

Minutes of Council

Tuesday 13 December 2022 6.12pm
in the Council Chamber – Sandwell Council House, Oldbury

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

Councillors Abrahams, Ahmed, Akhtar, Akpoteni, Allcock, Anandou, Bhullar, Carmichael, Chapman, Costigan, Davies, Dhariwal, Dunn, Fenton, Fisher, Gavan, E A Giles, J Giles, M Gill, S Gill, W Gill, Hackett, Hartwell, Hinchliff, Hughes, A Hussain, Z Hussain, Jalil, O Jones, S Jones, Kalari, Kaur, Lewis, Mayo, McVittie, Millar, Millard, Owen, Padda, Piper, Preece, Rahman, Randhawa, Rollins, Shaeen, Simms, N Singh, Smith, Trumpeter, Uddin, Wilkes and Williams.

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

142/22 **Apologies for Absence**

Apologies for absence were received from Councillors Allen, Ashman, Bostan, Chidley, Choudhry, Crompton, Dhallu, E M Giles, L Giles, G Gill, Kausar, Khatun, Mabena and Moore.



143/22 **Declarations of Interest**

Councillor M Gill declared an interest in the matter referred to at Minute No. 152/22 Proposed departure from the Development Plan at 57 Leabrook Road, Wednesbury, as the site was near to where he lived.

144/22 **Minutes**

Resolved that the minutes of the extraordinary meeting of Council and ordinary Council held on 8 November 2022 be approved as a correct record and signed by the Chair.

145/22 **Additional Item of Business**

There were no additional items of business to consider.

146/22 **Minute Silence**

The Council observed a minute silence to mark the passing of long serving councillor, Ann Shackleton.

Councillor Shackleton had represented the Cradley Heath and Old Hill ward for 18 years. She had been Chair of the Children's Services and Education Scrutiny Board since 2020 and had previously been the Cabinet Member for Adult Social Care from 2016- 2019. She had also served as the Deputy Mayor over the 2011- 2012 municipal year.

Before becoming a councillor, she had been the headteacher of Corbett Primary School in Smethwick.

Members paid tribute to Councillor Shackleton and expressed their thanks for all the hard work and dedication she had put into Sandwell throughout her life.

The Mayor led members in extending condolences to her family and friends.



147/22 **Mayor's Announcements**

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

The Mayor noted the success of the Remembrance Day and Sunday events across the Borough and thanked the volunteers from the Royal British Legion for their support.

The Mayor and the Deputy Lieutenant had attended for the first time since the Covid-19 Pandemic citizenship ceremonies, where for the first time those receiving citizenship honoured His Majesty King Charles III.

As the festive season approached the Mayor highlighted the Christmas events across the Borough.

148/22 **Petitions**

No petitions were received under Standing Order No. 5.

149/22 **Written Questions**

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

150/22 **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 Sandwell Council was able to comply with its best value duty under Part 1 of the Local Government Act 1999. The Directions had been in-part influenced by the Grant Thornton report following their Value for Money Governance Review of December 2021.



A single Improvement Plan had been 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. The next report was due for submission in December 2022.

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

Significant progress had been made in delivering the actions contained within the Improvement Plan. The Council had invited Grant Thornton, the LGA and CIPFA to conduct follow-up reviews in Autumn 2022. The findings from the LGA had been received. The findings from Grant Thornton and CIPFA had yet to be published.

Once the findings from all three external reviews had been received, the Council's response would be considered, along with any additional recommendations from the Secretary of State.

Resolved:-

- (1) that the Improvement Plan Progress Reports and the 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;
- (2) that Council note the significant progress made to deliver the actions within the Improvement Plan;
- (3) that Council note the findings from the LGA Corporate Peer Challenge Follow-up visit and that the Council's response to the findings will be made in conjunction with the forthcoming findings from the Grant Thornton and CIPFA follow-up reviews, along with any additional recommendations from the Secretary of State.



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 were required to be addressed.

The reviews 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.

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 are delivered at pace considered critical to the Council's improvement.

Resolved:-

- (1) that approval be given to the proposed revisions to the Constitution including:
 - Articles 1 to 5, 8 to 12
 - Part 4 Financial Procedure Rules
 - Part 4 Budget and Policy Framework
- (2) that 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.



Proposed departure from the Development Plan at Leabrook Road, Wednesbury

At its meeting on 11 May 2021, Planning Committee gave approval to planning application DC/20/63920, which sought approval for retention of use as motor car sales, 1.8m high galvanised security fencing and galvanised roller shutter door subject to the departure from the development plan, being considered and ratified by Council.

Whilst the proposal formed part of a wider housing allocation, namely land between Lea Avenue/Leabrook Road and Willowsworth Road/Leabrook Road, at present, the area included established commercial uses and hence re-development of the application site would have been inappropriate in isolation. The proposal in all other respects was acceptable in appearance and the use was complimentary to existing commercial uses serving Leabrook Road. It was considered on balance, that the proposal was acceptable and a departure from the Development Plan be allowed on this occasion.

