

Minutes of Council

26 July 2021 at 6.00pm
Sandwell Council House, Oldbury

Present: His Worshipful The Mayor, Councillor Mushtaq Hussain;
Deputy Mayor, Councillor Richard Jones;

Councillors Abrahams, Ahmed, Akhtar, Akhter, Akpoteni, Allcock, Allen, Anandou, Ashman, Bhullar, Bostan, Carmichael, Chambers, Chapman, Chidley, Crompton, Dhallu, Fenton, Fisher, Gavan, G Gill, S Gill, W Gill, Hackett, Hadley, Hartwell, Henlan, M Y Hussain, Z Hussain, Jalil, O Jones, S Jones, Kalari, Kausar, Mabena, McVittie, Melia, Millar, Millard, Moore, Owen, C S Padda, I Padda, Phillips, Piper, Randhawa, Rollins, Rouf, Shackleton, Shaeen, Simms, R Singh, S Singh, Webb, Williams.

Officers: Surjit Tour – Director of Law and Governance and Monitoring Officer; Sue Stanhope – Interim Director of Human Resources; Elaine Newsome – Service Manager - Democracy; Trisha Newton – Senior Democratic Services Officer and Stephnie Hancock – Senior Democratic Services Officer.

65/21 **Apologies for Absence**

Apologies were received from Councillors Ali, Costigan, Davies, E M Giles, E A Giles, L Giles, M Gill, Hinchliff, Hughes, Kaur, Khatun, Smith, Tagger and Taylor.

66/21 **Declarations of Interest**

No declarations of interest were received.

Sandwell Metropolitan Borough Council – 26 July 2021

67/21 Minutes

Resolved that the minutes of the meeting of Annual Council held on 25 May 2021 be agreed as a correct record and signed by the Chair.

68/21 Urgent Business

There were no items of urgent business for consideration.

69/21 Mayor's Announcements

The Mayor welcomed Councillor Henlan to her first meeting following her election to represent the Tividale ward at the July by-election.

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

70/21 Petitions under Standing Order No. 5

No petitions were received under Standing Order No. 5.

71/21 Questions under Standing Order No. 6

No questions were received under Standing Order No. 6.

72/21 Proposed Departure from the Local Development Plan in respect of land to the rear of John Dando House, 235 Hamstead Road, Great Barr

At the Planning Committee on 7 July 2021 consideration was given to planning application DC/21/65185, in respect of land to the rear of John Dando House, 235 Hamstead Road, Great Barr.

The rear of the site was on land allocated as community open space and as such it was contrary to adopted Council policy and constituted a departure from the Local Development Plan.

Sandwell Metropolitan Borough Council – 26 July 2021

The land in question was private and not accessible to members of the public. The proposal would provide 26 new homes. Furthermore, the planning application had attracted no objections. On balance the land was considered an appropriate site for the development.

Planning Committee granted conditional approval, subject to the application being referred to Full Council as a departure from the Local Development Plan.

Resolved that an exception to the Local Development Plan be allowed in respect of planning application DC/21/65185 (Demolition of existing building at rear. Proposed building comprising of 18 No. residential dwellings along with 8. No residential dwellings in existing building with associated car parking) on the land to the rear of John Dando House, 235 Hamstead Road, Great Barr.

73/21 Annual Report of the Licensing Committee and Licensing Sub-Committees 2019-20 and 2020-21

Council received the Annual Report of the Licensing Committee and Licensing Sub-Committees for municipal years 2019-20 and 2020-21.

74/21 Scrutiny Annual Report 2019-2021

Council received the Scrutiny Annual Report for municipal years 2019-20 and 2020-21.

The Leader of the Council wished to place on record his thanks to all councillors for their contribution to scrutiny and also to officers supporting the function which involved some exceptional pieces of work.

75/21 Extensions to Six Month Attendance Rule

Consideration was given to formal requests from Councillors Khatun and Tagger to waive the requirements of Section 85 of the Local Government Act 1972 and approve an extension of the six-month attendance rule due to the respective members' ill health.

Sandwell Metropolitan Borough Council – 26 July 2021

Under the circumstances, it was requested that Council approved an extension of the six-month rule for Councillors Khatun and Tagger and that Council's best wishes be conveyed to the Councillors for a speedy recovery. The extension of time would be effective for a six-month period for the periods stated, however, this did not, of course, prevent the councillors returning to meetings at any time if their health improved sufficiently.

