

# Minutes of Council

**Tuesday 25 July 2023 at 6.03pm  
at Sandwell Council House, Oldbury**

**Present:** His Worshipful The Mayor, Councillor Gavan (Chair);  
Deputy Mayor, Councillor E M Giles;

Councillor Abrahams, Akpoteni, K Allcock, M Allcock, Anandou, Carmichael, Chapman, Chidley, Choudhry, Crompton, Dhariwal, Dhatt, Dunn, Fenton, Fisher, J Giles, L Giles, S Gill, W Gill, Hartwell, Hinchliff, Hughes, Hussain, Jalil, Johnston, Kalari, Kalebe-Nyamongo, Kaur, Khan, Khatun, Lewis, Loan, Maycock, Mayo, Melia, Millar, Millard, Moore, Muflihi, Owen, Padda, Pall, Piper, Rahman, Randhawa, Shaeen, J Singh, N Singh, Smith, Taylor, Tipper, Tromans, Trumpeter, Uppal, Webb, Wilkes, Williams and Younis.

**Also Present:** Honorary Alderman Prestidge.

**Officers:** Shokat Lal – Chief Executive; Surjit Tour – Director of Law and Governance and Monitoring Officer; Elaine Newsome – Services Manager – Democracy; Trisha Newton – Deputy Democratic Services Manager; Connor Robinson – Democratic Services Officer; John Swann – Democratic Services Officer; Charmain Hines - Business and Member Support Officer; Kennedy Brown – Sergeant at Arms.

## 83/23 **Apologies for Absence**

Apologies for absence were received from Councillors Ashraf, Bhullar, Davies, Fitzgerald, Hemingway, Kordala, Preece, Rollins and Weston.



84/23      **Declarations of Interest**

Councillor Smith declared an other interest in the matter referred to at Minute No. 91/23; Proposed Departure from Development Plan – Lower High Street, Rowley Regis as she lived in close proximity to the location.

85/23      **Minutes**

**Resolved** that the minutes of the meeting of Council held on 13 June 2023 be approved as a correct record and signed by the Chair.

86/23      **Urgent Business**

There were no urgent additional items of business to consider.

87/23      **Announcements**

The Mayor apologised for conduct at the previous extraordinary meeting of Council held on 18 July 2023.

The Mayor presented the Modern Slavery Statement 2023 which was subsequently signed by both the Leader of the Council and the Chief Executive and outlined the success of efforts to create a ‘Slavery- Free Sandwell’.

The Mayor also thanked everyone involved in the opening of the Sandwell Aquatics Centre to the public and outlined the benefits of having a world-class facility in the Borough.

The Mayor gave details of Mayoral and Deputy Mayoral engagements that had taken place.



88/23 **Petitions**

No petitions were received under Standing Order No. 8.

89/23 **Written Questions**

Questions received under Standing Order No. 9. were asked of the relevant members and responses received.

90/23 **Proposed Departure from the Development Plan at 1 Turners Hill, Rowley Regis**

Planning Committee had granted conditional approval at its meeting held on 28 June 2023 in relation to planning application DC/22/66968 for demolition of the existing Wheatsheaf public house and construction of 3 storey detached building consisting of 20 self-contained apartments with parking to rear on 1 Turners Hill, Rowley Regis.

Part of the site was situated within the Rowley Regis Strategic Open Space under the Site Allocations and Delivery Development Plan Policies Map. 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 approval be given to an exception to the Development Plan in respect of planning application DC/22/66968 for demolition of the existing Wheatsheaf public house and construction of 3 storey detached building consisting 20 No. self-contained apartments with parking to rear on 1 Turners Hill, Rowley Regis.



91/23

## **Proposed Departure from the Development Plan at Lower High Street, Rowley Regis**

Planning Committee had granted conditional approval at its meeting held on 28 June 2023 in relation to planning application DC/23/67785 - proposed 3 storey community skills hub building with two detached outbuildings for storage, substation, plant room, new vehicular access and gates to front, car parking, cycle storage, enclosed skip/refuse bays, boundary fencing, landscaping and associated works – Lower High Street, Rowley Regis.

