

# **Terms of Reference of Committees 2016/17**

**General Purposes & Arbitration Committee  
Health and Wellbeing Board  
Land and Asset Management Committee  
Licensing (Miscellaneous) Committee  
Licensing Panels  
Planning Committee  
Health and Adult Social Care Scrutiny Board  
Children's Services and Education Scrutiny Board  
Community Safety, Highways and Environment  
Scrutiny Board  
Budget and Corporate Scrutiny Board  
Leisure Culture and Third Sector Scrutiny Board**

# 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) the power to make, amend, revoke and re-enact by-laws;
  - (e) the power to promote or oppose local or personal Bills;
  - (f) 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) all matters relating to Section 13 of the Criminal Justice and Police Act 2001, and in particular the power to make an Order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption;
  - (2) the power to make or revoke an order designating a locality as an alcohol disorder zone under Section 16 of the Violent Crime Reduction Act 2006;

## **General Purposes and Arbitration Committee (Cont)**

- (3) to act as Managing Trustees of the Charity of Leonard Andrews Poole;

## **Children and Young People**

- (4) the determination of appeals received from applicants for discretionary student awards;

## **Adult Services and Health**

- (5) the determination of appeals against decisions of the Director - Adult Social Care, Health and Wellbeing or staff reporting to him with regard to non-inclusion on the standing list for residential services and the approved list for non-residential services;
- (6) the determination of appeals against decisions of the Director - Adult Social Care, Health and Wellbeing 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;
- (7) 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;

## **Private Sector Housing**

- (8) the determination of appeals against the decision of the Director – Adult Social Care, Health and Wellbeing to not approve the making of Renovation Grants and/or Relocation Grants under the provisions of the Housing Grants, Construction and Regeneration Act 1996 and any subsequent legislation;
- (9) the determination of appeals against assessments made for grant purposes under the Housing Renovation Etc. Grants (Reduction of Grants) Regulations 1990 and any subsequent legislation in accordance with the appeals procedure adopted by the Council;
- (10) the determination of individual cases relating to the repayment of house renovation grant money;

## **General Purposes and Arbitration Committee (Cont)**

- (11) the determination of requests not to demand repayment of grant monies upon breach of grant conditions;
- (12) the determination of appeals against the decisions of the Director – Adult Social Care, Health and Wellbeing under the policy for the Provision of Assistance to Home Owners in the Private Sector;
- (13) the determination of appeals against the decision of the Director – Adult Social Care, Health and Wellbeing or of the Director - Neighbourhoods in relation to access to personal files under the Access to Personal Files (Housing) Regulations 1989.

## **Failure to Agree**

- (14) the determination of disputes arising from the Joint Consultative Panel;
- (15) 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);
- (16) any other employee relations matter which the Proper Officer, in consultation with the Assistant Chief Executive. may from time to time determine are relevant to be considered by the Committee to comply with appropriate human rights legislation;

## **Repatriation of the Kick Start Loan Portfolio**

- (17) 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.

end

## Terms of Reference

### 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;

- 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 Sandwell and West Birmingham Clinical Commissioning Group.
- 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;

- Clinical Commissioning Groups' commissioning plans, including joint commissioning priorities with the local authority (Board to be involved throughout the process of development);
- NHS Operating Plan;
- NHS and social care investment plans;
- MBC 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 Clinical Commissioning Group's performance and reporting mechanisms.

### 3 Membership and Voting Rights

Organisation	Position	Voting rights
Sandwell MBC	Chair (Cabinet Member)	Yes
	Cabinet Member	Yes
	Cabinet Member	Yes
	Cabinet Member	Yes
	Director of Adult Services	No
	Director of Children's Services Director of Public Health	No No
Sandwell and West Birmingham CCG	Chief Accountable Officer	Yes*
	GP (Sandwell Health Alliance)	Yes*
	GP (Health Works)	Yes*
	GP (Black Country Commissioning)	Yes*
		*Only 3 votes at a meeting
Healthwatch Sandwell	Chair of Healthwatch	Yes
NHS England	Officer	No
<b>Discretionary Members:</b>		
West Midlands Police	Chief Superintendent	No
Sandwell and West Birmingham Hospitals NHS Trust	Chief Executive	No
Black Country Partnership NHS Foundation Trust	Chief Executive	No

\*There are four places for Sandwell and West Birmingham CCG. All CCG representatives are eligible to vote but there are only 3 votes available at any Board meeting. The CCG will specify which representatives are voting at the start of the Board meeting.



