

**Minutes of the Annual Meeting of  
Sandwell Metropolitan Borough Council**

**24<sup>th</sup> May, 2016 at 6.00 pm**  
**at the Sandwell Council House, Oldbury**

**Present:**

The Mayor (Councillor B Price);  
The Deputy Mayor (Councillor Webb);

Councillors Ahmed, Allcock, Allen, Ashman, Bawa,  
Carmichael, Costigan, Crompton, S Crompton,  
Dr T Crompton, K Davies, P Davies, S Davies, Y Davies,  
Dhallu, Downing, Eaves, Edis, Edwards, Eling, Frear, Garrett,  
Gavan, E A Giles, E M Giles, Gill, Goult, Hackett, Hadley,  
Haque, Hartwell, Hevican, Hickey, L Horton, R Horton,  
D Hosell, S Hosell, P M Hughes, P Hughes, Hussain, Jarvis,  
I Jones, O Jones, S Jones, Khatun, Lewis, Lloyd, Marshall,  
Meehan, Melia, Millard, Phillips, Preece, R Price, Rouf,  
Sandars, Shackleton, Shaeen, Tagger, Taylor, Tranter, Trow,  
White and Worsey.

**Apologies:**

Councillors Cherrington, Dr Jaron, Moore, Piper and  
Underhill.

52/16

**Vote of Thanks to the Retiring Mayor and Mayoress**

It was moved by Councillor Tranter, seconded by Councillor Eaves,  
and:-

**Resolved** that the appreciation of the Council be accorded to  
Councillors Barbara and Robert Price for their services as  
Mayor and Mayor's Consort of the Borough respectively  
during the Municipal Year 2015/16.

In response, Councillor B Price thanked all members of the Council  
for giving her the opportunity to represent the Borough as Mayor.

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Councillor Price stated that it had been a very emotional year to be Mayor, particularly due to the commemoration services for the events in Tunisia and Paris and also with the loss of the former Leader of the Council, Darren Cooper.

The Mayor also made particular reference to the children and young people of the Borough and all of the good work being undertaken in the authority that she had seen and been involved in during the year.

Councillor Price expressed her appreciation for the hard work and support of the Deputy Mayor, Deputy Mayor's Consort and the Mayor's staff.

53/16

**Vote of Thanks to Retiring Deputy Mayor and Deputy Mayor's Consort**

It was moved by Councillor Shackleton, seconded by Councillor Carmichael and:-

**Resolved** that the appreciation of the Council be accorded to Councillor Webb and Ms Nicola Webb for their services as Deputy Mayor and Deputy Mayor's Consort respectively during the Municipal Year 2015/16.

In response, Councillor Webb thanked the Mayor and Mayor's Consort, members and the people of Sandwell for their support during her term of office as Deputy Mayor.

54/16

**Election of Mayor**

Councillor B Price invited nominations for the office of Mayor of the Borough of Sandwell for the 2016/17 Municipal Year.

Councillor Webb was nominated by Councillor Shackleton and Councillor White seconded the nomination.

As no other nomination was submitted, the outgoing Mayor declared Councillor Webb elected Mayor of the Borough of Sandwell for the ensuing Municipal Year 2016/17.

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Councillor Webb made and subscribed the Declaration of Acceptance of Office required by law and was invested with the Mayoral chain and badge of office.

Councillor Webb took the Chair and made a speech of acceptance. She announced that she was extremely proud to be nominated as Mayor of the Borough and would do her best to promote Sandwell.

The Mayor announced that, during her term of office, her chosen charities would be Sandwell Parents for Disabled Children and Cares Sandwell.

55/16      **Appointment of Mayor's Consort**

The Mayor announced that her daughter, Nicola Webb, would act as Mayor's Consort for the ensuing Municipal Year. Ms Webb was invested with the chain and badge of office of Mayor's Consort.

56/16      **Appointment of Deputy Mayor**

The Mayor invited nominations for the office of Deputy Mayor of the Borough of Sandwell for the 2016/17 Municipal Year.

Councillor Downing was nominated by Councillor Hartwell and Councillor Hussain seconded the nomination.

As no other nomination was submitted, the Mayor declared Councillor Downing elected Deputy Mayor of the Borough of Sandwell for the ensuing Municipal Year 2015/16.

Councillor Downing made and subscribed the Declaration of Acceptance of Office required by law and was invested with the chain and badge of office.

Councillor Downing made a speech of acceptance.

