

Minutes of Council

**Tuesday 7 December at 6.00pm
in the Council Chamber, Sandwell Council House, Oldbury**

Present: Deputy Mayor, Councillor R Jones (in the Chair);

Councillors Abrahams, Ahmed, Akhtar, Akpoteni, Allcock, Allen, Ashman, Bostan, Carmichael, Chambers, Chapman, Chidley, Costigan, Davies, Dhallu, Fenton, Fisher, Gavan, E M Giles, E A Giles, L Giles, G Gill, M Gill, S Gill, W Gill, Hackett, Hartwell, Hinchliff, Hughes, M Y Hussain, Z Hussain, Jalil, O Jones, S Jones, Kausar, Khatun, McVittie, Melia, Millar, Millard, Moore, Owen, C S Padda, I Padda, Phillips, Piper, Randhawa, Rouf, Shaeen, Simms, Smith, Webb and Williams.

Officers: Kim Bromley-Derry – Interim Chief Executive, Surjit Tour – Director of Law and Governance and Monitoring Officer; Elaine Newsome – Service Manager - Democracy; Suky Suthi-Nagra – Democratic Services Manager, Trisha Newton – Senior Democratic Services Officer, Connor Robinson – Democratic Services Officer and Kennedy Brown, Sergeant at Arms.

110/21 **Minute Silence**

The Council observed a minute silence to mark the passing of former councillor and Freeman of the Borough, Roger Horton.

Roger had been first elected to Sandwell Council in May 1975, representing the Soho and Victoria ward in Smethwick, he had been Mayor in 1995/96 and had served as a councillor for 44 years.



Members paid tribute to Roger Horton and joined the Deputy Mayor in extending their condolences to his family.

111/21 Apologies for Absence

Apologies for absence were received from Councillors Akhter, Anandou, Bhullar, Crompton, Hadley, Henlan, M Hussain, Kalari, Kaur, Mabena, Rollins, Shackleton, K Singh, S Singh, Tagger and Taylor.

112/21 Declarations of Interest

No declarations of interest were received.

113/21 Minutes

Resolved that the minutes of the meeting of Council held on 12 October 2021 be agreed as a correct record and signed by the Deputy Mayor.

114/21 Additional Item of Business

There were no additional items of business to consider.

115/21 Mayor's Announcements

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



Election of Leader of the Council

It was moved by Councillor Piper and seconded by Councillor Hartwell that Councillor Kerrie Carmichael be appointed as Leader of the Council for the four-year period commencing 7 December 2021.

In addition, it was moved by Councillor W Gill and seconded by Councillor Abrahams that Councillor David Fisher be appointed as Leader of the Council for the four-year period commencing 7 December 2021.

On being put to the vote, the nomination for Councillor David Fisher did not achieve the required support.

On being put to the vote, the motion for Councillor Kerrie Carmichael to be appointed as Leader of the Council was carried and it was

Resolved:-

- (1) that, pursuant to the Local Government Act 2000 (as amended) and Articles 4.02(d) and 7.03 of the Council's Constitution, Councillor Kerrie Carmichael be appointed as Leader of the Council for a period of four years, ending with the Meeting of Council in December 2025, or for the remainder of her current term of office as councillor, subject to remaining as an elected member of the Council or otherwise not having been removed from office by a decision of the Council or resigned as leader;
- (2) that, pursuant to Local Government Act 2000 (as amended), Articles 7.04 and 7.06 of the Council's Constitution, it be noted that the Leader of the Council continues with the current executive appointments, as follows:
 - i. Councillor Maria Crompton continues as Deputy Leader and Cabinet Member for Finance and Resources;



- ii. Councillor Karen Simms continues as Cabinet Member for Children and Education;
- iii. Councillor Danny Millard continues as Cabinet Member for Culture and Tourism;
- iv. Councillor Iqbal Padda continues as Cabinet Member for Regeneration and Growth;
- v. Councillor Suzanne Hartwell continues as Cabinet Member for Adults, Social Care and Health;
- vi. Councillor Ahmad Bostan continues as Cabinet Member for Environment;
- vii. Councillor Zahoor Ahmed continues as Cabinet Member for Housing;
- viii. Councillor Bob Piper continues as Cabinet Member for Community Safety.

117/21 **Petitions**

No petitions were received under Standing Order No. 5.

118/21 **Questions Under Standing Order No. 6**

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



119/21

Constitution and Political Balance of Committees and Boards and Appointment to Vacancies on Committee, Boards and Other Bodies

Council was asked to consider the constitution and political balance of committees and boards for the remainder of 2021-22 Municipal Year, following the resignation of an elected member, along with revisions to appointments to committees, boards and other bodies.

