

# **Sandwell Metropolitan Borough Council**

## **Terms of Reference of Committees, Panels and Other Fora**

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| <b>Committees, Panel and Other Fora</b>            | <b>Page</b> |
|----------------------------------------------------|-------------|
| Audit and Risk Assurance Committee                 | 3           |
| Chief Officer Terms and Conditions Committee       | 7           |
| Chief Officers Appointments Sub-Committee          | 9           |
| Emergency Committee                                | 11          |
| Ethical Standards and Member Development Committee | 12          |
| General Purposes and Arbitration Committee         | 14          |
| Governance and Constitutional Review Committee     | 17          |
| Land and Asset Management Committee                | 18          |
| Licensing Committee                                | 19          |
| Planning Committee                                 | 21          |
| Sandwell Health and Wellbeing Board                | 26          |

## Audit and Risk Assurance Committee

### Statement of Purpose

The Audit and Risk Assurance Committee is a key component of the Council's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.

The purpose of the Audit and Risk Assurance Committee is to provide independent assurance to elected members of the adequacy of the risk management framework and the internal control environment. It provides independent review of the governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

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

- (1) undertake the following matters which are delegated to it:-

#### **Governance, Risk and Control**

- (a) review the Council's corporate governance arrangements against the good governance framework and consider annual governance reports and assurances;
- (b) review the annual governance statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control;
- (c) consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements;
- (d) consider the Council's framework of assurance and ensure that it adequately addresses the risks and priorities of the Council;
- (e) monitor the effective development and operation of risk management in the Council;
- (f) monitor progress in addressing risk-related issues reported to the committee;

- (g) consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions;
- (h) review the assessment of fraud risks and potential harm to the Council from fraud and corruption;
- (i) monitor the counter-fraud strategy, actions and resources;
- (j) maintain an overview of the Council's Constitution in respect of contract procedure rules and financial regulations;
- (k) consider the annual report of the Local Government and Social Care Ombudsman;
- (l) consider reports from the Local Government and Social Care Ombudsman in relation to investigations into complaints against the Council, in accordance with Section 31(2) of the Local Government Act 1974.

### **Internal Audit**

- (a) approve the internal audit charter;
- (b) review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations;
- (c) approve risk based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources;
- (d) approve significant interim changes to the risk-based internal audit plan and resource requirements;
- (e) make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations;
- (f) consider reports from the head of internal audit on internal audit's performance during the year, including the performance of external providers of internal audit services.

These will include:

- updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work;
- regular reports on the results of the quality assurance and improvement programme;
- reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards and Local Government Application Note, considering whether the non-conformance is significant enough that it must be included in the annual governance statement;

- (g) consider the head of internal audit's annual report:
  - the statement of the level of conformance with the Public Sector Internal Audit Standards and Local Government Application Note and the results of the quality assurance and improvement programme that supports the statement - these will indicate the reliability of the conclusions of internal audit;
  - the opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control together with the summary of the work supporting the opinion - these will assist the committee in reviewing the annual governance statement;
- (h) consider summaries of specific internal audit reports as requested;
- (i) receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions;
- (j) contribute to the quality assurance and improvement programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years;
- (k) consider a report on the effectiveness of internal audit to support the annual governance statement, where required to do so by the Accounts and Audit Regulations;
- (l) support the development of effective communication with the head of internal audit.

### **External Audit**

- (a) consider the external auditor's annual letter, relevant reports, and the report to those charged with governance;
- (b) consider specific reports as agreed with the external auditor;
- (c) comment on the scope and depth of external audit work and to ensure it gives value for money;
- (d) commission work from internal and external audit;
- (e) advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

### **Financial Reporting**

- (a) receive detailed training in respect of the process associated with the preparation, sign off, audit and review of the annual statement of accounts;

- (b) review the annual statement of accounts, specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council;
- (c) approve the authority's statement of accounts, income and expenditure and balance sheet, or record of payments and receipts (as the case may be) in accordance with the authority delegated by the Council under the Accounts and Audit Regulations 1996, or subsequent relevant legislation;
- (d) consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

### **Accountability Arrangements**

Report to those charged with governance on the Committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions.