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57/16      **Appointment of Deputy Mayor's Consort**

The Deputy Mayor announced that her daughter, Bethany Downing, would act as the Deputy Mayor's Consort for the ensuing Municipal Year. Ms Downing was invested with the chain and badge of office.

58/16      **Minutes**

**Resolved** that the minutes of the meeting held on 12<sup>th</sup> April 2016 be confirmed as a correct record.

59/16      **Appointment to Executive Offices and the Constitution of Committees, Boards and Other Fora 2016/17**

In accordance with the requirements of its Constitution, the Council considered proposals relating to the identification of the bodies it wished to carry out its function as a local authority and terms of reference for those bodies.

The Council also considered proposed appointments to the various offices of the Council and the constitution and political balance of Committees, Boards and other fora for the 2016/17 Municipal Year; the assignment of members to those roles and bodies; a proposed programme of meetings, the Member Code of Conduct and the Scheme of Members' Allowances.

Appointments to the positions, committees, boards and other fora established by the Council would be subject to a review at the ordinary meeting of the Council in July.

Councillor Eling was nominated by Councillor Trow as Leader of the Council for the next four years and Councillor Khatun seconded the nomination. The nomination was put to the vote and agreed.

The Council received the announcement by the Leader of the appointments he had made to the Cabinet, the assignment of Cabinet portfolios and the executive arrangements for the forthcoming year.

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**Resolved:-**

- (1) that the executive form of governance for the Council, as set out in the Constitution, and the arrangements for the operation of the Council's overview and scrutiny function be endorsed;
- (2) that Councillor Eling be appointed as Leader of the Council for a period of four years, ending with the Annual Meeting of Council in 2020, or for the remainder of his current term of office as councillor, subject to remaining as an elected member of the Council or otherwise not having been removed from office by a decision of the Council or resigned as leader;
- (3) that the list of persons appointed by the Leader of the Council to the position of Deputy Leader and Cabinet Member be received;
- (4) that the Executive Portfolios, as determined by the Leader of the Council, and their assignment to the Deputy Leader and Cabinet Members, as set out in Appendix A, be received;
- (5) that, in relation to the Scheme of Delegation:-
  - (a) the delegation to officers of executive functions, assigned to officers by the Leader of the Council, be received;
  - (b) the delegation of non-executive functions to officers be approved;
  - (c) to provide assurance that, where the law or the local choice provisions as defined in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 prevail over the determination of delegations between executive and non-executive functions, and to ensure all delegations are lawfully enacted, the Scheme of Delegation be approved in its entirety;

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- (6) that the allocation of responsibility for functions to be undertaken by the Council, as required by Part 3 of the Constitution, except where these are the responsibility of the executive Leader of the Council to determine, as set out in Appendix B, be reaffirmed;
- (7) that the constitution and political balance of the committees, boards and other fora as agreed for 2015/16 (Minute No. 63/15(6)) be rolled forward to the 2016/2017 Municipal Year;
- (8) that the revised terms of reference of the General Purposes and Arbitration Committee, Health and Wellbeing Board, Land and Asset Management Committee, Licensing Panels, Licensing (Miscellaneous) Committee, Planning Committee and the Health and Adult Social Care, Children's Services and Education, Community Safety, Highways and Environment, Budget and Corporate and the Leisure Culture and Third Sector Scrutiny Boards be approved, as set out in Appendix C;
- (9) that, with the exception of the fora referred to in (6) and (8) above, the terms of reference of the committees, boards and other fora as set out in the Appendix to Part 3 of the Constitution and otherwise as approved, or amended, by the Council during the 2015/2016 Municipal Year, be reaffirmed;
- (10) that, in accordance with the provisions of the Localism Act 2011, one nomination be sought from each of the Church of England Diocese and Roman Catholic Archdiocese and two nominations for Parent Governor representatives to serve as non-elected members on the Children's Services and Education Scrutiny Board, with voting rights conferred only on any matter with regard to education, whether in respect of schools or wider educational issues;