The site was on Green Belt allocation and the proposed development would infill a small section of the farm. 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 approval be given to an exception to the Development Plan in respect of planning application DC/23/67785 - Proposed 3 storey community skills hub building with 2 No. detached outbuildings for storage, substation, plant room, new vehicular access and gates to front, car parking, cycle storage, enclosed skip/refuse bays, boundary fencing, landscaping and associated works – Lower High Street, Rowley Regis.

(Councillor Smith left the Council Chamber during consideration of this item and did not participate in any of the debate or voting on this item.)

92/23

## **Annual Report of the Licensing Committee 2022/ 23**

Council received the Annual Report of the Licensing Committee 2022/ 23.

The report highlighted the work of the Licensing Committee and Licensing Sub Committees for 2022/23.



93/23 **Annual Report of the Planning Committee 2022/ 23**

Council received the Annual Report of the Planning Committee 2022/ 23.

The report highlighted the work of the Planning Committee for 2022/23, including the determination of planning applications.

94/23 **Revisions to Appointments to Committees, Boards and Other Bodies**

Council considered revisions to the appointments to committees, boards and other bodies and the Terms of Reference for the General Purposes and Arbitration Committee.

**Resolved:-**

- (1) that the revised appointments to committees, boards and other bodies, as set out at Appendix A, be approved;
- (2) that the revised Terms of Reference for the General Purposes and Arbitration Committee, as set out at Appendix B, be approved;

95/23 **To receive the minutes of Cabinet**

The minutes of the meeting of the Cabinet held on 7 June 2023 were received.

96/23 **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 6 and 29 June 2023 were received.



97/23 **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 5 June 2023 were received.

98/23 **Notices of Motion**

The Council proceeded to consider the following motions received under Standing Order No. 12.

98/23(a) **Call for a ban on disposable single use barbecues**

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

“This Council believes that the Government should take action on banning the sale and use of disposable barbecues to prevent further devastating grass fires and habitat destruction.

Last summer, we saw a number of fire incidents across the country including at Swan Pool and Sheepwash amongst others, as well as the devastating fire at neighbouring Lickey Hills Country Park seeing the destruction of 5 hectares of valuable heathland.

We acknowledge the measures that the Government has put in place around user responsibility and packaging instructions, however, firmly believe that this does not go far enough.

The disposal of these barbecues remains a challenge for our staff, who encounter their remnants on a regular basis, and while we acknowledge that local authorities can impose restrictions through Public Space Protection Orders, effectively monitoring and enforcing this across our extensive parkland and green spaces would be nearly impossible.



We appreciate that a number of retailers have voluntarily chosen to cease selling disposable barbecues, including independent retailers close to our parks, however these items are still widely available. In addition, we are fully committed to reducing waste and in particular, single use items wherever possible and it is imperative that we tackle this issue collectively.

This Council calls on the Leader of the Council to write to the Minister of State for Crime, Policing and Fire to call for the ban on disposable single- use barbecues.

In addition, to commence a public awareness campaign on the risks and dangers of disposable barbecues and a campaign to local retailers to cease the sale of disposable barbecues.”

In accordance with Standing Order No.13, Councillor Fisher moved the following amendment to the Motion, seconded by Councillor W Gill:-

“This Council believes that the Government should take action on banning the sale and use of disposable barbecues to prevent further devastating grass fires and habitat destruction.

Last summer, we saw a number of fire incidents across the country including at Swan Pool and Sheepwash amongst others, as well as the devastating fire at neighbouring Lickey Hills Country Park seeing the destruction of 5 hectares of valuable heathland.

We acknowledge the measures that the Government has put in place around user responsibility and packaging instructions, however, firmly believe that this does not go far enough.

The disposal of these barbecues remains a challenge for our staff, who encounter their remnants on a regular basis, and while we acknowledge that local authorities can impose restrictions through Public Space Protection Orders, effectively monitoring and enforcing this across our extensive parkland and green spaces would be nearly impossible.



