

# Minutes of Council

**Tuesday 26 July 2022 at 6.00pm  
in the Council Chamber, Sandwell Council House, Oldbury**

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

Councillor Abrahams, Ahmed, Akhtar, Akpoteni, Allcock, Allen, Anandou, Ashman, Bhullar, Carmichael, Chapman, Choudhry, Costigan, Crompton, Davies, Dhallu, Dhariwal, Dunn, Fenton, Fisher, Gavan, M Gill, W Gill, Hackett, Hartwell, Hughes, A Hussain, Z Hussain, Jalil, O Jones, S Jones, Kalari, Khatun MBE, Lewis, Melia, Millar, Millard, Moore, Owen, Padda, Piper, Preece, Rahman, Randhawa, Rollins, Shaeen, Simms, K Singh, N Singh, Smith, Trumpeter, Webb, Wilkes and Williams.

**Also present:** Kim Bromley-Derry – Managing Director Commissioner; Surjit Tour – Director of Law and Governance and Monitoring Officer; Elaine Newsome – Services Manager – Democracy; Trisha Newton – Senior Democratic Services Officer; Connor Robinson – Democratic Services Officer and Keith Cutler – Sergeant at Arms.

## 96/22 **Apologies for Absence**

Apologies for absence were received from Councillor Bostan, Chambers, E M Giles, E A Giles, J Giles, L Giles, G Gill, S Gill, Hinchliff, Kaur, Mabena, McVittie, Shackleton and Uddin.



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### 97/22 **Declarations of Interest**

There were no interests declared.

### 98/22 **Minutes**

**Resolved** that the minutes of the meeting of Annual Council held on 24 May and the ordinary meeting of Council held on 7 June 2022 be approved as a correct record and signed by the Chair.

### 99/22 **Additional Item of Business**

There were no additional items of business to consider.

### 100/22 **Mayor's Announcements**

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

In particular, the Mayor congratulated Sandwell Children's Trust following the Ofsted announcement which showed an improvement from 'Inadequate' to 'Requires Improvement to be Good'.

To raise awareness related to gambling, a Harmful Gambling Charter had been developed which outlined seven key principles to tackling gambling related harm in the workplace to reinforce the Council's commitment to supporting employees. The Council, along with the Trade Unions, recognised the harm and social concern caused by gambling and its impact on debt, poverty and people's physical and mental health.

The Deputy Leader of the Council, Councillor Piper, Matthew Law - Unite Union, Darren James - GMB Union and Tony Barnsley - Unison Union signed the Harmful Gambling Charter.



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### 101/22 **Petitions**

No petitions were received under Standing Order No. 5.

### 102/22 **Written Questions**

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

### 103/22 **Governance Review - Proposed Changes to the Council's Constitution**

The Council had commenced a review of its governance arrangements following the Grant Thornton Governance Review, LGA Corporate Peer Review and CIPFA Review.

A number of key governance issues had been identified and the reviews specifically addressed underlying constitutional and procedural deficiencies that directly and indirectly undermined or hindered the Council's governance arrangements, decision making ability and key working relationships.

An Officer Governance Review Project Team had been established to help coordinate and oversee the delivery of the Governance Review. Support had also been provided by the Local Government Association, Centre for Governance and Scrutiny, Chartered Institute of Public Finance and Accountancy and the Commissioners.

The Governance and Constitution Review Committee had established a cross-party Member Working Group to oversee the process for, and coordination of, constitution revisions and proposals and the following areas of the Constitution had been considered and recommendations made to Council:-

- a) key decision financial thresholds;
- b) Contract and Procurement Rules;
- c) Protocol for the Disposal of Council Owned Land and Buildings.



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### Resolved:-

- (1) that the Key Decision financial threshold in the Constitution:
  - be raised to £1m for decisions to be taken by Cabinet;
  - that individual Cabinet Members be delegated to make financial decisions between £500,001 and £999,999;
  - that the limit of Chief Officers' financial delegations be raised to £500,000;
- (2) that the revised Contract and Procurement Procedure Rules be approved;
- (3) that the revised Protocol for the Disposal of Council Owned Land and Buildings, forming part of the Financial Regulations and Procedures, be approved;
- (4) in connection with the above recommendations, the Director of Law & Governance/Monitoring Officer, in consultation with the Director of Finance (and S151 Officer), be authorised to make all necessary consequential changes to the Constitution to give effect to the approved changes.



104/22

**Council Election Cycle - consultation to explore a change to the current schedule of elections in Sandwell**

Approval was sought to commence a public consultation process from 1 August to 16 September 2022, in accordance with Local Government & Public Involvement in Health Act 2007, on whether the Council should move from the current election cycle of elections by thirds, to whole council elections once every four years.

The consultation would seek public opinion and views on either retaining the current electoral arrangements of elections by thirds taking place in three years out of four, or moving to a cycle of whole council elections that would take place once every four years.

A further report would be submitted on the outcome of the consultation.