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- (11) that Mr Frederick Bell, Mr Raymond Tomkinson and Mr Geoffrey Elliott be appointed to the position of Independent Person under Section 28 of the Localism Act 2011 for the period ending 30<sup>th</sup> June 2018;
- (12) that Mr Michael Ager be appointed as an independent member of the Audit Committee for a further term of office concluding with the Annual Meeting of the Council 2019;
- (13) that members and co-opted members be appointed to the positions, committees, boards and other fora established by the Council, as set out in Appendix D, subject to a review at the next ordinary meeting of the Council;
- (14) that the programme of meetings for 2016/2017 be approved;
- (15) that the Members' Allowances Scheme for the 2016/2017 Municipal Year, as set out in Appendix E, be approved;
- (16) that the revised Council's Petition Scheme, as set out in Appendix F, be approved;
- (17) that the revised Member Code of Conduct, as set out in Appendix G, be approved;
- (18) that, in order to reflect the decisions of the Council on the above recommendations, the Director - Governance and Monitoring Officer be authorised to make the necessary changes to the Council's Constitution, its Parts and Articles, in accordance with Article 15 of the Constitution, including the following elements:-
  - Article 11 – Joint Arrangements and Partnering;
  - Part 5 – Member Code of Conduct.

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60/16

**Appointment of Representatives to Other Bodies**

Council considered a proposal to reaffirm the current appointments of members to other bodies until the extraordinary meeting of the Council on 14<sup>th</sup> June 2016, with the exception of the bodies listed below:-

- West Midlands Fire and Rescue Authority;
- West Midlands Integrated Transport Authority;
- West Midlands Police and Crime Panel;
- Transport Delivery Committee of the Integrated Transport Authority.

**Resolved:-**

- (1) that the current appointments of members to other bodies be reaffirmed until the extraordinary meeting of the Council on 14<sup>th</sup> June 2016, with the exception of those bodies set out in (2), (3) and (4) below;
- (2) that Councillors Edwards (Lead Member), Allcock and Tranter be appointed to the West Midlands Fire and Rescue Authority for the 2016/17 Municipal Year;
- (3) that the Leader of the Council and Deputy Leader of the Council be appointed to the West Midlands Integrated Transport Authority for the 2016/17 Municipal Year;
- (4) that Councillors R Horton (Lead Member) and Eaves be appointed to the Transport Delivery Committee of the Integrated Transport Authority for the 2016/17 Municipal Year;
- (5) that the Leader of the Council be authorised to determine appointments to the West Midlands Police and Crime Panel should this become necessary before 14<sup>th</sup> June 2016.

(The meeting ended at 7.05 pm)

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| Contact Officer: Trisha Newton<br>Democratic Services Unit<br>0121 569 3193 |
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## **Sandwell Metropolitan Borough Council - Executive Portfolios**

### **Corporate Responsibilities and Duties of Cabinet Members**

- ▶ To endeavour to meet the aspirations of the Council and the citizens of the Borough through continuous improvement in service delivery, the implementation of best practice, equality in service provision and the recognition of the cultural diversity of the population of the Borough.
- ▶ To support partnership working and to work towards the Sandwell Scorecard Priorities for Improvement.
- ▶ To ensure the full involvement of local people and communities in the decision making processes of the Council.
- ▶ To provide political leadership and strategic policy direction for all matters falling within a Cabinet Member's portfolio and to act as the Council's principal spokesperson on Council policy and/or matters associated with that portfolio.
- ▶ To represent the Council on appropriate external partnerships, negotiating and consultative bodies, at a national, regional and local level on those matters which fall within the scope of this portfolio.
- ▶ To engage in a constructive relationship between the Cabinet and Scrutiny, ensuring that Members of the Cabinet provide information to, attend before, and respond to any recommendations from the Scrutiny Boards, Panels and committees when requested.
- ▶ To lead and direct the commissioning and procurement of services which fall within the remit of the Cabinet Member.

- ▶ In accordance with the provisions of the Employment Rules as set out in the Council's Constitution, to lead and direct variations to the chief officer and deputy chief officer structure and to the establishment of those service areas which fall within the remit of the Cabinet Member.
- ▶ To undertake any other duties or roles as may from time to time be assigned, by the Leader or the Cabinet.

## Leader of the Council

### Portfolio Responsibilities

To provide overall political leadership and strategic policy direction to the Council and the Cabinet and to act as the Council's principal spokesperson on Council policy and/or matters affecting the Borough or its citizens at local, regional, national and international level.

To undertake the duties and responsibilities required or expected of the Leader of the Council in accordance with the Leader and Cabinet Executive model form of governance.

*Where not otherwise reserved to the Council, a committee of the Council or other body under the Local Authority Functions Regulations, or where authority has not been delegated to a chief officer and, in consultation with a relevant Cabinet Member, as necessary, to take the lead responsibility within the Cabinet for all matters relating to:*

- The formulation of proposals for the political management and decision making structures of the Council, including the Council's Constitution.