We appreciate that a number of retailers have voluntarily chosen to cease selling disposable barbecues, including independent retailers close to our parks, however these items are still widely available.

In addition, we are fully committed to reducing waste and in particular, single use items wherever possible and it is imperative that we tackle this issue collectively.

This Council calls on the Leader of the Council to write to the Minister of State for Crime, Policing and Fire to call for the ban on disposable single-use barbecues and to write to the Police and Crime Commissioner Simon Foster for his support in policing this.

We also call on the Cabinet member for Leisure and Tourism to explore the most appropriate route, whether it is by changing the by-laws or public space protection orders so that it includes “campfires and BBQs are prohibited as these also pose a risk to our parks and open spaces.

In addition, to commence a public awareness campaign on the risks and dangers of disposable barbecues, which will also include placing “No campfires or BBQs signs in all Sandwell parks” and a campaign to local retailers to cease the sale of disposable barbecues.”

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

## 98/23(b) **Tipton Flood Defence Strategy**

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

“That this council recognises the impact on people and businesses in Tipton following the recent flash floods across the town.

And this council therefore recognises and reaffirms its duty to improve flood defences across Tipton.





And this council invites the executive to create Tipton Flood Defence Strategy placing an emphasis on improving on drainage efficiency.”

In accordance with Standing Order No.13, Councillor Millard moved the following amendment to the Motion, seconded by Councillor Hughes:-

“That this council recognises the impact that flooding can have on property, infrastructure and the health and wellbeing of our residents in our 6 towns by the recent flash floods. Flash floods are caused by extremely heavy rainfall in a short amount of time and summer thunderstorms that can happen in any town across the borough.

And this council therefore recognises and reaffirms its duty to follow the Borough Wide Policy, set out within The Black Country Local Flood Strategy for Flood Risk Management (LFRMS) for all towns in Sandwell.

It is important that the executive ensures that emphasis is placed on improving drainage efficiency by committing to more frequent monitoring of gullies in areas that are at risk. And, that the council continues to work with partner agencies such as the Environmental Agency and Severn Trent to develop solutions that reduce the risk of flooding across the borough including flood defences across Tipton.”

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

## 82/23(c) **Police Stations Proposal**

The motion was withdrawn.



## 82/23(d) **Shadow Cabinet**

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

“That this council recognises the benefit of a strong opposition in promoting accountability and scrutiny within the authority. This council recognises the benefits of a shadow cabinet and its role in promoting accountability.

This council calls on the Governance and Constitution Committee to investigate the feasibility of a shadow cabinet and to report back to this Council on their findings at the next full council meeting.”

In accordance with Standing Order No.13, Councillor Piper moved the following amendment to the Motion, seconded by Councillor Carmichael:-

“That this council recognises the benefit of a strong opposition in promoting accountability and scrutiny within the authority.

This council calls on the Governance and Constitution Committee to investigate the feasibility of a shadow cabinet and to report back to this Council on their findings at the next full council meeting.”

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

Meeting ended at 7.11pm

Contact: [democratic\\_services@sandwell.gov.uk](mailto:democratic_services@sandwell.gov.uk)



## Appendix A

Committee/Board/Other Body	Revision/nomination
River Trent Regional Flood and Coastal Committee	Replace Councillor Jalil with Cabinet Member for Environment & Highways
Children’s Services and Education Scrutiny Board - Co-opted Primary Parent Governor Representative	Yvonne Ologbo