Resolved that approval be given to an exception to the development plan in respect of planning application DC/21/65279 for retention of use as motor car sales, 1.8m high galvanised security fencing and galvanised roller shutter door at 57 Leabrook Road, Wednesbury.

(Councillor M Gill left the room during consideration of this matter)



153/22

Performance Champions - Progress Report

The Safer Communities Performance Champion delivered a bi-annual update on the role of Performance Champions.

The Performance Champions had spent their first six months undertaking a range of tasks which included:

- building working relationships – with Cabinet members, officers, community groups and organisations, businesses, partner organisations, partnership groups;
- understanding the challenges- through these relationships, building a picture of the issues surrounding their topic area;
- understanding the context – what are members aiming to achieve in regard to that topic, what are the resource limits, what are the key messages to be taken to the community and partners;
- capturing what was working well and not so well – whether there was a gap between perception and reality. Capturing the successes that can be celebrated together;
- capturing and feedback intelligence gathered – make sure that all the intelligence gathered is captured and fed back to the Lead.

154/22

Constitution and Political Balance of Committees and Boards

Council considered the political balance of the committees, boards and other fora for the remainder of 2022-23.

Resolved that the political balance of the committees, boards and other fora for the remainder of 2022-23 be approved.

155/22

To receive the minutes of Cabinet

The minutes of the meetings of the Cabinet held on 16 November 2022 were received.



156/22(a) **Review of Garden Waste Collection**

The recommendation in relation to the Review of Garden Waste Collection was moved by Councillor Carmichael and seconded by Councillor Piper:-

“That the Council be recommended to approve the fee for the collection of Garden Waste of £35 for 2023 (or part)”.

In accordance with Standing Order No.13 (8)(a), Councillor Fisher moved the following amendment to the Motion, which was seconded by Councillor W Gill:-

“That the Council continues with the current free of charge service”.

In accordance with Standing Order No.14(3), Councillor Dunn called for a named vote on the amendment. The required support to the request was achieved and the motion as amended was put to a named vote as follows:-

For:

Councillor Abrahams, Anandou, Chapman, Dunn, Fisher, W Gill, Kalari, Trumpeter, Wilkes and Williams.

Against:

Councillors Ahmed, Akhtar, Akpoteni, Allcock, Bhullar, Carmichael, Costigan, Dhariwal, Fenton, Gavan, E A Giles, J Giles, M Gill, S Gill, Hackett, Hartwell, Hinchliff, Hughes, A Hussain, Z Hussain, Jalil, O Jones, R Jones, S Jones, Kaur, Lewis, Mayo, McVittie, Millar, Millard, Owen, Padma, Piper, Preece, Rahman, Randhawa, Rollins, Shaeen, Simms, N Singh, Smith, Taylor and Uddin.

Abstain:

None.



Having been defeated, the original recommendation was put to the vote and it was

Resolved that the fee for the collection of Garden Waste of £35 for 2023 (or part) be approved.

157/22 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 29 November 2022 were received.

158/22 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 29 September 2022 were received.

159/22 To receive the minutes of the General Purposes and Arbitration Committee

The minutes of the meeting of the General Purposes and Arbitration Committee held on 24 November 2022 were received.

159/22(a) Review of Polling Places and Polling Stations 2022/23

The Council considered the review of polling places and polling stations 2022/23.

The Elections Team had undertaken a review of polling places following the May 2022 elections. Although not statutory, it was considered good practice to undertake a review after an election year.



When reviewing polling places, it had been necessary to review their appropriate efficacy. The perspective of the electorate had to be considered in any change, such as, the accessibility of the site, its suitability, parking arrangements and disabled access. If alternative sites could not be found in the vicinity, then the site would not be changed.

The changes recommended took into account the commitment made following the 2021 review to reduce the number of schools and temporary huts used as polling stations.

Resolved that:-

- (1) the proposed changes to specific Polling Places and Polling Stations as set out in Appendix 1 be approved;
- (2) that the Director of Law and Governance & Monitoring Officer be authorised to implement the approved changes detailed in Appendix 1;
- (3) subject to any required changes with a Polling Place or Polling Station within the Borough prior to elections in 2023 (and beyond), the Returning Officer (or in their absence/unavailability, the Deputy Returning Officer) be authorised to change any Polling Place(s) and/or Polling Station(s), following consultation with relevant Ward Members and Chairperson of the General Purposes and Arbitration Committee, as considered necessary to enable the efficient and effective running of elections.

160/22

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 1 November 2022 were received.



161/22 **Notice of Motions**

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

161/22(a) **Opt-out HIV Testing**

The Council was advised that the motion had been withdrawn.

161/22(b) **Housing Safety**

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

That this Council places on record that we are deeply saddened by the death of Awaab Ishak and is committed to ensuring that lessons are learnt to ensure that such a tragedy cannot happen again.