- 3.1 Sandwell MBC portfolio holders are the voting members representing Sandwell Council. If a portfolio holder is unable to attend a meeting they can delegate their vote to a director level officer of the Council who is also a member of the Health and Wellbeing Board.
- 3.2 When appropriate the Board will invite relevant partner and provider organisations to attend the Board. The expectation is that the representation from these organisations will be at a senior level able to make decisions on behalf of their organisations. These organisations will not have voting rights.
- 3.3 The Board will meet at least quarterly

#### **4 Quoracy**

- 4.1 The Sandwell Health and Wellbeing Board will be quorate when there are a minimum of two voting members from the Council, two voting members from the Clinical Commissioning Group and a voting member from Healthwatch Sandwell present.
- 4.2 To enable them to have a representative available at every meeting, Healthwatch Sandwell will be allowed to nominate two named substitutes at the start of each Municipal Year to attend and vote but only if the Chair of Healthwatch Sandwell is unable to attend the Board.
- 4.3 Where the Board is committing combined resources a vote will require a majority of votes from each organisation to demonstrate full agreement from all partners.

#### **5 Review process**

The Terms of Reference will be reviewed as and when required to ensure the Board remains fit for purpose and is able to respond to changes affecting partner organisations and partnership arrangements.

## **6 Public attendance**

Board meetings are open to the press and public. The agenda, reports and previous meeting minutes will be available on the Council's website at least five working days in advance of each meeting.

There will be an opportunity for members of the public to ask questions, however this must be done in writing at least 3 full working days in advance. A response to the question will be tabled and a brief opportunity will be provided to the member of the public to ask a follow up question.

Guidance for this process is available on the Sandwell Council website

## Terms of Reference

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 (Miscellaneous) Committee

### Terms of Reference

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

- (1) 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;

Consumer Credit Act 1974;

Safety of Sports Grounds Act 1975;

- (2) 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 68 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;
- (3) 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;
- (4) to review and make recommendations to the Cabinet on the guidance for use in connection with applications for Private Hire and Hackney Carriage licenses;

- (5) 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.

ends

# Licensing Panel

## Terms of Reference

The Licensing Panel shall:-

- (1). exercise those functions of the Licensing Committee under the Licensing Act 2003 and any regulations made under that Act, together with any related functions, with the exception of:-
  - a) any function conferred on the Licensing Authority by Section 5 of the Licensing Act 2003 (Statement of Licensing Policy);
  - b) any function discharged under Section 7(5)(a) of that Act by a committee other than the Licensing Committee;
  - c) any function specifically reserved to the Licensing Committee;

and in particular, deal with the following matters in the circumstances indicated:-

Application for personal licence.	If a police objection has been made.
Application for personal licence with unspent relevant convictions.	If a police objection is made
Application for premises licence / club premises certificate.	If a relevant representation is made.
Application for provisional statement.	If a relevant representation is made.
Application to vary premises licence / club premises certificate.	If a relevant representation is made.
Application to vary designated premises supervisor.	If a police objection has been made.
Application for transfer of premises licence.	If a police objection has been made.
Applications for interim authorities.	If a police objection has been made.

## Licensing Panel (Cont)

Determination of interim steps pending summary review	All cases
Decision to give counter notice following police objection to temporary event notice	All cases
Review following review notice	If a police objection has been made.
Review following closure order	If a police objection has been made.
Application to review premises licence / club premises certificate.	All cases.
Decision to object when local authority is a consultee and not the relevant authority considering the application.	All cases.
Determination of a police or environmental health objection to a temporary event notice.	All cases.

- (2) exercise those functions of the Licensing Committee under the Gambling Act 2005 and any regulations made under that Act, together with any related functions, with the exception of:-
- a) any function conferred on the Licensing Authority by Section 166 of the Gambling Act 2005 (Casino Resolution);
  - b) any function conferred on the Licensing Authority by Section 212 of the Gambling Act 2005 (Fees);
  - c) any function conferred on the Licensing Authority by Section 349 of the Gambling Act 2005 (Statement of Principles);
  - d) any function specifically reserved to the Licensing Committee;

## Licensing Panel (Cont)

and in particular, deal with the following matters in the circumstances indicated:-

Application for premises licence.	If a relevant representation is made
Application for a variation to a licence.	If a relevant representation is made
Application for a transfer of a licence.	If a relevant representation is made
Application for provisional statement.	If a relevant representation is made
Application for club gaming/club machine permits.	If a relevant representation is made
Application for licensed premises gaming machine permits	If a relevant representation is made
Cancellation of club gaming/club machine permits.	
Review of premises licence.	
Decision to give a counter notice to a temporary use notice.	