## Sandwell Health and Wellbeing Board Membership 2023-24

Organisation	Position	Status	Voting rights	Proposed Change/Remarks
Sandwell MBC	Cabinet Member for Adults, Social Care and Health	Statutory	Yes	No change
	Cabinet Member for Public Health and Communities	Discretionary	Yes	Replaces Deputy Leader, Councillor Piper
	Cabinet Member for Children and Education	Discretionary	Yes	No change
	Cabinet Member for Housing and Built Environment	Discretionary	Yes	No change
	Health and Adult Social Care Scrutiny Board	Discretionary	No	No change
	Children's Services and Education Scrutiny Board	Discretionary	No	No change
	Opposition Representative	Discretionary	No	NEW
	Director of Adult Social Care.	Statutory	Yes	To be given voting rights.
	Director of Children's Services	Statutory	Yes	To be given voting rights.
	Director of Public Health	Statutory	Yes	To be given voting rights.
Black Country Integrated Care Board (ICB)	Two representatives	Statutory(1)	Yes	Addresses loss of GP representatives due to structural changes at the ICB.
Healthwatch Sandwell	One representative (2 Named Substitutes)	Statutory(1)	Yes	No change



NHS England	One representative	Discretionary	No	<i>Remove.</i>
Faith Sector	One representative	Discretionary	Yes	<i>No change</i>
West Midlands Police	One representative	Discretionary	No	<i>No change</i>
Sandwell and West Birmingham Hospitals NHS Trust	One representative	Discretionary	No	<i>No change</i>
Black Country Healthcare NHS Foundation Trust	One representative	Discretionary	No	<i>No change</i>
Sandwell Council of Voluntary Organisations	One representative	Discretionary	No	<i>No change</i>
West Midlands Fire Service	One representative	Discretionary	No	<i>No change</i>
Sandwell Children's Trust	One representative	Discretionary	No	<i>No change</i>
SHAPE Forum	One representative (plus named substitute)	Discretionary	Yes	<i>NEW</i>

Quorum shall be:-

- 1 Councillor
- 1 Director
- 1 Healthwatch
- 1 ICB representative



# General Purposes and Arbitration Committee

## Terms of Reference

Within approved Council policy and in accordance with the overall aims and objectives of the Council, the Committee shall:-

1. consider and make recommendations to the Council on all matters which fall within the following terms of reference:-
  - (a) the nomination of the Ceremonial Mayor of the Borough;
  - (b) all matters relating to electoral boundaries of the Borough and its Wards including Parliamentary boundaries and associated electoral registration issues;
  - (c) functions relating to the name and status of areas and individuals, including confirming the title of honorary aldermen and honorary alderwomen and the admission of honorary freemen and honorary freewomen;
  - (d) to make nominations for the Queen's Birthday Honours List to highlight the good work by citizens of Sandwell;
  - (e) the power to make, amend, revoke and re-enact by-laws;
  - (f) the power to promote or oppose local or personal Bills;
  - (g) functions relating to local government pensions etc. under the The Local Government Pension Scheme Regulations 2013 and other relevant statutory requirements, regulation or direction;
2. deal with all matters which fall within the following terms of reference, which are delegated to it:-
  - (1) to act as Managing Trustees of the Charity of Leonard Andrews Poole;



- (2) the determination of appeals against decisions of the relevant Director or staff reporting to them with regard to non-inclusion on the standing list for residential services and the approved list for non-residential services;
- (3) the determination of appeals against decisions of the relevant Director or staff reporting to them to exclude providers from the standing list of residential and nursing homes and the approved list for non-residential services;
- (4) the determination of oral or written representations made by applicants for registration under the provisions of the Registered Homes Act 1984, the Registered Homes (Amendment) Act 1991 and the Children Act 1989;
- (5) the determination of appeals against the decision of the relevant Director(s) in relation to access to personal files under the Access to Personal Files (Housing) Regulations 1989.
- (6) the determination of disputes arising from the Joint Consultative Panel;
- (7) the determination of disputes arising from decisions of the executive in relation to which a formal 'Failure to Agree' is registered by a Trade Union(s);
- (8) any other employee relations matter which the Proper Officer, in consultation with the Deputy Chief Executive, may from time to time determine are relevant to be considered by the Committee to comply with appropriate human rights legislation;
- (9) the determination of any appeals against decisions made by the Section 151 Officer on the ranking of charges, the redemption figure or the loan amount, in relation to the repatriation of the Kick Start Loan Portfolio.



3. submit its recommendations and key issues to the Council for consideration and/or information as appropriate.

Ends

