

# Agenda

## General Purposes and Arbitration Committee

**Friday, 22 September 2023 at 5.00 pm**  
**in Committee Room 1 - Sandwell Council House, Oldbury**

**1 Apologies for Absence**

To receive any apologies for absence.

**2 Declarations of Interest**

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

**3 Minutes**

7 - 10

To confirm the minutes of the meeting held on 3 August 2023 as a correct record.

**4 Urgent Item of Business**

To determine whether there are any additional items of business to be considered as a matter of urgency.

**5 Nominations for Sandwell & West Birmingham NHS Trust for the status of Freedom of the Borough**

11 - 20

To consider a nomination to confer the status of Freedom of the Borough.



## **6 Exclusion of the Public and Press**

That the public and press be excluded from the rest of the meeting. This is to avoid the possible disclosure of exempt information under Schedule 12A to the Local Government Act, 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.

- |   |          |
|---|----------|
| <b>7. Failure to Agree - Car Parking</b>  | 21 - 82  |
| 4<br>To consider and determine the Failure to Agree by UNITE the Union in relation to the removal of car parking. |          |
| <b>8. Failure to Agree - Lack of consultations on Health and Safety Implications in relation to car parking</b>   | 83 - 144 |
| 4<br>To consider and determine the Failure to Agree submitted by the Joint Trade Unions.                          |          |

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

**Distribution**  
Councillor Melia (Chair)  
Councillors Dhariwal, M Allcock, Fitzgerald, Johnston, Kalari and Maycock

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

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## Minutes of General Purposes and Arbitration Committee

**3 August 2023 at 6.05pm**

**Present:** Councillor Dhariwal (Vice Chair in the Chair);  
Councillors Johnston and Maycock.

**In Attendance:** Charlotte Leadbetter-Chase (Operations Manager –  
Independent Living Team), Susanne Moore (Business  
Partner – Adult Social Care and Public Health) and  
Trisha Newton (Deputy Democratic Services Manager).

11/23      **Apologies for absence**

Apologies for absence were received from the Chair,  
Councillor Melia.

12/23      **Declarations of Interest**

There were no interests declared at the meeting.

13/23      **Minutes**

**Resolved** that the minutes of the meeting held on 14  
March 2023 be confirmed as a correct record.

14/23      **Urgent Items of Business**

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

15/23

### **Nomination for Honorary Alderwomen**

The Local Government Act 1972 gave authority to the Council to confer the honour of Honorary Aldermen/ Alderwomen of the Borough on elected members who had given eminent service to the Borough.

In accordance with the Council's scheme, a nomination had been received from Councillor Hughes in respect of former councillor Elaine Costigan who had served on the Council for 20 years, sitting on a number of Committees, most notably serving as Cabinet Member for Health and Protection and as Town Lead for Wednesbury, as well as being an active volunteer in the community having served on community and friends groups.

**Resolved** that Council be recommended to confer the title of Honorary Alderwoman on Elaine Costigan in recognition of her eminent service to the Borough of Sandwell.

16/23

### **Leonard Andrews Poole Trust Annual Report 2022/23**

The Committee was informed that the Leonard Andrews Poole Trust was established in 1980 and was registered with the Charities Commission.

The Trust held shares on deposit with COIF Charities Investment Fund managed by the CCLA and interest accumulated from the investment could be utilised for the benefit of care homes managed by Sandwell Council.

No financial expenditure had been incurred during municipal year 2022/23.

The Committee considered the financial position and recommended that options be provided to a future meeting to ensure that the investment was providing the best return for the charity following recent changes to interest rates.



## **Request for Leonard Andrews Poole Trust funds for garden furniture at Harvest View Health and Social Care Centre**

Sandwell's new flagship social care and health facility, Harvest View, opened to residents in November 2022 and offered specialist support from both social care and health staff all under one roof, with 80 en-suite rooms and friendly communal areas as well as lovely outdoor spaces.