## Licensing Panel (Cont)

- (3). exercise those functions of the Licensing Committee relating to the exercise of the Council's functions for the licensing of sex establishments in accordance with the Local Government (Miscellaneous Provisions) Act 1982 Section 2 and Schedule 3, together with any regulations made under the Act.

ends

# Planning 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 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

## Terms of Reference

### 1. Scrutiny – Overall Statement of Purpose

1.1 Scrutiny in Sandwell has a key role in delivering local accountability, transparency and involvement in decision making and the achievement of Sandwell's scorecard priorities. It will:-

- (i) contribute to the good governance, reputation and performance of the Council;
- (ii) contribute to the development, review and implementation of scorecard priorities and policy through early involvement in pre-decision scrutiny and through undertaking specific pieces of research and investigation;
- (iii) continue to develop a borough-wide focus particularly through its relationship and statutory role in respect of key partners, including Joint Committees;
- (iv) consider a wide range of evidence, views and opinions, promote good governance and decision making and improve confidence and involvement with local democracy.

### 2. Terms of Reference

2.1 As set out in the scrutiny procedure rules, to scrutinise recommendations, consider referrals under the Call for Action and the Pre-Decision Scrutiny (Call in) processes and review and advise on the Council's policies and practices in respect of, and upon such terms as are set out below:-

2.2 In relation to any of the following matters, and all other matters not covered by the terms of reference of other boards:-

- (a) budget strategy;
- (b) asset management;
- (c) procurement;
- (d) revenues and benefits;
- (e) corporate governance;
- (f) risk management;
- (g) human resources;

- (h) the Council's Facing the Future Programme;
- (i) emergency planning and civil resilience.

the Board will discharge the Council's statutory scrutiny function, as set out in Section 21 (Overview and Scrutiny) of the Local Government Act 2000, by:-

- contributing to the good governance, reputation and performance of the Council and seeking to improve confidence and involvement with local democracy;
- contributing to the development, review and implementation of Council policy and the scorecard priorities through early involvement in pre-decision scrutiny and through undertaking specific pieces of research and investigation;
- considering referrals under the Call for Action process;
- considering referrals under the Call-In process;
- considering a wide range of evidence, views and opinions;
- making reports or recommendations to the Council or the Executive.

2.3 In relation to the Council's Facing the Future Programme, the Board will refer any specific initiatives that it feels require more detailed investigation, to the appropriate scrutiny board.

2.4 The Board will also carry out tracking and monitoring in relation to recommendations it makes to the Executive.

## Terms of Reference

### 1. Scrutiny – Overall Statement of Purpose

1.1 Scrutiny in Sandwell has a key role in delivering local accountability, transparency and involvement in decision making and the achievement of Sandwell's scorecard priorities. It will:-

- (i) contribute to the good governance, reputation and performance of the Council;
- (ii) contribute to the development, review and implementation of scorecard priorities and policy through early involvement in pre-decision scrutiny and through undertaking specific pieces of research and investigation;
- (iii) continue to develop a borough-wide focus particularly through its relationship and statutory role in respect of key partners, including Joint Committees;
- (iv) consider a wide range of evidence, views and opinions, promote good governance and decision making and improve confidence and involvement with local democracy.

### 2. Terms of Reference

2.1 As set out in the scrutiny procedure rules, to scrutinise recommendations, consider referrals under the Call for Action and the Pre-Decision Scrutiny (Call in) processes and review and advise on the Council's policies and practices in respect of, and upon such terms as are set out below:-

- (a) all of the functions of the Council as an authority under the Education Acts, School Standards and Framework Act 1998 and all other relevant legislation in force from time to time (i.e. pre-school, statutory and post 16 education);
- (b) any other education related services for children and young people;
- (c) services for children, young people and families;
- (d) any trust or partnership which involves the care of local children and young people;

- (e) local safeguarding arrangements for children and young people including the Multi-Agency Safeguarding Hub and the Safeguarding Children Board;
- (f) corporate parenting, including services and support to care leavers;
- (g) early years services;
- (h) Targeted Youth Support.