Therefore, this Council resolves to:

- Recognises the duties it has in the Housing Act 2004 to improve the housing quality for both social and private tenants.
- Commit to ensuring that all people in the Borough do not live in poor quality housing.
- Use the powers it has to ensure that all accommodation in Sandwell, whether private or social, is of high safety and quality standards.
- Commit to carry out a review of housing conditions in Sandwell and supply the Department for Levelling Up, Housing and Communities with an assessment of damp and mould issues affecting privately rented properties.
- Assess action that may need to be taken in relation to damp and mould issues affecting privately rented properties in the Borough and supply the Department for Levelling Up, Housing and Communities with this assessment.
- Welcome the government's plans to enable a rigorous new regime that holds all landlords to account for the decency of their homes and the service they provide.



- Prioritise enforcement of housing standards and ensure that there is a strong and up-to-date plan to ensure there is adequate enforcement capacity to drive up standards in the private rented.

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

161/22(c) **Safe working, transport and enforcement**

It was moved by Councillor Hartwell and seconded by Councillor Hinchliff:-

Shift work is widespread in many industries particularly hospitality, as well as health and care workers, and many National Health Service workers – all are expected to work or have a degree of late night working.

Late night working increases at this time of year (December). For those who work in retail, these workers are often women or students who work part time or to avoid child care costs.

Many workers of all genders and ages are increasingly worried of attack but especially women who are afraid of attack and sexual assault/harassment.

We would like to acknowledge the tremendous job that our local officers do to protect the residents of Sandwell but there are many weaknesses with enforcement of the law against sexual assault and harassment - this is appalling and together with the reduction of officers over the last decade which is an absolute disgrace makes this a difficult combination for women to feel safe.

This council calls upon the Leader to write to the Mayor of the West Midlands Combined Authority and ask him to provide assurances on the following:

- To make sure improvement to late night and off-peak transport by making sure time schedules are relevant, kept to and that cancellations are at a minimum with just reason.
- Because of the Cost of Living Crisis, ensure fares are kept to a minimum at an affordable level so as not to exclude the low paid such as nurses.



- Not to cut services in areas where it is known that late working is absolute or possible such as retail or hospitals
- Ensure all drivers and other public transport workers are trained to be aware of what Sexual Harassment is and know what to do in the event that it happens.
- Liaise with Trade Unions as necessary to prevent strike action that would stop transport

And to write to Simon Foster – the Police and Crime Commissioner:

- Requesting that he makes representations to the government on strengthening the law regarding sexual harassment, and to lobby the government for more officers to strengthen enforcement in Sandwell to prevent any rise in harassment.

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

161/22(d) **Cost of Living Emergency**

It was moved by Councillor Carmichael and seconded by Councillor Piper: -

In April 2022 this Labour administration brought a motion to this council regarding the Cost-of-Living Crisis. Since then, we have had a further TWO budgets and seen inflation rise to the highest it has been in forty years. This council now finds itself looking at discretionary services as part of its budget cuts.

This council thanks our officers for all the additional work already done to support residents in this crisis and to also note that we know that the council is doing all it can to protect our vulnerable residents including.

- Signposting of benefits and other support
- Exploring all ways to ensure that grants received go to the most vulnerable
- Providing extra funding to food banks, school voucher scheme, Ukraine hosts



- Setting up a Cost of Living Webpage and the recent set-up of a cost-of-living WhatsApp service
- Setting up Sandwell's warm spaces and supplying grants to organisations

This council believes that there is still more that will need to be done to help out our residents and this council resolves to:

- Escalate our established Cost of Living Crisis status and declare a 'Cost of Living Emergency' this highlighting the massively difficult situations many residents are facing
- Continue to explore ways in the councils' budget to ensure our most vulnerable receive help, even though we recognise the governments cuts over the last decade.
- Convene a cost-of-living summit in this council and invite partners, businesses, organisations, trade unions, MPs to help this council address the situation.

In accordance with Standing Order No.13 (8)(a), Councillor Fisher moved the following amendment to the Motion, which was seconded by Councillor W Gill:-

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- Escalate our established Cost of Living Crisis status and declare a 'Cost of Living Emergency' this highlighting the massively difficult situations many residents are facing
- Continue to explore ways in the councils' budget to ensure our most vulnerable receive help, even though we recognise the governments cuts over the last decade and we recognise the adverse impact that the Council's own budget and fiscal policy can have on residents due to the financial burden placed upon all of Sandwell's residents by this Council.
- Convene a cost-of-living summit in this council and invite partners, businesses, organisations, trade unions, MPs to help this council address the situation.

We appreciate whole-heartedly the impacts its having but in terms of support, whilst it is important we work with government it shouldn't prevent the council looking closer to home.

Council Piper introduced an amendment which was seconded by Councillor Carmichael that an addition be added to the amended motion, that the final paragraph state:

"We appreciate whole-heartedly the impacts its having but in terms of support, whilst it is important we work with Conservative government for the last 12 years it shouldn't prevent the council looking closer to home".

The request was made that the addition be introduced into the proposed amendment but this was rejected.

The amended motion was put to the vote and, having been defeated, the Council returned to the substantive motion.

The motion was carried, and it was RESOLVED accordingly.

Meeting ended at 8.42pm

Contact: democratic_services@sandwell.gov.uk