*Officer Lead: Chief Executive*

- The strategic lead for the development of and to represent the Council's interests in the establishment of a combined authority.

*Officer Lead: Chief Executive*

- The strategic lead in maintaining the Council's interests in the economic development and regeneration of the Borough and the wider region, through the work of the Combined Authority, including the effectiveness and efficiency of transport.

*Officer Lead: Chief Executive*

- Financial management and control, including financial planning and development of the medium-term budget strategy (capital and revenue), the Housing Revenue Account) and the delivery of value for money across the Council.

*Officer Lead: Chief Executive & Chief Finance Officer*

- The determination of the allocation of resources in respect of matters which require additional, non-budgeted expenditure in year or commit the Council to non-budgeted expenditure in future years.

*Officer Lead: Chief Finance Officer*

- The Local Economic Partnership, Black Country Consortium and Association of Black Country Authorities including their inter-relationship with the functions of the Combined Authority.

*Officer Lead: Chief Executive*

## Leader of the Council (cont)

- Press and media relations; communications; marketing and the image of the Council; civic and ceremonial issues; and the identification, development, promotion and marketing of public events.

*Officer Lead: Assistant Chief Executive*

- Executive matters within all other areas of service provision or activities of the Council which are not otherwise allocated to a Cabinet Member.

## Deputy Leader and Cabinet Member for Neighbourhoods and Communities

### Portfolio Responsibilities

*To undertake the duties and responsibilities required or expected of the Statutory Deputy Leader of the Council in accordance with the Leader and Cabinet Executive model form of executive.*

*Where not otherwise reserved to the Council, a committee of the Council or other body under the Local Authority Functions Regulations, or where authority has not been delegated to a chief officer and, in consultation with a relevant Cabinet Member, as necessary, to take the lead responsibility within the Cabinet for all matters relating to:*

- Sandwell local neighbourhood working and the co-ordination and delivery of services through a neighbourhood delivery model.  
*Officer Lead: Director - Neighbourhoods*
- The development and co-ordination of the work of Town Lead Members.  
*Officer Lead: Director - Neighbourhoods*
- Town management, tasking and cross-organisational service delivery at a town level.  
*Officer Lead: Director - Neighbourhoods*

- Cemeteries and crematoria, the duties of the Council in relation to the Coroners Service and registration services, including the registration of births, deaths and marriages, citizenship, civil partnership.  
*Officer Lead: Director - Governance*
- The development of the Council's relationship with the voluntary sector, charities and community ventures.  
*Officer Lead: Director - Neighbourhoods*
- Developing the capacity and horizons of the voluntary sector and expanding the opportunities the Council can offer to the sector for the support to and/or delivery of services on behalf of the Council.  
*Officer Lead: Director - Neighbourhoods*
- Development of the Council's relationship with partner organisations.  
*Officer Lead: Chief Executive*
- Policy and funding strategies for the voluntary and community sector, including applications for discretionary relief from national non-domestic rates.  
*Officer Lead: Director – Neighbourhoods / Chief Finance Officer*

## Cabinet Member for Children's Services

### Portfolio Responsibilities

*Where not otherwise reserved to the Council, a committee of the Council or other body under the Local Authority Functions Regulations, or where authority has not been delegated to a chief officer and, in consultation with a relevant Cabinet Member, as necessary, to take the lead responsibility within the Cabinet for all matters relating to:*

- The safeguarding and social care needs of children and young people in the Borough.  
*Officer Lead: Director – Children's Services*
- In conjunction with the Cabinet Member for Social Care, the development and delivery of services to effect the seamless transition of citizens from children's social care to adults social care.  
*Officer Lead: Director – Children's Services*
- To support the Council's statutory duties for the protection of children through the development and delivery of effective health care services for young people and a robust Children's health agenda.  
*Officer Lead: Director – Children & Families*
- The strategic overview and development of education provision within the Borough, including adult education, community and family learning.  
*Officer Lead: Director – Education*

- The development of and compliance with educational statutory requirements placed on the Council.  
*Officer Lead: Director – Education*
- Improving educational attainment.  
*Officer Lead: Director – Education*
- School governing bodies and the making of new or amended Instruments and Articles of Government for schools.  
*Officer Lead: Director – Education*
- The 14 – 19 year olds strategy and the determination of fees and charges in adult education.  
*Officer Lead: Director – Education*
- The development and co-ordination of youth opportunities in the Borough, including The Sandwell Youth Service and the Sandwell Play Service, including the Council's links with the Sandwell Youth Forum and the Youth Parliament.  
*Officer Lead: Director – Children's Services*
- Youth Offending Service.  
*Officer Lead: Director – Children's Services*

## Cabinet Member for Children's Services (cont.)

- The Council's statutory requirements in relation to child poverty and the development and co-ordination of the approach to child poverty across the Council and its partner organisations.

