

Minutes of Council

**Tuesday 24 October 2023 at 6.27pm
at Sandwell Council House, Oldbury**

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

Councillors Abrahams, K Allcock, M Allcock, Ashraf, Bhullar, Carmichael, Chambers, Chapman, Chidley, Crompton, Dhariwal, Dhatt, Dunn, Fenton, Fisher, Fitzgerald, E M Giles, J Giles, L Giles, W Gill, Hackett, Hartwell, Hinchliff, Hughes, Jalil, Johnston, Kalari, Kalebe-Nyamongo, Khan, Khatun, Kordala, Lewis, Loan, Maycock, Mayo, Melia, Millar, Millard, Moore, Muflihi, Owen, Padda, Pall, Piper, Preece, Rahman, Randhawa, Rollins, Shaeen, J Singh, N Singh, Smith, Taylor, Tipper, Tromans, Trumpeter, Uddin, Uppal, Webb, Weston, Wilkes and Younis;
Andrew Shakespeare – West Midlands Fire Service.

Officers: Shokat Lal – Chief Executive; Surjit Tour – Director of Law and Governance and Monitoring Officer; Suky Suthi-Nagra – Democratic Services Manager; Trisha Newton – Deputy Democratic Services Manager; Connor Robinson – Democratic Services Officer; Anthony Lloyd – Democratic Services Officer; Kennedy Brown – Sergeant at Arms.

103/23 **Minute Silence**

The Council observed a minute silence to mark the passing of former councillor Tony Fowler.



Councillor Fowler had represented the Newton Ward from 1994-2004 and had been a member of both the Environment and Housing Scrutiny Panel and the Employment Appeals Panel.

Members paid tribute to the former councillor and the Mayor led members in extending condolences to his family and friends.

104/23 **Apologies for Absence**

Apologies for absence were received from Councillors Akpoteni, Anandou, Choudhry, Davies, S Gill, Hemingway, Hussain, Kaur and Williams.

105/23 **Declarations of Interest**

There were no declarations of interest.

106/23 **Minutes**

Resolved that the minutes of the meeting of Council held on 25 July 2023 be approved as a correct record and signed by the Chair.

107/23 **Urgent Business**

There were no urgent additional items of business to consider.



108/23 **Announcements**

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

The Chief Executive welcomed and congratulated those involved in helping the Council win the National Apprentice Awards Regional Award for Large Employer of the year. The Employer of the Year category was open to employers from all sectors, and celebrated employers who showcased their commitment, contribution, and the success that apprenticeships had brought to their organisation.

The Mayor invited Councillor Hackett to inform members of the Council's involvement in a project to promote local authority fostering. The project was the largest public sector fostering film collaboration yet, with over 80 participants. The film – called 'Any Of Us' was the latest in a series of films to promote fostering that had been made by a growing group of local authorities. Sandwell had been involved in the project since the start and by sharing resources, each contributing council (in Sandwell's case, the Children's Trust) got a professional standard video to use as part of the campaign to encourage the people urgently needed to step forward and offer safe, loving homes to Sandwell's most vulnerable children. The film was shared with Council.

109/23 **Petitions**

No petitions were received under Standing Order No. 8.



110/23 **Written Questions**

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

111/23 **Proposals for the introduction of a shadow cabinet**

At its meeting on 25 July 2023 (Minute No. 82/23(d)), Full Council resolved that the Governance and Constitution Review Committee be requested to investigate the feasibility of establishing a shadow cabinet before reporting back to Council at the next available full council meeting.

Subsequently, at its meeting on 21 September 2023 (Minute No. 5/23), the Governance and Constitution Review Committee considered the proposals and agreed that a Governance and Constitution Review Working Group be established to develop, approve and submit the protocol to Council.

The Council received the proposals and thanked the Governance and Constitution Review Committee for their work.

Resolved:-

- (1) that the Shadow Cabinet Protocol be endorsed;
- (2) that approval be given to make any changes to the Council's Constitution, to reflect the introduction of a Shadow Cabinet;



- (3) that the Independent Remuneration Panel be called to review any Special Responsibility Allowance associated with the shadow cabinet roles, with a further report to Council in December 2023.

112/23 Scrutiny Annual Report 2022-23

Council received the Scrutiny Annual Report 2022-23.

The report highlighted the work carried out by the Council’s Scrutiny Boards for 2022-23.

The Chair outlined the many improvements that had been made and the recognition from the auditor and the LGA and wished to place on record his thanks to the Scrutiny Chairs and Vice Chairs and made tribute to late Councillor Ann Shackleton for all of her hard work.

113/23 Audit and Risk Assurance Committee Annual Report 2022-23

Council received the Audit and Risk Assurance Committee Annual Report 2022-23.

The report highlighted the work of Audit and Risk Assurance Committee for 2022/23.



114/23 **West Midlands Fire and Rescue Update**

Council received an update on the work of the Fire Authority from Councillor Jalil, the member nominated pursuant to Section 41 of the Local Government Act 1985 to report on the activities of the West Midlands Fire and Rescue Authority.

Andrew Shakespeare from West Midlands Fire Service was also present to respond to enquiries.