Report to full Council on a regular basis on the Committee's performance in relation to the terms of reference, and the effectiveness of the committee in meeting its purpose.

### **Independent Member**

Authority was delegated to the Audit Committee, by Council on 2 December 2008 (Minute No. 128/08 refers) to appoint an independent member to serve on the Committee as and when a vacancy occurs between Annual Meetings of the Council.

## Chief Officer Terms and Conditions Committee

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 selection and appointment of persons to the post of Head of the Paid Service of the Council;
  - (b) the dismissal of the Head of the Paid Service, Chief Finance Officer or the Monitoring Officer, following consideration with at least two Independent Persons, in accordance with Part 4 – Officer Employment Rules of the Constitution;
2. deal with all matters which fall within the following terms of reference, which are delegated to it:-
  - (a) the selection and appointment of persons to Chief Officer posts within the Council (or associated bodies where the post holder is to be employed on the terms and conditions of the Council) as defined in Sections 2 (6), (7) and (8) of the Local Government and Housing Act 1989;
  - (b) the dismissal of officers of the Council (or associated bodies where the post holder is employed on the terms and conditions of the Council) as defined in Sections 2 (6), (7) and (8) of the Local Government and Housing Act 1989;
  - (c) disciplinary dismissal of an assistant to a political group;
  - (d) any other matters in relation to the employment, remuneration and terms and conditions of the Head of the Paid Service as may be required by Part 4 – Officer Employment Rules of the Constitution or periodically delegated to it by the Council.

## **Chief Officer Terms and Conditions Committee (cont)**

- (e) any other matters in relation to the employment, remuneration and terms and conditions of chief officers of the Council (or associated bodies where the post holder is, or is to be employed on the terms and conditions of the Council) as defined in Sections 2 (6), (7) and (8) of the Local Government and Housing Act 1989, as may be required by Part 4 – Officer Employment Rules of the Constitution or periodically delegated to it by the Council.
- (f) the management and monitoring of local pay reviews of the Chief Executive and Chief Officers of the Council, in accordance with the Joint Negotiating Committee for Chief Officers of Local Authorities' agreement dated 5<sup>th</sup> October, 1998 and subsequent national agreements;
- (g) the agreement of pay and conditions for the Chief Executive and Chief Officers in accordance with any Joint Negotiating Committee for Chief Officers of Local Authorities' agreements.
- (h) the agreement of minor changes to the senior officer's establishment to reflect the realignment of services to ensure best fit and continuity of service.



## Chief Officers Appointments Sub-Committee

Within approved Council policy and in accordance with the overall aims and objectives of the Council, the Committee shall deal with all matters which fall within the following terms of reference, which are delegated to it:-

1. The selection and appointment of persons to posts below the designation of Director, which are notionally identified as a Deputy Chief Officer of the Council (or associated bodies where the post holder is to be employed on the terms and conditions of the Council) as defined in Sections 2 (8) of the Local Government and Housing Act 1989.

## Emergency Committee

In the event of a serious incidents and/or major emergencies where the District Emergency Co-ordinator considers that the Emergency Committee is required to be convened, the Committee shall:

- (1) consider and approve requests for funding above and beyond normal allocated budget expenditure;
- (2) provide guidance on issues of national significance;
- (3) assist in briefing Council Members as appropriate;
- (4) authorise any other actions that may be deemed appropriate under the prevailing circumstances which would otherwise require a decision of the Cabinet, an individual Cabinet Member or the full Council.

Ends

## Ethical Standards and Member Development Committee

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

1. Promote and maintain high standards of conduct and ethical governance by Members and co-opted Members of the Council.
2. Assist Members and co-opted Members of the Council to observe the Council's Code of Conduct for Members and Co-opted Members.
3. Advise the Council on the adoption or revision of a Code of Conduct for Members and Co-opted Members.
4. Monitor the operation of the Council's Code of Conduct for Members and Co-opted Members.
5. Advise, train or arrange for training for Members and co-opted Members of the Council on matters relating to the Council's Code of Conduct for Members and Co-opted Members.
6. Determine, monitor and review the arrangements for the local ethical standards regime and carry out any functions reserved to the Ethical Standards and Member Development Committee under those arrangements.
7. Appoint Sub-Committees with delegated power to consider investigation reports; to conduct hearings (including the imposition of sanctions). However, complex matters may be dealt with by the Ethical Standards and Member Development Committee, rather than the Sub-Committee (as determined by the Monitoring Officer and Chair of the Standards Committee).
8. Grant dispensations to Members and co-opted Members from requirements relating to interests set out in the Code of Conduct for Members and co-opted Members.
9. Exercise any functions which the Council may consider appropriate from time to time.