Resolved:-

- (1) that Councillor W Gill replaces Councillor Chambers as Vice-Chair of the Children's Services and Education Scrutiny Board;
- (2) that Councillor Henlan be appointed as a member to the Children's Services and Education Scrutiny Board;
- (3) that the nominations to the West Midlands Combined Authority Board be confirmed as the Leader of the Council and Deputy Leader of the Council with the Cabinet Members for Community Safety and Culture and Tourism as substitute members.

120/21

Treasury Management Mid-Year Review

The CIPFA Code of Practice on Treasury Management required Council to approve the Treasury Management mid-year review.

The report covered:-

- an economic update for the first part of 2021/22 financial year;
- a review of the Treasury Management Strategy Statement and Annual Investment Strategy;
- a review of the Council's investment portfolio for 2021/22;
- a review of the Council's borrowing strategy for 2021/22;
- a review of any debt rescheduling undertaken during 2021/22;
- a review of compliance with Treasury and Prudential Limits for 2021/22.



Resolved that the Treasury Mid-Year Review 2021/22 and Prudential Indicators be approved.

121/21

Proposed Departure from the Local Development Plan at land to the rear of Bakshish House, Rood End Road, Oldbury

At the meeting of Planning Committee held on 10 November 2021, consideration was given to planning application DC/21/65491 - Proposed 1 No. industrial unit, two storey office block and ground floor showroom with associated access, parking and landscaping at land to the rear of Bakshish House, Rood End Road, Oldbury.

The proposal was on land allocated for housing within the Site Allocations and Delivery Development Plan Document. It was, therefore, necessary for the Council to consider whether or not to grant an exception to its policy to allow the application to proceed.

Although the site was allocated for housing land, Planning Policy had confirmed they were not aware of any plans for a residential scheme in the location. Further to this, for a residential use to be acceptable, a comprehensive redevelopment would be required. It was for these reasons that an industrial use in this location would have been acceptable in policy terms. The proposed development was acceptable in its scale, design and appearance, and would not cause significant harm to the amenity of the occupiers of adjacent properties. Furthermore, there would have been no significant impact to the safety and convenience of users of the highway as a result of the proposed development.

Planning Committee approved the planning application with conditions, subject to the application being referred to Full Council as a departure from the approved Development Plan.

Resolved that an exception to the Local Development Plan be allowed in respect of planning application no. DC/21/65491 - Proposed 1 No. industrial unit, two storey office block and ground floor showroom with associated access, parking and landscaping at land to the rear of Bakshish House, Rood End Road, Oldbury.



122/21

Proposed Departure from the Local Development Plan at Locarno Works, Locarno Road, Tipton

At the meeting of the Planning Committee held on 10 November 2021, consideration was given to planning application DC/21/65623 - proposed 3 storey office building and utility yard with associated parking, new vehicle and pedestrian access at Locarno Works, Locarno Road, Tipton.

Council would need to approve the application as it was a departure from the Development Plan. The site was currently allocated for housing, therefore, it was necessary for the Council to consider whether or not to grant an exception to adopted policy to allow the application to proceed.

Resolved that an exception to the Local Development Plan be allowed in respect of planning application no. DC/21/65623 – proposed 3 storey office building and utility yard with associated parking, new vehicle and pedestrian access at Locarno Works, Locarno Road, Tipton.

123/21

Appointment of Independent Person for Standards Matters

In accordance with the Localism Act 2011, arrangements must be put in place for the appointment by the Council of at least one Independent Person whose views must be sought and taken into account by the Council before it makes its decision on an allegation against an elected member that it had decided to investigate.

The Independent Person's views may be sought by a member or co-opted member of the Council if that person's behaviour was the subject of an allegation, and may also be sought by the Council in relation to an allegation it had not yet decided to investigate.

The Council had decided to have three Independent Persons. There was currently one vacancy for which a recruitment process had commenced, and a further report would be brought to Council in March.



Mr John Tew, having been appointed to the position of Independent Person for Standards Matters for a four-year period on 31 January 2018 had indicated his wish to extend his term for a further four-year period. The Ethical Standards and Member Development Committee recommended that Mr Tew's term of office be extended for a further four year period, ending on 31 January 2026.

Resolved that the appointment of Mr John Tew, as Independent Person for Standards Matters, be extended for a further four-year period ending 31 January 2026.

124/21 **Minutes and recommendations of Cabinet**

The minutes of the meetings of the Cabinet held on 29 September, 20 October and 3 November 2021 were received.