The facility enabled people to get back home after a hospital visit and also those who needed some structured support to avoid a hospital stay altogether. Harvest View replicated the home environment, where residents could be encouraged back to their normal health in familiar surroundings. The focus was on maintaining and improving independent living rather than specifically treating the medical condition.

The outdoor areas consisted of lawned areas, flat winding pathways to encourage mobility and raised beds for gardening and growing vegetables. There was a large area that was designed as a communal space to encourage interaction between residents, with a view that this would house tables and chairs for a relaxed outdoor space for residents to enjoy. This could be a place for rest, relaxation, communication or visits from family/friends or an outdoor dining space.

Unfortunately, there were not sufficient funds nor contracts available at the time of the build of Harvest View to source tables and chairs for this outdoor area and an application was now submitted seeking funds. The request aligned with the priorities for the Leonard Andrews Poole Trust funding and would have a great impact on the quality of service provided at Harvest View.

The request for funding was approved, however, going forward, the Committee would welcome wish lists from the two homes who could request funding from the Trust to ensure that the Committee could prioritise spending of funds.

**Resolved** that a procurement exercise be authorised to source garden furniture to meet the needs of the residents at Harvest View Health and Social Care Centre with funding approved at an estimated cost of £5,000.

Meeting ended at 7.07pm

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

## Report to General Purposes and Arbitration Committee

**22 September 2023**

<b>Subject:</b>	Nominations for Sandwell & West Birmingham NHS Trust for the status of Freedom of the Borough
<b>Director:</b>	Director of Law and Governance and Monitoring Officer – Surjit Tour
<b>Contact Officer:</b>	Johane Gandiwa <a href="mailto:Johane_gandiwa@sandwell.gov.uk">Johane_gandiwa@sandwell.gov.uk</a>

### 1 Recommendations


- 1.1 That the Committee considers recommending that Council confer the status of Freedom of the Borough to Sandwell & West Birmingham NHS Trust.

### 2 Reasons for Recommendations

- 2.1 In accordance with section 249 of the Local Government Act 1972, the Council has the authority to admit suitably qualified persons to the status of Freedom of the Borough.
- 2.2 The Committee is invited to indicate whether it would wish to confirm the title on any person or persons. If the Committee wishes to nominate a suitable person, it is recommended that an extraordinary meeting of Council is held on 24 October 2023, prior to the ordinary meeting of Council. The Council will consider this Committee's recommendations and, if appropriate, pass the necessary statutory resolutions required by Section 249 of the Local Government Act 1972.



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

	Nominations for Freedom of the Borough are an endorsement of the eminent service and commitment to the residents of Sandwell.
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### 4 Context and Key Issues

- 4.1 The Council may, by resolution passed by not less than two-thirds of the members voting thereon at a meeting of the Council specially convened for the purpose, consider the admittance of persons to be the status of Freedom of the Borough. The persons should be of distinction or persons who have, in the opinion of the Council, rendered eminent service to the Borough.
- 4.2 The National Health Service celebrated its 75<sup>th</sup> birthday on the 5<sup>th</sup> July. As such, Sandwell & West Birmingham NHS Trust was nominated for Freedom of the Borough (Sandwell) for the selfless public services it has given and commitment shown to Sandwell residents over the years
- 4.3 The NHS overall and in turn the Trust, is a kind, caring, compassionate and great institution that every resident of Sandwell has reason to be proud of.
- 4.4 Bestowing this honour on the Sandwell & West Birmingham NHS Trust acknowledges the hard work, devotion and impact the NHS and the Trust, particularly its staff, has had on Sandwell residents.
- 4.5 This honour, which is the highest honour that the Council can bestow, is a clear demonstration of the deep affection Sandwell has for the Trust and NHS and to do so in the 75<sup>th</sup> anniversary year of the NHS is a fitting way to show the resident's heart-felt appreciation.
- 4.6 The Council has previously granted the Freedom on the Borough to:-
- Baroness Boothroyd of Sandwell;
  - Lord Archer of Sandwell;



- Joseph Adams OBE;
- Christopher Graham Collins (Frank Skinner);
- Cyrille Regis MBE;
- Julie Mary Walters CBE;
- Wilfred Lunn MBE;
- Patrick John Sullivan;
- Dr Hiren Roy;
- Francis Arthur Betteridge MBE;
- Lord King of West Bromwich;
- Lord Snape of Wednesbury;
- Anthony “Bomber” Brown;
- Wendy Mary Lawrence (Josie);
- David Heeley (blind Dave).