In accordance with Standing Order No. 12, Councillor Hadley called for a named vote. The required support to the request was achieved and the motion put to a named vote, as follows:-

For:

Councillors Ahmed, Akhtar, Akhter, Akpoteni, Allcock, Allen, Ashman, Bhullar, Bostan, Carmichael, Chidley, Crompton, Dhallu, Fenton, Gavan, G Gill, S Gill, Hackett, Hartwell, M Y Hussain, M Hussain, Z Hussain, Jalil, R Jones, S Jones, Kausar, Mabena, McVittie, Melia, Millar, Millard, Moore, Owen, C S Padda, I Padda, Phillips, Piper, Randhawa, Rollins, Rouf, Shackleton, Shaeen, Simms, R Singh and Webb.

Against:

Councillors Abrahams, Anandou, Chambers, Chapman, Fisher, W Gill, Hadley, Henlan, Kalari, S Singh and Williams.

Resolved:-

- (1) that, having regard to the circumstances of the absence of Councillor Khatun from Council meetings, approval be given to the waiving of the requirements of Section 85 of the Local Government Act 1972 and an extension of the six-month rule for Councillor Khatun for a period of six months, with effect from 27 July 2021 expiring 28 January 2022;
- (2) that, having regard to the circumstances of the absence of Councillor Tagger from Council meetings, approval be given to the waiving of the requirements of Section 85 of the Local Government Act 1972 and an extension of the six-month rule of Councillor Tagger for a period of six months, with effect from 2 September 2021 expiring 3 March 2022.

Sandwell Metropolitan Borough Council – 26 July 2021

76/21 Constitution and Political Balance of Committees and Boards

Council considered the constitution and political balance of committees and boards for the 2021-22 Municipal Year, following the outcome of a by-election for the Tividale Ward which took place on Thursday 15 July 2021.

Resolved that the political balance of the committees, boards and other fora for 2021-22 be approved.

77/21 Appointments to Vacancies on Committees, Boards and Other Bodies

Council considered nominations to vacant positions on committees, boards and other bodies.

Resolved:-

- (1) that the nominations for vacancies on committees, boards and other fora established by the Council, as set out in Appendix A to the report, be approved with immediate effect;
- (2) that the nominations for vacancies on outside/other bodies, as set out in Appendix B to the report, be approved with immediate effect;
- (3) that the appointment of the co-opted representatives to the Children's Services and Education Scrutiny Board, as set out in Appendix A to the report, be approved with immediate effect.

78/21 Constitution Review – Cabinet Advisor Roles

Consideration was given to revised remit and job role descriptions of the six Cabinet Advisor roles, in a way that would better support delivery of the strategic priorities of the Council.

Sandwell Metropolitan Borough Council – 26 July 2021

Resolved:-

- (1) that the remit of the six Cabinet Advisors and the proposed job description for each area, as set out in the Appendix to the report, together with the theme allocated to the Cabinet Advisors, be approved;
- (2) that, in relation to (1) above, the Director of Law and Governance be authorised to make any necessary changes to the Council's Constitution.

79/21

General Purposes and Arbitration Committee

The minutes of the General Purposes and Arbitration Committee meeting held on 8 June 2021 were received.

The Council considered the recommendations of the Committee on the following matter:-

79/21(a)

Admission Agreement to participate in the Local Government Pension Scheme relating to services provided to Hargate Primary School

Resolved:-

- (1) that the signing and execution of the Pension Fund Admission Agreement, which would allow catering staff working at Hargate Primary School to continue to participate in the Local Government Pension Scheme as a result of a TUPE transfer to Aspens Services Ltd, be approved;
- (2) that authority be delegated to the Chief Executive to sign the Admission Agreement on behalf of the Council and for the Director of Law and Governance and Monitoring Officer to make arrangements for the document to be executed under deed of seal.

80/21

Cabinet

The minutes of the meetings of the Cabinet held on 8, 17 and 19 March, 24 May and 16 June 2021 were received.

Sandwell Metropolitan Borough Council – 26 July 2021

81/21 Budget and Corporate Scrutiny Management Board

The minutes of the meetings of the Budget and Corporate Scrutiny Management Board held on 17 March 2021 and 23 June 2021 were received.

82/21 Motions under Standing Order No. 7

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

82/21(a) Right to Food

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

“That this Council notes that approximately 11 million people in the UK are experiencing food insecurity;

Further notes that the use of food banks was increasing before the covid-19 pandemic, and has effectively doubled during the pandemic and all indications are that this situation will continue to get worse;

Is concerned that children in particular have been badly affected by the covid-19 crisis and the Trussell Trust that administers many of the nation’s foodbanks reported that 2.5 million emergency food parcels were given to people in crisis in the year to March 2021;

Acknowledges the profound and devastating consequences of food insecurity on the health, wellbeing and livelihoods of people in our communities;

This Council believes that the Government has a duty to ensure nobody in our communities goes hungry and requests that the Leader of the Council writes to the Minister for Environment, Food and Rural Affairs outlining the Councils view that the “Right to Food” should be enshrined in UK law in order to make clear this obligation; and calls on the Government to set positive targets and monitor progress accordingly and include the “Right to Food” in the Government’s National Food Strategy white paper which is due to be published in 2021.”