115/23 **Transport for West Midlands Update**

Council received an update on the work of Transport for West Midlands from Councillor Melia, one of the members nominated pursuant to Section 41 of the Local Government Act 1985 to report on the activities of Transport for West Midlands.

116/23 **West Midlands Police and Crime Panel**

Council received an update on the work undertaken by the West Midlands Police and Crime Panel from Councillor Khatun, the Council's representative on the Panel.

117/23 **West Midlands Combined Authority**

Council received an update on the work undertaken by the West Midlands Combined Authority from the Leader of the Council.



118/23 **Political Balance of Committees and Boards**

Council considered the political balance of the committees, boards and other fora for the remainder of the 2023-2024 municipal year.

Resolved that the political balance of the committees, boards and other fora for the remainder of 2023-24 be approved.

119/23 **Revisions to Committees, Boards and Other Bodies**

Council considered revisions to the appointments to committees, boards and other bodies and the revised Health and Wellbeing Board Constitution.

Resolved:-

- (1) that the revisions to appointments to committees, boards and other bodies, as set out in Appendix A, be approved with immediate effect;
- (2) that the revised Health and Wellbeing Board Constitution be approved.

120/23 **To receive the minutes of Cabinet**

The minutes of the meetings of the Cabinet held on 21 June 2023, 12 July 2023 and 13 September 2023 were received.



120/23(a) **Levelling Up Partnership – exception to Financial Regulations**

In March 2023, the Chancellor of the Exchequer announced that Sandwell was one of 20 places to be invited to form a Levelling Up Partnership (LUP).

Levelling Up Partnerships were targeted interventions designed to identify practical, tangible actions to support priority places to ‘level up’ and to help government develop a more holistic understanding of place. Up to £20m capital funding is available for the 20 places.

The development of a LUP between Government and Sandwell had been led by the Department for Levelling Up Housing and Communities. An initial deep dive had been conducted including place engagement, field work and developing priority actions.

The matter had been reported to Cabinet at its meeting on 24 October 2023 and approval was sought from Council for an exception to financial regulations.

Resolved that an exception to Section 5.1 of the Council’s Financial Regulations in relation to the Levelling Up Partnership Proposals be approved.

121/23 **To receive the minutes of the Budget and Corporate Scrutiny Management Board**

The minutes of the meeting of the Budget and Corporate Scrutiny Management Board held on 27 July 2023 were received.



122/23 **To receive the minutes of the Governance and Constitution Review Committee**

The minutes of the meeting of the Governance and Constitution Review Committee held on 21 September 2023 were received.

122/23(a) **Changes to Scrutiny Procedure Rules – Call-in**

Approval was sought to revise the Scrutiny Procedure Rules within the Council's Constitution to reflect changes to the call-in process for executive decisions.

Resolved that the revised Scrutiny Procedure Rules be approved.

122/23(b) **Protocol for nomination to Mayor/Deputy Mayor**

Consideration was given to the protocol for nominations to Mayor/Deputy Mayor.

Resolved:-

- (1) that the protocol for the appointment of Mayor and Chair of the Council and Deputy Mayor/Vice Chair of the Council, based on length of service and awarded on the seniority of service for individual Councillors, be approved;
- (2) that the automatic accession of the Deputy Mayor into the Office of the Mayor or vice versa be approved;



123/23 **To receive the minutes of the General Purposes and Arbitration Committee**

The minutes of the meetings of the General Purposes and Arbitration Committee held on 3 August 2023, 22 September 2023 and 12 October 2023 were received.

123/23(a) **Local Government Boundary Commission Periodic Electoral Review of Sandwell**

The Local Government Boundary Commission Periodic Electoral (LGBCE) had informed the Council of its decision to carry out an electoral review of Sandwell. The review covered both the Council size (number of elected councillors) and the number of wards and ward boundaries.

The review would take place from October 2023 through to September 2025. Any changes made regarding council size and ward boundaries for Sandwell MBC would come into effect for the Local Elections in May 2026.

Resolved:-

- (1) that the Local Government Boundary Commission for England's intention to carry out a periodic electoral review of Sandwell Council during the period October 2023 until September 2025, with implementation of any changes will take effect at the Local Government Election due to be held on 7 May 2026, be noted;



- (2) that the Chief Executive, as Senior Responsible Officer (SRO), following consultation with Group Leaders and the General Purposes and Arbitration Committee, be authorised to submit any necessary documentation or evidence to the Local Government Boundary Commission in connection with the successful delivery of the electoral review of Sandwell Council;
- (3) that a cross-party Boundary Review Working Group be established comprising 7 members to progress the electoral review of Sandwell in accordance with the Terms of Reference;
- (4) that Council undertake, subject to receipt of a confirmed timetable from the Local Government Boundary Commission for England, implementation of the Full Council resolution of November 2022 to undertake an additional electoral cycle consultation be postponed until July 2026 following the all-out elections taking place on 7 May 2026 to allow implementation of Sandwell's new electoral arrangements following the conclusion of the LGBCE review.

124/23

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 20 July 2023 were received.



125/23 **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 4 July 2023 were received.

