

Minutes of Council

**Tuesday 8 November 2022 at 6.30pm
at Council Chamber – Sandwell Council House, Oldbury**

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

Councillors Abrahams, Ahmed, Akhtar, Akpoteni, Allcock, Allen, Anandou, Ashman, Bostan, Carmichael, Chambers, Chapman, Chidley, Choudhry, Crompton, Dhallu, Dhariwal, Dunn, Fenton, Fisher, Gavan, E M Giles, E A Giles, J Giles, L Giles, M Gill, S Gill, W Gill, Hackett, Hinchliff, Hughes, A Hussain, Z Hussain, Jalil, S Jones, Kaur, Kausar, Khatun MBE, Lewis, McVittie, Melia, Millar, Moore, Owen, Padda, Piper, Preece, Rahman, Randhawa, Rollins, Shaeen, Simms, Smith, Trumpeter, Uddin, Webb, Wilkes, Williams.

Also present: Kim Bromley-Derry – Managing Director Commissioner, Surjit Tour – Director of Law and Governance and Monitoring Officer; Elaine Newsome – Services Manager – Democracy; Suky Suthi-Nagra – Democratic Services Manager; Stephnie Hancock – Senior Democratic Services Officer; Trisha Newton – Senior Democratic Services Office; Connor Robinson – Democratic Services Officer; Kennedy Brown – Sergeant at Arms.

117/22 **Apologies for Absence**

Apologies for absence were received from Councillors Bhullar, Costigan, G Gill, Hartwell, O Jones, Kalari, Mayo, Millard, N Singh and Shackleton.



118/22 **Declarations of Interest**

Councillors Allcock, Akhtar, Choudhry, Gavan, Jalil, R Jones, Kaur, Kausar, McVittie, Preece and Trumpeter declared a pecuniary interest and Councillor Webb declared a non-pecuniary interest in the matter referred to at Minute No. 137(a)/22 – Motions (NHS) in that they were NHS employees, or related to an NHS employee.

119/22 **Minutes**

Resolved that the minutes of the meeting of Council held on 26 July 2022 be approved as a correct record and signed by the Chair.

120/22 **Additional Item of Business**

There were no additional items of business to consider.

121/22 **Queen Elizabeth II Reflection and King Charles III Proclaimed**

The Council observed a minute silence and reflected on the public service of Her Majesty Queen Elizabeth II.

The Council wished His Majesty King Charles III a long, prosperous and happy reign.

122/22 **Mayor's Announcements**

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

The Council noted the success of the 2022 Commonwealth Games and highlighted the contribution to the Games of the world class venue of the Aquatics Centre in Smethwick.



The Deputy Mayor talked about the success of Black History Month in Sandwell.

The Council recognised the work done to support care leavers and children in care and noted the success of the Forum for Independent Young Adults Awards.

123/22 **Petitions**

No petitions were received under Standing Order No. 5.

124/22 **Written Questions**

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

125/22 **Governance Review - Proposed Changes to the Council's Constitution**

The Council had commenced a review of the Council's governance arrangements following the Grant Thornton Governance Review, LGA Corporate Peer Review and CIPFA Review. These reviews had identified a number of key governance issues that had to be addressed.

The reviews had specifically identified the requirement to address 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, on 27 May 2022, had established a cross-party Member Working Group to oversee the process for and coordination of constitution revisions and proposals. The Working Group considered the proposed changes to the Constitution at meetings on 15 September and 13 October 2022 and approved them for wider consultation with elected Members during September and October.

Demonstrating progress in respect of the Governance Review was a key area of focus for the Secretary of State and ensuring necessary changes to the Council's Constitution were delivered at pace was considered critical to the Council's improvement.

Resolved:-

- (1) that approval be given to the proposed revisions to the constitution including:
 - Part 3 - The Scheme of Delegation to Officers
 - Part 4 - Council Procedure Rules
 - Part 4 - Executive Procedure Rules and associated Articles: 7 – The Executive and 13 – Decision Making
 - Part 4 - Access to Information Procedure Rules
 - Part 4 – Officer Employment Procedure Rules
 - Part 5 – Officer Code of Conduct
 - Part 5 - Protocol for Member/Employee Relations
- (2) that approval be given to the protocol for public questions at Council meetings;
- (3) that, subject to the approval of the above recommendations, the Director of Law & Governance/Monitoring Officer be authorised to make all necessary consequential changes to the Constitution to give effect to the approved changes.



Scrutiny Review

Sandwell Council had not undertaken a comprehensive review of its overview and scrutiny arrangements for a number of years. Good practice advocated that a review should be undertaken at reasonable intervals to ensure the overview and scrutiny arrangements remained fit for purpose and aligned to the desired outcomes of Elected Members and the Council.

The Centre for Governance and Scrutiny (CfGS) had identified four key principles that should underpin the work of the Overview & Scrutiny Committee at all times and should:-

- provide a culture of 'critical friend' challenge to decision makers;
- enable the voice and concerns of the public and its communities to be heard;
- conduct the scrutiny function by independent-minded members who will lead and own the process;
- drive improvements on services.