### **3. General Role**

3.1 In relation to the above terms of reference the Scrutiny Board will:-

- (a) develop a work programme for scrutiny of the functions of the Council and partners relating to children and young people;
- (b) to use the scrutiny scoring matrix to establish suitable themes for investigation and areas for further scrutiny;
- (c) review or scrutinise the exercise of any council or executive function, or any other related matter;
- (d) make reports or recommendations to Council or the Executive in connection with the exercise of any functions of the Council or the Executive;
- (e) receive and review external audit and inspection reports;
- (f) act as the appropriate Scrutiny Board in relation to the Executive's initial proposals for a plan or strategy within the Budget and Policy Framework;
- (g) review outcomes, targets and priorities within the Sandwell Scorecard and to make such reports and recommendations as it considers appropriate;
- (h) review or scrutinise executive decisions made but not implemented;
- (i) receive and monitor formal responses to any reports or recommendations made by the Board.

## Terms of Reference

### 1. Scrutiny – Overall Statement of Purpose

- 1.1 Scrutiny in Sandwell has a key role in delivering local accountability, transparency and involvement in decision making and the achievement of Sandwell's scorecard priorities. It will:-
- (i) contribute to the good governance, reputation and performance of the Council;
  - (ii) contribute to the development, review and implementation of scorecard priorities and policy through early involvement in pre-decision scrutiny and through undertaking specific pieces of research and investigation;
  - (iii) continue to develop a borough-wide focus particularly through its relationship and statutory role in respect of key partners, including Joint Committees;
  - (iv) consider a wide range of evidence, views and opinions, promote good governance and decision making and improve confidence and involvement with local democracy.

### 2. Terms of Reference

- 2.1 As set out in the scrutiny procedure rules, to scrutinise recommendations, consider referrals under the Call for Action and the Pre-Decision Scrutiny (Call in) processes and review and advise on the Council's policies and practices in respect of, and upon such terms as are set out below:-

- 2.2 In relation to any of the following matters:-

- (a) sustainability within the Borough, including climate change;
- (b) environment and energy;
- (c) development control;
- (d) highways management;
- (e) environmental services management;
- (f) transport and public infrastructure;
- (g) trading standards and environmental health functions;
- (h) crime and community safety;
- (i) the visual appearance of the Borough (the 'streetscene');



(j) emergency planning and civil resilience;

the Board will discharge the Council's statutory scrutiny function, as set out in Section 21 (Overview and Scrutiny) of the Local Government Act 2000, by:-

- contributing to the good governance, reputation and performance of the Council and seeking to improve confidence and involvement with local democracy;
- contributing to the development, review and implementation of Council policy and the scorecard priorities through early involvement in pre-decision scrutiny and through undertaking specific pieces of research and investigation;
- considering referrals under the Call for Action process;
- considering referrals under the Call-In process;
- considering a wide range of evidence, views and opinions;
- making reports or recommendations to the Council or the Executive.

2.3 In relation to the Council's scrutiny functions as set out in section 19 Police and Justice Act 2006, the Board will:

- (a) scrutinise decisions and actions of the Council and "responsible bodies" (as defined in section 5 Crime and Disorder Act 1998) relating to the performance of crime and disorder functions;
- (b) consider local crime and disorder matters referred to the Board by a councillor; and
- (c) make reports and recommendations to the Council and responsible bodies.

2.4 In relation to the Council's scrutiny functions as set out in Flood and Water Management Act 2010, and the Localism Act 2011, the Board will scrutinise the activities of Risk Management Authorities in implementing flood risk management functions that may affect the local authority's area.

The Board will also carry out tracking and monitoring in relation to recommendations it makes to the Executive.

## Terms of Reference

### 1. Scrutiny – Overall Statement of Purpose

- 1.1 Scrutiny in Sandwell has a key role in delivering local accountability, transparency and involvement in decision making and the achievement of Sandwell's scorecard priorities. It will:-
- (i) contribute to the good governance, reputation and performance of the Council;
  - (ii) contribute to the development, review and implementation of scorecard priorities and policy through early involvement in pre-decision scrutiny and through undertaking specific pieces of research and investigation;
  - (iii) continue to develop a borough-wide focus particularly through its relationship and statutory role in respect of key partners, including Joint Committees;
  - (iv) consider a wide range of evidence, views and opinions, promote good governance and decision making and improve confidence and involvement with local democracy.