126/23 **Notices of Motion**

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

126/23(a) **Celebrating Black History Month, Promoting the Adoption of the Halo Code and Ending Hair Discrimination in Sandwell Council**

It was moved by Councillor Lewis and seconded by Councillor Kalebe-Nyamongo:-

“Black History Month is an annual observance dedicated to celebrating the achievements, contributions and history of the Black community. This year's theme is 'Saluting our Sisters,' emphasising the role and accomplishments of Black women. The Halo Code (work), the UK's first Black Hair code, explicitly protects employees who embrace natural hair and protective hairstyles associated with their racial, ethnic, and cultural identities. The code embraces Afro-textured hair as an important part of Black employees' racial, ethnic, cultural, and religious identities. The code celebrates Afro-textured hair in all its styles, including but not limited to afros, locks, twists, braids, cornrows, fades, hair straightened through the application of heat or chemicals, weaves, wigs, headscarves, and wraps.



By adopting the Halo Code (work), Sandwell Council proactively stands against hair discrimination, ensuring that no member of our workforce faces barriers or judgments due to their hair.

It is requested that the Council resolves to adopt the Halo Code and reaffirms the Council's commitment to inclusivity and aims to end hair discrimination, ensuring that all individuals in Sandwell Council can embrace their natural hair and cultural identities without facing barriers or judgments."

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

126/23(b) **Sandwell Litter Bin Strategy**

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

"That this Council recognises the concerns of elected members and local residents with regards to the current number and use of litter bins, and is concerned that a new Litter Bin strategy is to be developed with the "intent of removing a proportion" of Sandwell's 1660 litter and dog bins.

That this council further recognises the concerns from residents regarding an epidemic of litter across the Borough which may be exacerbated by the removal of some bins which are well used by our community.

That this Council acknowledges the concerns of the elected members who have been unable to request new bins in locations across their wards as a result of the Litter Bin Audit which has been ongoing for many months.



Accordingly, Council invites the Executive to:

- 1) pledge that none of the current bins in Sandwell are removed and instead work with SERCO to replace bins that are missing or damaged as a matter of urgency; and
- 2) with SERCO, meet with all elected members to deliver a community-led allocation of litter bins across Sandwell which ensures they are placed in the most effective locations - including parks, nature reserves, housing estates and around schools.

The motion was put to the vote but was not carried.

127/23 **Exclusion of Public and Press**

Resolved that the public and press be excluded from the rest of the meeting. This is 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 individual, likely to identify an individual and the financial or business affairs of any person, including the authority holding that information

128/23 **New Leadership Team Structure**

At its meeting on 11 October 2023 (Minute No.21/23), the Chief Officer Terms and Conditions Committee resolved to recommend the new Leadership Team structure to Council for approval.



The Leader of the Council presented the new leadership team structure proposals to the Council.

Gratitude was expressed to Council officers who were impacted by the proposals and they were thanked for their hard work and significant achievements over the last several years including a complete review of the Council's Constitution and Scrutiny function, improvement to decision-making processes and dealings with legacy issues were highlighted.

Resolved:-

- (1) that the formal establishment of a new Strategic Leadership Team structure be approved;
- (2) that the deletion of the posts of Director of Finance (vacant), Director of Borough Economy, Director of Housing (vacant), Director of Law and Governance (Monitoring Officer) and Director of Regeneration and Growth (3 postholders at risk) be approved;
- (3) that the establishment of 3 Executive Director posts of People, Place, and Finance & Transformation (S151) within a proposed salary range of £125,000 - £135,000 per year be approved;
- (4) that the designation of the post of Assistant Director (Law and Governance) as the Council's Monitoring Officer and Deputy Electoral Registration Officer (both currently held by the post of Director of Law and Governance) be approved;



- (5) that the new post of Executive Director, Finance and Transformation be designated as the Council's Senior Information Risk Owner (SIRO);
- (6) that the post of Electoral Services Manager be designated as a Deputy Electoral Registration Officer.

Meeting ended at 8.14pm

Contact: democratic_services@sandwell.gov.uk



Committee/Board/Other Body	Revision/nomination
General Purposes and Arbitration Committee	Councillor Williams to replace Councillor Kalari
Chief Officers Terms and Conditions Committee	Councillor Trumpeter to replace Councillor Fisher Substitute – Councillor Fisher to replace Councillor Kalari
Economy, Skills, Transport and the Environment Scrutiny Board	Councillor Luke Davies to be added Change Councillor Chapman to substitute member
Safer Neighbourhoods and Active Communities Board	Councillor Keith Allcock to be added Change Councillor Trumpeter to substitute member
Health and Wellbeing Board	Add Councillor Trumpeter (Substitute: Dunn)
<p>Wednesbury Levelling Up Partnership Board</p> <ul style="list-style-type: none"> - Cabinet Member - Town Lead Member - Deputy Town Lead Member - One Member from each Ward (Friar Park, Wednesbury North, Wednesbury South) not covered by Town Lead and Deputy Town Lead appointments 	<p>Councillor Hughes Councillor L Giles Councillor Chidley Councillor Fitzgerald</p>
West Midlands Rail Ltd – substitute member	Replace Councillor Millard with Councillor Hughes