Statutory Guidance had been released in May 2019 by the former Ministry of Housing, Communities and Local Government. This guidance placed a strong emphasis on scrutiny/executive relationship and early and regular engagement between the Cabinet and Scrutiny which was critical to scrutiny's success as well as approaches on what effective scrutiny looks like and how to conduct it.

Undertaking the review, consideration was given to the statutory guidance and it was examined how the Council's overview and scrutiny arrangements, including scrutiny outcomes, could be improved so as to reflect recognised good practice. Importantly, the review had sought to embed a strong and positive culture amongst Elected Members in relation to the real opportunities that effective overview and scrutiny provided.

To support the improvement and good practice that continued to be made and adopted by Scrutiny Boards over the past couple of years, a Scrutiny Improvement Plan had been developed in consultation with the Chair of the Budget and Corporate Scrutiny Management Board. The Scrutiny Improvement Plan set out a framework for embedding positive working relationships between



Scrutiny Boards and the Executive, and Scrutiny Boards and officers. The changes would elevate the status of scrutiny by promoting its importance and ensuring parity of esteem with the Executive, and ensuring Members continued to engage in scrutiny through more strategic and dynamic work programmes that were outcome focussed.

It had also proposed to amend the membership of the Budget and Corporate Scrutiny Management Board, which currently consisted of all scrutiny chairs and one opposition member, to also now include all scrutiny vice chairs and an additional opposition member and to also appoint a Vice Chair on the Board (which was consistent with other scrutiny boards, subject to political proportionality being maintained) the Vice Chair role would not receive a Special Responsibility Allowance. The additional members on the Board would help ensure greater resilience and enable a more rich debate and discussion, whilst and promoting and facilitating the desired culture, relationships and work programme that scrutiny is aiming to achieve.

The Centre for Governance and Scrutiny (CfGS) and the Local Government Association (LGA) continued to be involved in the Council's overview and scrutiny improvement plan and in the future further reviews would continue to be undertaken to ensure overview and scrutiny continued to add value and be valued in Sandwell.

Resolved:-

- (1) that the work undertaken to date on the scrutiny review be considered;
- (2) that Council, following the improvements identified as part of the scrutiny review 2022:
 - a. agrees to all scrutiny vice chairs being appointed to the Budget and Corporate Scrutiny Management Board;
 - b. that Council agrees to increasing the membership of the Budget and Corporate Scrutiny Board to include the four vice-chairs of



- the other Scrutiny Boards and that the political proportionality seat allocations be amended accordingly;
- c. subject to the approval of (a) above, agrees to the Budget and Corporate Scrutiny Board being authorised to appoint a vice chair from amongst the revised Board membership, with no Special Responsibility Allowance applicable;
 - d. agrees the role descriptions for Chairs, Vice Chairs, Overview and Scrutiny Elected Members and Co-opted members as now submitted;
 - e. the following protocols, as now submitted, in order to support and promote healthy working relations:-
 - Scrutiny Chairs, Vice Chairs and Scrutiny Elected Members with the Executive; and
 - Scrutiny Chairs, Vice Chairs and Scrutiny Members with Officers;
 - f. Authorise the Director of Law and Governance and Monitoring Officer to make all necessary consequential changes to the Constitution to give effect to the approved changes.

127/22

Constitution and Political Balance of Committees and Boards and Revised Appointments to Committees, Boards and Other Bodies

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

Resolved:-

- (1) that approval be given to the dis-establishment of the Select Committee for Policy Review;
- (2) that, subject to approval of the Scrutiny Review as referred to in 126/22 above, in addition to the four Scrutiny Vice Chairs, Councillor Trumpeter be appointed to the Budget and Corporate Scrutiny Management Board;



- (3) that approval be given to the revised political balance of the committees, boards and other fora for the remainder of 2022-23, as now submitted;
- (4) that Councillor Chidley be appointed to the vacant seat on the Land & Asset Management Committee;
- (5) that any revision to the appointments to committees and boards be approved with immediate effect.

128/22 **Annual Report of Scrutiny Boards 2021-2022**

The Chair of the Budget and Corporate Scrutiny Management Board presented the Scrutiny Annual Report for the municipal year 2021-22.

Over the course of the year, 33 Scrutiny Board meetings had been held, two joint Health Overview and Scrutiny meetings with Birmingham City Council had been held, there had been eight Working Group meetings and three Scrutiny Reviews carried out.

The Scrutiny Annual Report was received by the Council.

129/22 **Annual Report of the Audit and Risk Committee 2021-2022**

The Chair of the Audit and Risk Assurance Committee presented the Audit and Risk Assurance Committee Annual Report 2021/22.