## **Ethical Standards and Member Development Committee (cont)**

10. To develop and offer to all members an annual programme of development activities which provides members with development opportunities that support the Council's corporate priorities, identifying sufficient resources to deliver an effective Member Development Programme.
11. To establish, and continue to improve, a comprehensive and robust member training and development process and ensure that member development becomes part of mainstream organisational development activities.
12. To assist in the development and continuous review of a strategy for member development, creating an environment where members can clearly identify how participation in training and development activities has assisted them in carrying out their role.
13. To identify learning and development needs for elected members that will assist them in carrying out roles.
14. To monitor and review the Member Development Programme.
15. To select and develop members and officers who will undertake the various roles required to assist the Council achieve the Members Development Charter and similar appropriate quality awards.

Meet at least annually and as and when appropriate.

16. Submit an Annual Report to the Council.
17. Submit its minutes to the Council.
18. As and when a vacancy occurs between annual meetings of the Council, authority has been delegated to the Standards Committee to appoint independent members to serve on the Committee (Council Minute No. 78/16(5) refers).

Ends

# 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

# Governance and Constitution Review Committee

## Terms of Reference

The Committee's remit is to review the Constitution by:

- a) monitoring its implementation and operation and put forward appropriate changes;
- b) considering requests to review certain areas of the Constitution;
- c) recommending proposed changes on the Constitution and governance arrangements to Council for approval.

## Land and Asset Management Committee

Within approved Council policy and in accordance with the overall aims and objectives of the Council and where authority has not otherwise been delegated to another body or person under any combined, joint or other relevant management arrangements, with the exception of proposals for the use of land and property assets where the land is to be retained by the Council:

- (a) to provide the strategic direction for the effective use of land and property assets within the Borough to maximise social and economic benefits and regeneration;
- (b) to develop and consider individual proposals for the development and use of land and property assets and to make recommendations to the Executive or Council, as appropriate to ensure the delivery of social and economic benefits and regeneration through:
  - land and property disposal;
  - land and property acquisition;
  - innovative land and property usage;
  - the development and management of a revolving capital fund;
- (c) to recommend changes or exceptions to land use policies and statements in support of the aims and objectives of the committee.

The quorum of the Committee is two members.

Ends



## Licensing Committee

The Council has appointed this committee as the statutory licensing committee and declared that this committee shall also sit as a Council committee to carry out other licensing functions.

### **Statutory Licensing Committee**

Under Section 6 of the Licensing Act 2003, the Licensing Committee is established to deal with matters (1) to (4) below.

- (1) to deal with all matters relating to the discharge of the functions of the Licensing Authority under the Licensing Act 2003 (referred to as “the 2003 Act”) and any regulations made under that Act, together with any related functions, with the exception of any function conferred on the Licensing Authority by Section 5 of the Licensing Act 2003 (Statement of Licensing Policy) and any function discharged under Section 7(5)(a) of that Act by a committee other than the Licensing Committee;
- (2) to deal with all matters relating to the discharge of the functions of the Licensing Authority under the Gambling Act 2005 (referred to as the “2005 Act” and any regulations made under the 2005 Act, together with any related functions, with the exception of any function conferred on the Licensing Authority by Section 166 of the 2005 Act (Casino Resolution) and Section 349 of the 2005 Act (Statement of Principles).
- (3) to deal with the determination of fees as they relate to gambling as provided for by Section 212 of the 2005 Act and any regulations made thereunder, subject to consultation with the appropriate Cabinet Member on the budgetary implications.
- (4) to regulate its own procedure and that of the Licensing Sub Committees, subject to any relevant regulations which may be issued under the 2003 Act and the 2005 Act.