## 5 Implications

<b>Resources:</b>	Local Authorities are empowered to incur reasonable expenditure on cost of the ceremony and associated scrolls and badges, the cost of which is met from the civic ceremonial budget.
<b>Legal and Governance:</b>	The authority to confer the title of Freedom of the Borough and the power to incur expenditure is contained within Section 249 of the Local Government Act 1972, as now amended by Section 29 of the Local Democracy, Economic Development and Construction Act 2009.
<b>Risk:</b>	There are no risk implications arising directly from this report.
<b>Equality:</b>	There are no equality implications arising directly from this report.
<b>Health and Wellbeing:</b>	There are no health and wellbeing implications arising directly from this report.
<b>Social Value</b>	Nominations for Freedom of the Borough are an endorsement of commitment to the residents of Sandwell.
<b>Climate Change</b>	There are no climate change implications arising directly from this report.
<b>Corporate Parenting</b>	There are no corporate parenting implications arising directly from this report.



## 6 Appendices

### Nomination Form



## **Freeman and Freewoman of the Borough and Freedom of the Borough**

### **FREEMAN/FREEWOMAN OF THE BOROUGH**

The title of Honorary Freeman (and Freewoman) of the Borough is the highest honour that this Council can bestow upon a person. The title is awarded to persons of distinction and persons who have rendered eminent services to the borough.

The origins of freemen in England, are to be found in the guilds of the medieval merchants and craftsmen whose influence helped to found and stabilise urban communities.

A 'freeman' was often a man who had served his apprenticeship and was free to conduct his trade in his own town. The 'freeman' title has long since disappeared and replaced by the title 'Honorary Freeman' (and more recently 'Honorary Freewoman').

### **FREEDOM OF THE BOROUGH**

The title of 'Freedom of the Borough' applies predominantly to military units that have been given the Freedom of Entry to the borough.

Permission to enter conferred the practice upon individual Regiments the right "to march through the borough with due ceremonial, drums beating, bands playing, banner flying and bayonets fixed", in recognition of the confidence, trust and friendship existing between the citizens and soldiers.

During the Middle Ages, formed bodies of troops were not allowed to march through a borough without first seeking permission. As most boroughs were surrounded by a fortified wall the borough fathers were in a position to refuse access if, for some reason, they were suspicious of the Military Commander's intentions. The Freedom of Entry to the borough was normally granted to locally based troops after sufficient time had elapsed for mutual confidence and friendship to be established and when the citizens were satisfied that the troops would protect their interests.

## **Policy Statement**

The freedom most commonly arising today is that of being made an Honorary Freeman or Freewoman of the Borough, which under the Local Government Act of 1972 (previously the Honorary Freedom of Boroughs Act, 1885) may be conferred by any borough.

The Borough Council of Sandwell wishes to recognise the efforts of members of the community who demonstrate outstanding commitment to the well-being of the borough.

To be granted the title of Honorary Freeman or Freewoman is a mark of distinction upon the person whom the council wishes to honour, reflecting the eminence of the person on whom it is conferred or as recognition of significant and valuable services/acts rendered to the borough by that person.

Council, at a specially convened meeting for the purpose, will decide whether to award an individual the title of Honorary Freeman or Freewoman of the Borough. This honour will be awarded only in rare and exceptional circumstances that meet a specific criterion - set out below.

## **Nomination Criteria**

The following will be taken into account when consideration is given to granting an individual Freeman/Freewoman of the Borough.

To be considered for the honour of Honorary Freeman or Freewoman of the Borough, the nominee should meet at least two of the following criteria:

1. has delivered in a way that has brought distinction to the borough and enhanced the borough's reputation as a directly result of their actions.
2. has a made a significant improvement to the life of others in the borough as a direct result of eminent service.

