Protection from Sex-based Harassment in Public Bill 2022-23 which introduces a new offence of causing alarm, distress, or intentional harassment to a person in public because of their sex.

Council therefore resolves to –

1. Request the Leader of the Council and the Leader of the Opposition write a joint cross-party letter to the Mayor of the West

Midlands requesting a progress update on the WMCA's recommendations set out for transport in the Combined Authority's Violence against Women and Girls Strategy.

2. Call on all male Councillors to take the White Ribbon pledge, never to take part in, condone or stay silent about violence against women.
3. Request the Leader and Cabinet to work towards White Ribbon accreditation, joining the large number of public sector bodies which have already done so, with the Chief Executive as the authorities' White Ribbon accreditation co-ordinator and for a cross-party working group to be established as our 'action plan steering group' during the accreditation process, with all members of the working group to sign up for the White Ribbon Ambassador program.
4. Request that Council mark White Ribbon Day on 25 November each year and encourage participation among Councillors, council staff and local primary and secondary schools"

The motion was put to the vote and was carried.

152/23(c) **Community Policing**

The motion on Community Policing was withdrawn.

Meeting ended at 8.01 pm

Contact: democratic_services@sandwell.gov.uk