The Council considered the recommendations of the Cabinet on the following matters of strategic significance:-

124/21(a) **Proposal to Declare the Whole of Sandwell as a Smoke Control Area**

Resolved: -

- (1) that Sandwell MBC announce its Intention to Declare the whole Borough of Sandwell as a Smoke Control Area (SCA) under the Clean Air Act 1993 - the new SCA to replace the existing 51 SCAs and to ensure that all properties in the Borough be subject to the same legal requirements in relation to smoke control;
- (2) that a six-week period of public consultation be undertaken on the Intention to Declare a Boroughwide Smoke Control Area;



- (3) that the Director of Public Health be authorised to revoke the existing 51 Smoke Control Orders and to create a single Borough-wide Smoke Control Order when an Executive Decision had been made by Cabinet after Cabinet are satisfied that there had been adequate public consultation and suitable and sufficient consideration of any objections as required under the Clean Air Act 1993.

125/21 Minutes of the Budget and Corporate Scrutiny Management Board

The minutes of the meetings of the Budget and Corporate Scrutiny Management Board held on 21 September and 17 November 2021 were received.

126/21 Minutes of Audit and Risk Assurance Committee

The minutes of the meeting of the Audit and Risk Assurance Committee held on 16 September 2021 were received.

127/21 Notice of Motions

The Council received the following motions under Standing Order No. 7.



127/21(a) **Unlocking the Potential of Local High Streets**

It was moved by Councillor Hughes and seconded by Councillor L Giles:-

“This Council believes that healthy High Streets are essential for community cohesion, civic pride, employment, shopping, services and leisure. But many shops and businesses were struggling even before the COVID-19 pandemic! According to the Office of National Statistics, between 2015 – 2018, High Street Retail Employment fell in more than $\frac{3}{4}$ of local authorities. Also, even before the pandemic, more than 50% of all UK consumers were shopping online.

This Council notes that Retail is among the sectors most affected by the COVID-19 pandemic, with Retail Workers being on the frontline of the crisis throughout. During 2020, the almost complete shutdown of non-essential shops hit businesses hard, whilst the need for social distancing also changed the way many businesses operate - all leading to reduced footfall. In many cases, the pandemic has accelerated what has been a longer trend of lower footfall and changing shopping habits. Indeed, a decade ago, the ‘Portas Review’ acknowledged that, if High Streets are to adapt and survive, their form and function needs to change radically.

This Council Welcomes the willingness of Government to acknowledge the problems and come forward with initiatives in response to these challenges such as the furlough scheme, COVID support business loans, and the High Street Taskforce. However, as the Treasury Select Committee stated in 2019, the current system of Business Rates places an unfair burden on “bricks and mortar” businesses compared to online ones, and the Business Rate system needs radical overhaul.

This Council requests the Leader to:

- Write to the Government to urge them to undertake an urgent review of Business Rates in order to support high street businesses to recover from the pandemic; and level the playing field between on-line and High Street businesses, to make it fair and sustainable for all.



And invites the Executive to consider:

- Sign up to the Co-operative Party's Unlock the High Street Campaign and explore what local action can be taken now to revive Sandwell's High Streets, whilst Business Rates are reviewed.
- Sign up to the Co-operative Party's campaign to Devolve Funding (e.g. the Towns Fund, Levelling Up Fund, UK Shared Prosperity Fund and other national funding pots), to give Local Communities, Councils and Regions the ultimate say on how such funding is spent in their area.
- Explore the creation of Community Improvement Districts to reconnect communities with the levers that drive economic development in Sandwell's Town Centres, to create an equal partnership of business and community organisations, in order to galvanise action at a local level.
- Make public any data held by Sandwell Council on ownership of high street properties (in an accessible format), so that community groups seeking to buy empty shops through a community share offer have the information they need to do so.
- Make full use of Section 215 Planning Enforcement powers where empty units are attracting antisocial behaviour and/or creating an eyesore on the High Street
- Contact Landlords of vacant premises proactively (working with Chambers of Commerce, Landlord Associations and BID managers) to explore and/or encourage alternative rental models (e.g. turnover rather than market rent) to enable new Cooperatives, SMEs, Social Enterprises and Community Businesses to set up and open their doors on Sandwell's High Streets."

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



“This council believes that healthy High Streets are essential for community cohesion, civic pride, employment, shopping, services and leisure. However, we recognise that many shops and businesses were struggling even before the COVID-19 pandemic. According to the Office of National Statistics, between 2015 – 2018, High Street Retail Employment fell in more than ¾ of local authorities. Also, even before the pandemic, more than 50% of all UK consumers were shopping online.