**Resolved:-**

- (1) that a public consultation be launched on 1 August 2022 on changing the Council's election cycle from the current system of election by thirds to whole Council elections occurring once every four years;
- (2) that the MD Commissioner be authorised, in consultation with both Group Leaders, to progress all necessary actions to enable Council, at a specially convened meeting, to determine whether to change the Council's electoral cycle to whole Council elections.



105/22

**Proposed Departure from the Development Plan - Newcomen Drive Open Space, Newcomen Drive, Tipton**

At its meeting on 19 July 2022, Planning Committee gave approval to planning application DC/21/66125, which sought approval for an industrial/warehousing development together with associated access, servicing, parking and landscaping, subject to the departure from the development plan, being considered and ratified by Council.

The site, which had remained undeveloped and attracted fly-tipping, was on land allocated for residential use and, as such, was contrary to adopted Council policy. The proposal would add to the Council's need for quality industrial land.

The site was currently allocated for residential use under the Site Allocations and Delivery Plan Policies Map but had been in private ownership for a number of years. The site had remained undeveloped due to viability issues and ground conditions. It was necessary for 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/21/66125 - land at Newcomen Drive Open Space, Newcomen Drive, Tipton.

106/22

**Delegation of decision-making authority to Birmingham City Council to determine cross-boundary planning application for proposed demolition of structures at land to the rear of Anderson Road, Smethwick and erection of two-storey building to provide 17 assisted living units with associated car parking and landscaping**

At its meeting on 22 June 2002, Planning Committee resolved to recommend to Council that the Council's decision-making function should be delegated to Birmingham City Council in respect of planning application DC/22/66919.





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The majority of the application site lay within the administrative area of Birmingham City Council, except for a small triangular area of land at the southwest boundary which lay within the administrative boundary of Sandwell. Given that there were no strategic cross-boundary implications associated with the proposal, and much of the site area and access was within Birmingham City Council's administrative area, it was recommended that Birmingham City Council was granted the authority to determine the application.

**Resolved** that, in respect of cross-boundary planning application DC/22/66919 – land to the rear of Anderson Road, Smethwick, decision-making authority be delegated to Birmingham City Council.

### 107/22 **Annual Report of Licensing Committee 2021-2022**

Council received the Annual Report of the Licensing Committee and Licensing Sub-Committees for the municipal year 2021-22.

### 108/22 **Constitution and Political Balance of Committees and Boards and Revised Appointments to Committees, Boards and Other Bodies**

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

#### **Resolved:-**

- (1) that the political balance of the committees, boards and other fora for the remainder of 2022-23, be approved;
- (2) that, in respect of Licensing Committee, Councillor W Gill replaces Councillor Bostan, with immediate effect.



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### 109/22 **To receive the minutes of Cabinet**

The minutes of the meeting of the Cabinet held on 22 June 2022 were received.

In response to questions, the Leader confirmed:-

- enquiries would be made in respect of the Greenspace Strategy consultation letters;
- levelling up funding was agreed in consultation with the MP.

### 110/22 **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 13 July 2022 were received.

In addition, the Chair gave an update on recent improvements in Scrutiny, including regular meetings with the Statutory Scrutiny Officer and Monitoring Officer, meetings involving Scrutiny Chairs/Directors/Cabinet Members, at least one in-depth topic per Board, action trackers, training sessions and pre-meetings.

### 111/22 **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 28 June 2022 were received.

### 112/22 **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 21 June 2022 were received.





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### 113/22 Notice of Motions

The Council considered motions received under Standing Order No. 7:-

#### 113/22(a) Programme of Investment in Infrastructure and Community Resources

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

"This council requests that the cabinet member for Regeneration and Growth together with the Cabinet Member for Finance and Resources explore options to increase funding to wards within the Borough that have the highest levels of deprivation with a view to creating a programme of investment in infrastructure and community resources including community centres, youth provision and parks; to help increase pride within the local communities, support vulnerable people and reduce crime."

In accordance with Standing Order No.7, Councillor Piper moved the following amendment to the motion, which was seconded by Councillor Hughes:-

"This council requests that the cabinet member for Regeneration and Growth together with the Cabinet Member for Finance and Resources to continue to explore options to increase funding to wards within the Borough that have the highest levels of deprivation with a view to creating a programme of investment in infrastructure and community resources including community centres, youth provision and parks; to help increase pride within the local communities, support vulnerable people and reduce crime."

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



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### 113/22(b) Revision to Standing Orders

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

“That this Council welcomes the ongoing governance review through a recognition of the need for scrutiny from members of the Council and members of the public. That this Council reaffirms its commitment to openness and transparency by recognising the position of other local authorities like Birmingham City Council and calling on the Governance and Constitution Review Committee to consider an amendment to the constitution that enables the introduction of a standing agenda item that allows for written questions from members of the public in line with the draft standing order which is attached as Appendix A. This Council consequently resolves through a request that this matter is referred to the Government and Constitution Review Meeting of 13 September which would enable any decision to be ratified by the Council at the earliest available opportunity which would be the October 25 Council.”

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

Meeting ended at 7.44pm

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