The Chair of the Audit and Risk Assurance Committee emphasised the commitment to playing a key role and working with colleagues to ensure that the recommendations in the Council's Improvement Plan were addressed in a meaningful and timely manner during the 2022/23 year.

The Audit and Risk Assurance Committee Annual Report 2021/22 was received by the Council.



130/22 **West Midlands Fire and Rescue Authority Update**

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.

131/22 **Transport for West Midlands Update**

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

132/22 **West Midlands Police and Crime Panel**

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

133/22 **West Midlands Combined Authority**

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

134/22 **To receive the minutes of Cabinet**

The minutes of the meetings of the Cabinet held on 20 July, 17 August and 28 September 2022 were received.

134/22(a) **Proposal to Declare the Whole of Sandwell as a Smoke Control Area**

Consideration was given by Council to the Proposal to Declare the whole of Sandwell as a Smoke Control Area.



Resolved:-

- (1) that Sandwell MBC 'Declare' the whole Borough of Sandwell as a Smoke Control Area (SCA) under the Clean Air Act 1993 and replace the existing 51 Smoke Control Areas and ensure that all properties in the Borough are subject to the same legal requirements in relation to the prevention of smoke from building chimneys;
- (2) that subject to (1) above, the Director of Public Health be authorised to revoke the existing 51 Smoke Control Orders and making a single Borough-wide Smoke Control Order, with the Smoke Control Area coming into operation on the date specified in the Order which will not be earlier than six months from the date of confirmation.

135/22 **To receive the minutes of the Budget and Corporate Scrutiny Management Board**

The minutes of the meetings of the Budget and Corporate Scrutiny Management Board held on 8 August, 22 September and 13 October 2022 were received.

136/22 **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 21 July 2022 were received.

137/22 **Notice of Motions**

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



137/22(a) 17(a) NHS

Councillor Ashman declared a pecuniary interest in the matter to be discussed.

Councillors Ashman, Allcock, Akhtar, Choudhry, Gavan, Jalil, R Jones, Kaur, Kausar, McVittie, Preece and Trumpeter left the Council Chamber.

(Deputy Mayor in the Chair)

An amended motion was moved by Councillor Padda and seconded by Councillor Webb:-

“This council notes:

1. The vital role played by NHS staff and other essential workers during the Covid-19 pandemic in the UK.
2. The demands by the Royal College of Nursing for urgent action by governments across the UK to tackle the issues of nursing shortages and fair pay for nursing staff.
3. A recent survey of 150 hospital chief executives, by NHS Providers, revealed 27 per cent have set up food banks to support staff.
4. Only 56% of new people joining the UK nursing register in 2021 were educated and trained in the UK, exposing a longstanding over-reliance on international recruitment potentially at a cost to other countries needing to retain their workforce.

Giving nurses a fair pay rise would be cheaper than recruiting new nurses from abroad as nursing staff seek opportunities elsewhere.

This Council calls upon the Leader of the Council to write to the Prime Minister and the Secretary of State for Health and Social Care urging them to take action to deal with the issue of low pay amongst nursing and other NHS staff by agreeing to a pay increase in line with inflation in order to prevent the drift away from



nursing, and avoid having to recruit from abroad or using agency staff to fill vacancies”.

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

Councillors Ashman, Allcock, Akhtar, Choudhry, Gavan, Jalil, R Jones, Kaur, Kausar, McVittie, Preece and Trumpeter returned to the Council Chamber.

(Mayor in Chair)

137/22(b) **17(b) Road Closures for Coronation**

An amended motion was moved by Councillor W Gill and seconded by Councillor Dunn:-

“That this Council recognises the historical significance of the coronation of HRH King Charles III which is planned for May 6th, 2023, and therefore resolves to invite the executive to consider waiving the fees for temporary road closures over this weekend to allow the residents of Sandwell to come together to celebrate”.

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

138/22 **To receive the recommendations of the Chief Officers Terms and Conditions Committee**

On 28 July 2022 the Chief Officers Terms and Conditions Committee approved recommendations to commence the process of appointment for a new Chief Executive for the Council. The Committee also approved that the Managing Director/Commissioner, Kim Bromley-Derry and Director of Business, Strategy and Change, with the Head of Human Resources and in consultation with the Leader, be authorised to work with the engaged recruitment consultants, Penna, to undertake all stages up to final interview.



The Committee met on 4 October 2022 which shortlisted and unanimously selected three candidates to proceed to final assessment, including final panel interview.

This final assessment stage culminated in panel interviews with the Chief Officer Terms and Conditions Committee on 20 October 2022.

Following the interviews and after careful consideration of candidate responses to Committee questions, the Committee unanimously agreed to recommend that the Council offer the position to Shokat Lal, currently Executive Director of Core Services at Barnsley Metropolitan Borough Council.

Resolved that approval be given to the appointment of Shokat Lal to the position of Chief Executive, Head of Paid Service, Returning Officer (RO) and the Electoral Registration Officer (ERO).

Meeting ended at 8.40pm

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