“Eminent service” in this context includes, but is not limited to, any of the following:-

- o public service
- o artistic and/or cultural endeavours
- o improvement to the built and natural environment
- o religious and spiritual life
- o sporting activities



3. demonstrated exceptional innovation and entrepreneurship which is delivering significant economic growth and prosperity in the borough.
4. exemplified selflessness and sustained commitment to their community through charitable deeds.

## Nomination Form

I, Councillor .....Suzanne Hartwell wish to nominate the following person (organisation) to be considered for the status of Freeman/Freewoman of the Borough for Sandwell Metropolitan Borough Council.

Nominee: Sandwell & West Birmingham NHS Trust

I am aware that the following criteria is applied to the achievements of the nominee.

The Nominee has:-

[Please delete as appropriate]

1. delivered in a way that has brought distinction to the borough and enhanced the borough's reputation as a directly result of their actions.
2. made a significant improvement to the life of others in the borough as a direct result of eminent service in relation to

X public service

o artistic and/or cultural endeavours

o improvement to the built and natural environment

o religious and spiritual life

o sporting activities

o other, please state

.....

3. demonstrated exceptional innovation and entrepreneurship which is delivering significant economic growth and prosperity in the borough.
4. exemplified selflessness and sustained commitment to their community through charitable deeds.

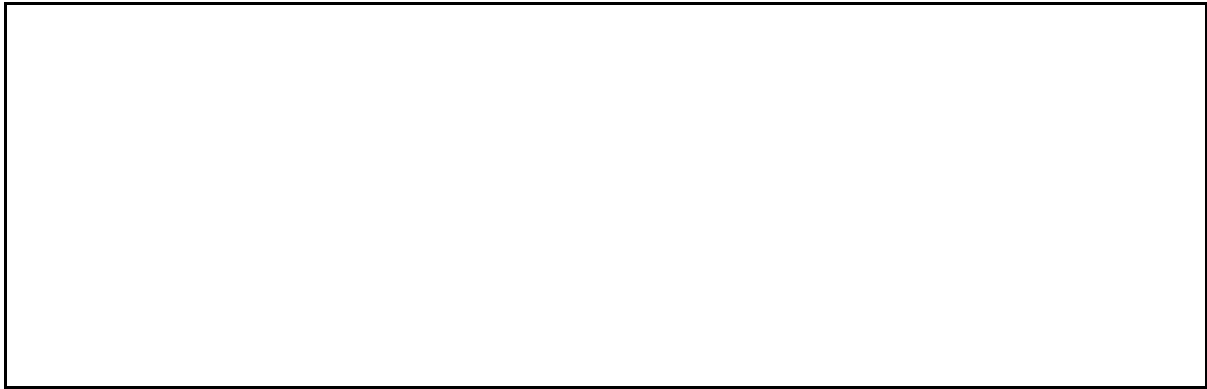
I believe the nominee has met the criteria in the following way(s):-

National Health Service has celebrated its 75<sup>th</sup> birthday on the 5<sup>th</sup> July and I would like to nominate Sandwell & West Birmingham NHS Trust for Freedom of the Borough (Sandwell) for the selfless public services they have given and commitment shown to Sandwell residents over the years

The NHS overall and in turn the Trust is a kind, caring, compassionate and great institution that we have every reason to be proud of.

Bestowing this honour on the Sandwell & West Birmingham NHS Trust acknowledges the hard work, devotion and impact the NHS and the Trust, particularly it's staff, has had on Sandwell residents.

This honour, which is the highest honour that the Council can bestow, is a clear demonstration of the deep affection Sandwell has for the Trust and NHS and to do so in the 75<sup>th</sup> anniversary year of the NHS is a fitting way to show our heart-felt appreciation.



Signed: .

Date: 4 August 2023

Nomination supported by: .....Cllr Kerrie Carmichael.....

Date: .....03/08/2023.....

**Please return this form to the Chief Executive**

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of the Local Government Act 1972.

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