## **Section 101 of the Local Government Act 1972**

Under Section 101 of the Local Government Act 1972 to deal with matters specified in (5) to (11) below:-

- (5) functions relating to the licensing of private hire and hackney carriage licences;
- (6) to review and make recommendations to the Cabinet on the guidance for use in connection with applications for private hire and hackney carriage licenses;
- (7) the Council's powers and duties under the following Acts and Regulations:-
  - Betting, Gaming and Lotteries Act 1963;
  - Town Police Clauses Act 1847;
  - Local Government (Miscellaneous Provisions) Act 1976;
  - House to House Collections Act 1939;
  - Local Government (Miscellaneous Provisions) Act 1982;
  - Theatres Act 1968;
  - The Police, Factories etc. (Miscellaneous Provisions) Act 1916;
  - Safety of Sports Grounds Act 1975;
- (8) the registration and licensing of matters under other existing or future miscellaneous statutes, government directives or directions not referred to or dealt with by any other Committee, including in particular, and where appropriate to this Council, those functions B 1 to B 72 inclusive set out in Appendix 1 (Functions not to be the responsibility of an Authority's Executive) to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000;
- (9) functions under any of the "relevant statutory provisions" within the meaning of Part 1 (Health, safety and welfare in connection with work, and the control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer;
- (10) to consider and determine appeals against the decision of the Chief Executive to refuse, to attach local conditions to, or to revoke an approval of an application for the use of premises for the solemnisation of civil marriages;
- (11) functions relating to the licensing of sex establishments in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982 section 2 and schedule 3.

## Planning Committee

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

1. Consider and determine all matters which fall within the following terms of reference which are delegated to it:-
  - (1) to exercise the functions of the Council as Local Planning Authority under the Town and Country Planning Act 1990 and other planning and subordinate legislation;
  - (2) to exercise the functions of the Council as Local Planning Authority under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended and subordinate legislation;
  - (3) the exercise of the functions of the Council under the Planning (Hazardous Substances) Act 1990 and subordinate legislation;
  - (4) proposals for the development of land by the Council and to approve proposals for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992;
  - (5) the exercise of the functions of the Council concerning certificates of appropriate alternative development pursuant to Part III of the Land Compensation Act 1961;
  - (6) any application specifically called in for determination by the Planning Committee.
2. Consider and make recommendations to the Council on planning applications where material considerations could give rise to the determination of an application contrary to the provisions of the documents of the Sandwell Local Plan.

## Planning Committee (Cont)

### NOTE

1. The above delegations exclude the following functions which are reserved to the relevant Cabinet Member:-
  - (1) the preparation of supplementary planning guidance;
  - (2) the designation of conservation areas, areas of archaeological interest and nature reserves;
  - (3) the removal of permitted development rights through Article 4 Directions;
  - (4) the making of compulsory purchase orders.

Ends

## Delegations Agreement

Officers will determine all applications for planning permission, variation or consent; requirements for enforcement action; issuing of notices; discharge of conditions; matters relating to protected trees and high hedges; screening opinions; appeals; prosecutions; and the completion or modification of agreements or obligations made under the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990, the Planning and Compensation Act 1991, the Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999; the Planning and Compulsory Purchase Act 2004; the Planning (Control of Advertisements) (England) Regulations 2004 and the Planning Act 2008 or any subordinate rules; orders or regulations made under that legislation, unless the following circumstances occur:-

- 1 A councillor makes a written request to the Director of Regeneration and Growth for the application to be considered by the Planning Committee committee within 15 working days from the date of publication of the weekly list of planning applications on which the said planning application appeared.
- 2 The Director of Regeneration and Growth considers that the application should be considered by Planning Committee.
- 3 The application would represent a departure from the policies of the statutory development plan.
- 4 The proposal involves the Council either as applicant or land owner and the proposal is not minor in nature and has generated objections.
- 5 The applicant is a councillor or their immediate relative.
- 6 The applicant is a member of the Council's management team, a service unit head, a member of the Planning Division or any member of staff within the authority who could be seen as having a direct input to, and therefore influence on, application decisions.
- 7 Any application where a councillor or Council employee is privately involved in a capacity as an agent or consultant.
- 8 Where an application receives three or more material planning representations that are contrary to officer recommendation.