Sandwell Metropolitan Borough Council – 26 July 2021

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

82/21(b) SEND Transport

It was moved by Councillor Anandou and seconded by Councillor Fisher:-

“That this Council welcomes an independent external review into the SEND transport procurement and the future delivery model for SEND Passenger Transport.

It also notes the respective work of the Audit and Risk Assurance Committee and relevant Scrutiny Boards into this matter so that all lessons are learned and recommendations on an effective and efficient future model are implemented.”

In accordance with Standing Order No.7, Councillor Akpoteni moved the following amendment to the Motion, which was seconded by Councillor Fenton:-

“That this Council welcomes an independent external review into the SEND transport procurement and the future delivery model for SEND passenger transport, as already instructed by the Leader of the Council, Councillor Rajbir Singh.

The Council welcomes a culture of accountability and transparency under the leadership of Councillor Rajbir Singh.

It also notes the respective work of the Audit and Risk Assurance Committee and relevant scrutiny boards into the matter, so that all lessons are learned, and recommendations on effective and efficient future model are implemented.”

The amendment having been moved and seconded was put to the vote and having been carried, the substantive motion was put to the vote.

Sandwell Metropolitan Borough Council – 26 July 2021

In accordance with Standing Order No. 12, Councillor W Gill called for a named vote. The required support to the request was achieved and the motion as amended was put to a named vote as follows:-

For:

Councillors Ahmed, Akhtar, Akhter, Akpoteni, Allcock, Allen, Ashman, Bhullar, Bostan, Carmichael, Chidley, Crompton, Dhallu, Fenton, Gavan, G Gill, S Gill, Hackett, Hartwell, M Y Hussain, M Hussain, Z Hussain, Jalil, O Jones, R Jones, S Jones, Kausar, Mabena, McVittie, Melia, Millar, Millard, Moore, Owen, C S Padda, I Padda, Phillips, Piper, Randhawa, Rollins, Rouf, Shackleton, Shaeen, Simms, R Singh and Webb.

Against:

Councillors Abrahams, Anandou, Chambers, Chapman, Fisher, W Gill, Hadley, Henlan, Kalari, Singh and Williams.

The motion as amended carried and it was RESOLVED accordingly.

82/21(c) **Brandhall**

Councillor Hadley declared an interest, left the chamber and took no part in the voting or debate on this item.

The following motion was moved by Councillor Chapman and seconded by Councillor Anandou:-

“This Council recognises the benefits of open space in relation to the wellbeing of current and future residents of the Borough. Access to open space has demonstrable links to health benefits alongside the broader positive impact that green space has on the climate.

The coronavirus pandemic saw an increase in the number of residents regularly using our green open space and there are significant local concerns around the potential loss of this space for redevelopment.

Sandwell Metropolitan Borough Council – 26 July 2021

Brandhall as a former golf course has been identified as a site for redevelopment and the Council undertook a public consultation between November and December 2019 requesting views on three potential visions for the site which included a school which would be a replacement for Causeway Green Primary, housing to address the housing shortage, and a public park. In light of the increase in external recreation activities, it is an appropriate time for the Council to review and reconsider its position in relation to this space. This Council calls for the relevant scrutiny boards, to work closely with the local residents to consider and make recommendations to Cabinet on the outcome of the consultation and future of Brandhall recognising the Council's Climate Change, Living Well agenda and the wishes of the local residents."

In accordance with Standing Order No.7, Councillor Crompton moved the following amendment to the Motion, seconded by Councillor Bostan:-

"This Council recognises the benefits of open space in relation to the wellbeing of current and future residents of the Borough. Access to open space has demonstrable links to health benefits alongside the broader positive impact that green space has on the climate.

Brandhall, as a former golf course, has been identified as a site for redevelopment and the Council undertook a public consultation between November and December 2019 requesting views on three potential visions for the site which included a school which would be a replacement for Causeway Green Primary, housing to address the housing shortage, and a public park.

This Council welcomes the consultation instructed by the Cabinet currently taking place regarding the future direction for Brandhall Golf Course.

Following the consultation, Council welcomes the commitment of the Leader to be guided by the outcome in determining the future use of this facility.

Council deplores the Government's punitive house building requirement imposed on local authorities when we have made it very clear that we do not have the space to meet their requirements.

Sandwell Metropolitan Borough Council – 26 July 2021

This Council re-affirms its commitment to addressing the climate change emergency and has made significant steps and will continue towards this aim.”

The amendment having been moved and seconded was put to the vote and approved. The substantive motion was put to the vote and, having been carried, it was RESOLVED accordingly.

Meeting ended at 8.24pm.

Contact: democratic_services@sandwell.gov.uk