

Minutes of General Purposes and Arbitration Committee

**22 September 2023 at 5.00pm
at Sandwell Council House, Oldbury**

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

In Attendance: Tony McGovern – Director of Regeneration and Growth, Manjit Gill – HR Business Partner, Kira Fleck – Principal Officer: Parking and Road Safety, I King - Unison, M Law - Unite, D James - GMB, Trisha Newton - Deputy Democratic Services Manager and Johane Gandiwa - Constitutional and Committee Services Lead Officer.

24/23 **Apologies for absence**

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

25/23 **Declarations of Interest**

There were no interests declared at the meeting.

26/23 **Minutes**

Resolved that the minutes of the meeting held on 3 August 2023 be confirmed as a correct record.

27/23 **Urgent Items of Business**

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

28/23 **Nominations for Sandwell & West Birmingham NHS Trust for the status of Freedom of the Borough**

The Local Government Act 1972 gave authority to the Council to confer the Freedom of the Borough on any person who had given eminent service to the Borough.

In accordance with the Council's scheme, a nomination had been received from Councillor Hartwell in respect of Sandwell & West Birmingham NHS Trust. The Trust had delivered in a way that had brought distinction to the borough and enhanced the borough's reputation. The Trust had also made a significant improvement to the life of others in the borough through eminent service in relation to public service.

Resolved that Council be recommended to confer the title of Freedom of the Borough to Sandwell & West Birmingham NHS Trust in recognition of its eminent service to the Borough of Sandwell.

29/23

Exclusion of the Public

Resolved that the public and press be excluded from the rest of the meeting 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.

30/23

Failure to Agree – Car Parking

The Committee considered a failure to agree in relation to car parking at Church Street car parks, Oldbury Council House.

At the meeting of the Joint Consultative Panel held on 17 July 2023, a failure to agree was registered regarding revised parking arrangements at the Council House.

The Committee was advised that the pre-Covid arrangement had been reverted to and there was no authority to grant free parking for anyone – this would be against any policy or officer authorisation.

The Trades Union had identified concerns around lack of consultation with those affected and status-quo did not prevail during this period, resulting in a failure to agree.

Having considered all of the information before them from both parties, the Committee was minded to uphold the decision of officers. All employees should pay for parking, as per policy. It was appreciated that there had been a local decision in place previously, however, policy could not be departed from. It was recognised that there had been a process failure and lack of awareness.

In making its decision, the Committee recommended that officers revisit the employment matter and review arrangements for specific posts where there could be financial detriment when carrying out duties.

Resolved that the failure to agree in respect of parking at Oldbury Council House, Church Street car park be dismissed.

31/23

Failure to Agree – Lack of consultations on Health and Safety Implications

The Committee considered a failure to agree in relation to lack of consultation and health and safety implications in relation to car parking at Church Street car parks, Oldbury Council House.

At the meeting of the Joint Consultative Panel held on 17 July 2023, a failure to agree was registered regarding lack of consultation and health and safety implications in relation to revised parking arrangements at the Council House.

The Committee was advised that the pre-Covid arrangement had been reverted to and there was no authority to grant free parking for anyone – this would be against any policy or officer authorisation.

Trades Unions identified that risk assessments had not been shared in relation to a number of job groups who had previously been permitted to park at the location.

Concerns were raised with regard to the West Bromwich Street car park in respect of overgrown shrubbery and safety concerns.

Officers confirmed that local policy applied and there were lone worker policies in place.

Having considered all of the information before them from both parties, the Committee was minded to uphold the decision of officers. Whilst there had been arrangements in place historically, members could not deviate from policy. Issues arising would need to be discussed locally, however, it was not clear if risks identified had been raised with management. The Committee considered that there should be an escalation process to leadership team to consider risks identified as part of assessments undertaken. The Committee was satisfied that there were policies in place around lone workers and buddying systems in place. In the absence of the Trades Unions seeing risk assessments, officers were asked to provide these. In relation to the West Bromwich Street car park, if a risk assessment was not already in place, one should be undertaken.

Resolved that the failure to agree in respect of lack of consultation and health and safety implications in relation to parking at Oldbury Council House, Church Street car park be dismissed.

Meeting adjourned between 6.24pm-6.38pm and 7.30pm-7.40pm.

Meeting ended at 7.47pm

Contact: democratic_services@sandwell.gov.uk