This council notes that Retail is among the sectors most affected by the COVID-19 pandemic, with Retail Workers being on the frontline of the crisis throughout. During 2020, the almost complete shutdown of non-essential shops hit businesses hard, whilst the need for social distancing also changed the way many businesses operate - all leading to reduced footfall. In many cases, the pandemic has accelerated what has been a longer trend of lower footfall and changing shopping habits. Indeed, a decade ago, the ‘Portas Review’ acknowledged that, if High Streets are to adapt and survive, their form and function needs to change radically.

This Council welcomes the willingness of Government to acknowledge the problems and come forward with initiatives in response to these challenges such as the furlough scheme, COVID support business loans, and the High Street Taskforce. However, this Council also notes that Sandwell Council were one of the lowest performing authorities in distributing business grants provided by the Government.

This council resolves to invite the Executive to:

- Explore the creation of Community Improvement Districts to reconnect communities with the levers that drive economic development in Sandwell’s Town Centres, to create an equal partnership of business and community organisations, in order to galvanise action at a local level.
- Make public any data held by Sandwell Council on ownership of high street properties (in an accessible format), so that community groups seeking to buy empty shops through a community share offer have the information they need to do so.



- Make full use of Section 215 Planning Enforcement powers where empty units are attracting antisocial behaviour and/or creating an eyesore on the High Street
- Contact Landlords of vacant premises proactively (working with Chambers of Commerce, Landlord Associations and BID managers) to explore and/or encourage alternative rental models (e.g. turnover rather than market rent) to enable new Co-operatives, SMEs, Social Enterprises and Community Businesses to set up and open their doors on Sandwell's High Streets.
- Undertake an investigation into the introduction of free weekend parking on council owned car parks in town centres to encourage more people to shop local. A report of which the executive shall present to Council.
- Review the destruction of Lion Farm Playing Fields where a new retail park has been suggested to be sited, noting that it will apply further pressure to our historic town centres and High Streets”.

In accordance with Standing Order No. 12, Councillor Abrahams 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 Abrahams, Chambers, Chapman, Fisher, W Gill, Williams.

Against:

Councillors , Ahmed, Akhtar, Akpoteni, Allcock, Allen, Ashman, Bostan, Carmichael, Costigan, Dhallu, Fenton, Gavan, E M Giles, E A Giles, L Giles, G Gill, M Gill, S Gill, Hackett, Hartwell, Hinchliff, Hughes, M Y Hussain, Z Hussain, Jalil, O Jones, R Jones, S Jones, Kausar, Khatun, McVittie, Melia, Millar, Millard, Moore, Owen, C S Padda, I Padda, Phillips, Piper, Randhawa, Shaeen, Simms, Smith and Webb.

The motion as amended was not carried.



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

For:

Councillors , Ahmed, Akhtar, Akpoteni, Allcock, Allen, Ashman, Bostan, Carmichael, Costigan, Dhallu, Fenton, Gavan, E M Giles, E A Giles, L Giles, G Gill, M Gill, S Gill, Hackett, Hartwell, Hinchliff, Hughes, M Y Hussain, Z Hussain, Jalil, O Jones, R Jones, S Jones, Kausar, Khatun, McVittie, Melia, Millar, Millard, Moore, Owen, C S Padda, I Padda, Phillips, Piper, Randhawa, Shaeen, Simms, Smith and Webb.

Against:

Councillors Abrahams, Chambers, Chapman, Fisher, W Gill, Williams.

Abstentions:

None

The motion was carried and it was RESOLVED accordingly.

127/21(b) **Fireworks**

It was moved by Councillor Moore and seconded by Councillor Fenton:-

“This Council resolves to require all public firework displays within the local authority’s boundaries to be advertised in advance of the event, allowing residents to take precautions for their animals and vulnerable people; to actively promote a public awareness campaign about the impact of fireworks on animal welfare and vulnerable people – including the precautions that can be taken to mitigate risks; and requests that the Leader of the Council writes to the UK Government urging them to introduce legislation to limit the maximum noise level of fireworks to 90dB for those sold to the public for private displays; and to encourage local suppliers of fireworks to stock ‘quieter’ fireworks for public display.”



Councillor Moore also confirmed that the Leader of the Opposition, Councillor Fisher, had asked for the addition of the following final sentence, to which Councillor Moore was happy to include:-

“and that this Council resolves to explore tighter controls of Sandwell businesses selling fireworks and undertakes to work with West Midlands Fire Services to help advise the control and sale of fireworks for private use”.