### 2. Terms of Reference

- 2.1 to be responsible for the overview and scrutiny of all health related issues, including liaison with NHS Trusts, Clinical Commissioning Groups (CCGs), NHS England, Health and Well Being Board and Health Watch;
- 2.2 to have the powers of overview and scrutiny in relation to all functions of the Council contained in the National Health Service Act 2006, to all regulations and directions made under the Health and Social Care Act 2001, the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002, the Health and Social Care Act 2012 and related regulations;
- 2.3 to make reports and recommendations to relevant NHS bodies, relevant health service providers and commissioners, the Secretary of State or Regulators;

- 2.4 to be responsible for initiating the response to any formal consultation undertaken by relevant NHS Trusts and CCGs or other health providers or commissioners on any substantial development or variation in services;
- 2.5 to participate with other relevant neighbouring local authorities in any joint scrutiny arrangements of NHS Trusts providing cross-border services.
- 2.6 The Health and Adult Social Care Scrutiny Board will have the power to refer a proposed substantial variation in service delivery to the Secretary of State. If the Board wish to exercise this power then this must be agreed by the Chairman of the Scrutiny Board who will hold the power of veto in respect of any proposed referral of a substantial variation to the Secretary of State.
- 2.7 To review and scrutinise the decisions made or actions of the Health and Well-being Board.
- 2.8 As set out in the scrutiny procedure rules, to scrutinise recommendations, consider referrals under the Call for Action and the Call in processes and review and advise on the Council's policies and practices in respect of, and upon such terms as are set out below:-
  - (a) Adult social care transformation programme;
  - (b) Better care fund;
  - (c) whole life services for people with disabilities and/or learning disabilities;
  - (d) local safeguarding arrangements for adults;
  - (e) services for older and vulnerable adults;
  - (f) Public Health.

### **3. General Role**

- 3.1 In relation to the above terms of reference the Scrutiny Board will:-
  - (a) develop a work programme for scrutiny of the functions of the Council and partners relating to health and adult social care;

- (b) to use the scrutiny scoring matrix to establish suitable themes for investigation and areas for further scrutiny;
- (c) review or scrutinise the exercise of any Council or Executive, or any other related matter;
- (d) make reports or recommendations to Council or the Executive in connection with the exercise of any functions of the Council or the Executive;
- (e) receive and review external audit and inspection reports;
- (f) act as the appropriate Scrutiny Board in relation to the Executive's initial proposals for a plan or strategy within the Budget and Policy Framework;
- (g) review outcomes, targets and priorities within the Sandwell Scorecard and to make such reports and recommendations as it considers appropriate;
- (h) review or scrutinise executive decisions made but not implemented;
- (i) receive and monitor formal responses to any reports or recommendations made by the Board.
- (ii) Hold commissions and providers of health services to account.

In order to fulfil the requirements of the terms of reference the following structure will apply to the Board:-

# Leisure, Culture and the Third Sector Scrutiny Board

## Terms of Reference

- (1) In relation to any of the following matters:-
- (a) leisure and tourism opportunities in the borough;
  - (b) libraries, museums and the Community History and Archive Service;
  - (c) the planning and provision of green spaces including parks and local nature reserves;
  - (d) voluntary and community sector support;
  - (e) partnership working to strengthen the third sector in Sandwell;
  - (f) community development;

the Board will discharge the Council's statutory scrutiny function, as set out in Section 21 (Overview and Scrutiny) of the Local Government Act 2000, by:-

- contributing to the good governance, reputation and performance of the Council and seeking to improve confidence and involvement with local democracy;
  - contributing to the development, review and implementation of Council policy and the scorecard priorities through early involvement in pre-decision scrutiny and through undertaking specific pieces of research and investigation;
  - considering referrals under the Call for Action process;
  - considering referrals under the Call-In process;
  - considering a wide range of evidence, views and opinions;
  - making reports or recommendations to the Council or the Executive.
- (2) The Board will also carry out tracking and monitoring in relation to recommendations it makes to the Executive.