9 Any application that is the subject of a Section 106 legal agreement.

# Sandwell Health and Wellbeing Board

Sandwell's Health and Wellbeing Board is a statutory Board and the Council's main forum to enable key stakeholders including councillors, local GPs, council officers and members from the faith and voluntary sectors to help improve the health and wellbeing of the local community and work towards reducing health inequalities in Sandwell.

## 1.1 Key Aims

In line with proposals in the Health and Social Care Act 2012, to:-

- i) Secure better health and wellbeing outcomes, promoting independence, choice and control for the whole population;
- ii) ensure a joined-up approach on commissioning priorities across NHS, public health, social care for adults and children and related services;
- iii) encourage greater integration across health, social care and related services to improve health and wellbeing outcomes;
- iv) stimulate delivery of health and wellbeing priorities, focusing on 'People' and 'Place' and promoting a sense of Civic pride;
- v) monitor progress on delivery of agreed joint strategic priorities, holding individual partners to account.

## 2. Objectives

### 2.1 Policy and Strategy Development

- 2.1.1 Ensure that local plans are in place to comply with legislation and national policy guidance, whilst adopting a lobbying role on any specific issues of concern.
- 2.1.2 Comply with the statutory requirements in relation to:-
  - development of the Joint Strategic Needs Assessment (by the local authority and clinical commissioning groups) and determining how identified needs will be addressed;
  - development of the Joint Health and Wellbeing Strategy (by the local authority and clinical commissioning groups) that spans NHS, social care and public health priorities and the wider determinants of health, taking a key role in overseeing delivery;

- development of Sandwell's Pharmaceutical Needs Assessment
- considering the extent to which needs can be met more effectively by the further development of arrangements under Section 75 National Health Service Act 2006 (flexibilities – lead commissioning, pooled budgets, integrated provision); including potential for the Board to be the vehicle for lead commissioning of particular services;
- encouraging those who arrange the provision of health and social care services in Sandwell to work in an integrated manner; also adopting a similar approach with other health-related services e.g. transport and housing where appropriate;
- undertaking any additional functions that have been, or may be, delegated to the Board by the local authority itself, or at the request of NHS England or the Black Country Integrated Care Board (ICB).
- involving people, partners and providers of the Board in engagement, communications and listening exercises to ensure they are able to influence Board work. This will be reflected in the development of the Joint Strategic Needs Assessment and the Joint Health and Wellbeing Strategy.
- providing views on clinical commissioning groups as part of NHS England's authorisation and annual assessment processes (e.g. how boundaries support joint working with the local authority; and their contribution towards delivery of the Joint Health and Wellbeing Strategy).

2.1.3 Progress cross-cutting priorities through the existing joint working arrangements, to influence policy on healthy urban development, economic position and community safety issues.

2.1.4 Establishing relationships with health and wellbeing boards and other relevant strategic boards in neighbouring areas. This will be to support wider approaches to improving health, reducing inequalities and the integration of services. This will include the West Midlands Combined Authority.

2.1.5 Develop an annual work programme tied into budget planning cycles that focuses on outcomes and shared goals, including:-

- Joint Strategic Needs Assessment (including the pharmaceutical needs assessment);
- Joint Health and Wellbeing Strategy;
- Black Country ICB commissioning plans, including joint commissioning priorities with the local authority (Board to be involved throughout the process of development);



- SMBC commissioning plans for adult social care, children and families and associated service areas;
- Annual Public Health Report;
- Key documents relating to children and families' agenda e.g. Children, Young People and Families' Plan;
- Other major cross-cutting national strategies;

2.1.6 Adopt a learning and organisational development approach by considering partner contributions to key health issues and areas of importance to the local authority;

2.1.7 To establish sub groups as required undertaking work for the Board.

## **2.2 Service Delivery**

2.2.1 Ensure an integrated approach is taken on implementing the Joint Health and Wellbeing Strategy and other key strategic plans, as determined by the Board.

2.2.2 Schedule time within the annual work programme for focused discussion to take place on individual strategic priorities, enabling key decisions to be reached and progress to be monitored.

2.2.3 Ensure that mechanisms are in place for information on delivery plan priorities and progress reporting to be included within the Council's information management system (Performance+) and the Black Country ICB performance and reporting mechanisms.