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

127/21(c) **Waste Partnership Contract**

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

“That this Council recognises there has been a failure from the Council to fulfil their waste collection and consequently their waste disposal services, That this Council acknowledges that there has further been a failure to provide a street cleansing service.

That this Council concedes that there has been a significant failure in communication on their part regarding informing residents about the disruption to the waste collection service.

That this Council moves to resolve by way of an launching an immediate review into the current waste partnership contract and considers the potential of re-tendering of the contract whereby the services of waste collection, waste disposal and street cleansing are separated.

And further that this Council moves to freeze Council Tax for the next financial year at their current rates for all residents of this borough as way on an apology for the inconvenience caused by the disruption, the lack of communication and the failure to provide a basic service like waste collection which the good people of Sandwell pay for.”



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

“That this Council recognises that additional communication from Serco to residents about disruption to the waste collection service may have been beneficial.

This Council further notes this matter is currently subject to a detailed review by the Council’s Economy, Skills, Transport and Environment Scrutiny Board who are due to present their findings and recommendations to Cabinet shortly.

And further that this Council recommends that Cabinet consider, in developing its proposals to Council on Council Tax for the next financial year, the option to freeze levels at their current rates for all residents of this borough, recognising however that this should be considered alongside that the Government’s own financial assumptions, as outlined in their recent national spending review, are that every local authority be recommended to approve a 1.99% Council Tax increase with an additional levy of 1% to fund social care”.

The amendment having been moved and seconded was put to the vote.

In accordance with Standing Order No. 12, Councillor Chidley 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, Akpoteni, Allcock, Allen, Ashman, Bostan, Carmichael, Costigan, Dhallu, Fenton, Gavan, E M Giles, E A Giles, L Giles, G Gill, M Gill, S Gill, Hackett, Hartwell, Hinchliff, Hughes, M Y Hussain, Z Hussain, Jalil, O Jones, R Jones, S Jones, Kausar, Khatun, McVittie, Melia, Millar, Millard, Moore, Owen, I Padda, Phillips, Piper, Randhawa, Shaeen, Simms, Smith and Webb.



Against:

Councillors Abrahams, Chambers, Chapman, Fisher, W Gill, Williams.

Abstentions:

None

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

127/21(d) **DBS Checks for Elected Members**

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

“That this Council recognises that due to the roles and responsibilities of being a councillor it would be in the best interest of this Council and members of the public that all elected members are vetted.

With a DBS, Sandwell Council can check a person’s criminal background without violating their privacy.

The DBS searches through an individual’s record for both spent and unspent convictions, cautions, warnings, and reprimands and the date of the offence recorded on the Police National Computer (PNC) The advantages of getting Cllr’s to undergo a DBS is to help mitigate the risk of criminal behaviour happening.

The cost of an average DBS is £30 and takes around 14 days. Discussions on whether Sandwell Council should cover the cost of this will need further discussions. I can confirm that Sandwell Conservatives have already introduced this, and all 10 Conservative Councillors have already completed a DBS check, and these are available for public viewing. The cost is covered by those individuals, so no cost to the Council or taxpayer.

The benefits are:

Security - DBS checks give peace of mind, that elected members don’t have any convictions.



Safety - The safety of the council is improved when elected members have undergone DBS checks. This is especially true in roles that involve being around vulnerable groups, handling sensitive information or dealing with finances. DBS checks can also help the council highlight people with violent tendencies. Regulation Compliance – Some positions that members may be elected to, may bring them in contact with Children and vulnerable adults.”

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

“That this Council recognises that due to the roles and responsibilities of being a councillor it would be in the best interest of this Council and members of the public that all elected members are vetted.

This Council welcomes the decision of the Council’s standards committee to include the consideration of enhanced DBS checks for elected members in their work programme”.

In accordance with Standing Order No. 12, Councillor Fisher 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, Akpoteni, Allcock, Allen, Ashman, Bostan, Carmichael, Costigan, Dhallu, Fenton, Gavan, E M Giles, E A Giles, L Giles, G Gill, M Gill, S Gill, Hackett, Hartwell, Hinchliff, Hughes, Z Hussain, O Jones, R Jones, S Jones, Kausar, Khatun, McVittie, Melia, Millar, Millard, Moore, Owen, I Padda, Phillips, Piper, Randhawa, Shaeen, Simms, Smith and Webb.

Against:

Councillors Abrahams, Chambers, Chapman, Fisher, W Gill, Williams.

Abstentions:

None



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 9.02pm

Contact: democratic_services@sandwell.gov.uk