*Officer Lead: Assistant Chief Executive*

- The provision of transport for children and young people with special education needs.

*Officer Lead: Director – Education*

## Cabinet Member for Core Council Services

### Portfolio Responsibilities

Where not otherwise reserved to the Council, a committee of the Council or other body under the Local Authority Functions Regulations, or where authority has not been delegated to a chief officer and, in consultation with a relevant Cabinet Member, as necessary, to take the lead responsibility within the Cabinet for all matters relating to:

- Strategic asset management planning across the Council.  
*Officer Lead: Assistant Chief Executive*
- The development, overview and co-ordination of the delivery of the Council's Corporate Landlord service.  
*Officer Lead: Assistant Chief Executive*
- The procurement policy framework and financial rules/financial standing orders of the Council, including sustainable procurement.  
*Officer Lead: Chief Finance Officer*
- Risk management and insurance.  
*Officer Lead: Chief Finance Officer*
- Internal and external audit functions.  
*Officer Lead: Chief Finance Officer*

- The overview and co-ordination of the delivery of the Revenue and Benefits service and associated matters.  
*Officer Lead: Chief Finance Officer*
- Member development and the provision of services to members of the Council.  
*Officer Lead: Director – Governance*
- Protecting the Council's interests:
  - when acting as the accountable body for schemes/projects funded by external funding streams with the exception of matters agreed under the authority delegated to a combined authority;
  - in the financial control and management of trust funds and charities of which the Council are trustees;
  - in the governance of partnerships.  
*Officer Lead: Chief Finance Officer*
- The delivery and direction of the Council's welfare rights and anti-poverty strategy.  
*Officer Lead: Assistant Chief Executive / Director - Neighbourhoods*
- The strategic policy overview and co-ordination of all strategic partnering arrangements and Council-wide contracts entered into by the Council.  
*Officer Lead: Assistant Chief Executive*
- The provision of corporate governance, legal services, the support of democracy and information management.  
*Officer Lead: Director – Governance*



## Cabinet Member for Core Council Services (cont)

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| <ul style="list-style-type: none"><li>• Electoral registration, engagement and participation.<br/><i>Officer Lead: Chief Executive</i></li><li>• The delivery of all aspects of the Council's equality agenda and duties.<br/><i>Officer Lead: Assistant Chief Executive</i></li><li>• Organisational development and human resource management.<br/><i>Officer Lead: Assistant Chief Executive</i></li><li>• Information Communication Technology (ICT).<br/><i>Officer Lead: Chief Finance Officer</i></li></ul> | <ul style="list-style-type: none"><li>• Catering (except for schools meals and adults in need of social care).<br/><i>Officer Lead: Assistant Chief Executive</i></li><li>• Customer Services and Customer Care.<br/><i>Officer Lead: Director - Neighbourhoods</i></li><li>• The Local Government Ombudsman.<br/><i>Officer Lead: Director – Governance</i></li></ul> |
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## Cabinet Member for Highways and Environment

### Portfolio Responsibilities

*Where not otherwise reserved to the Council, a committee of the Council or other body under the Local Authority Functions Regulations, or where authority has not been delegated to a chief officer and, in consultation with a relevant Cabinet Member, as necessary, to take the lead responsibility within the Cabinet for all matters relating to:*

- The improvement of the visual appearance of the Borough (the 'streetscene') to create a better place to live.  
*Officer Lead: Director – Neighbourhoods*
- Highways network management and maintenance.  
*Officer Lead: Director Regeneration & Economy*
- Transport, vehicle and plant management, and the integration of transport services provided by Council services.  
*Officer Lead: Director – Neighbourhoods*
- Environmental services including cleansing, grounds maintenance, public conveniences and the maintenance of water courses.  
*Officer Lead: Director – Neighbourhoods*

- The waste strategy and waste collection and disposal services, including the Council's direction and input to the integrated waste management contract.  
*Officer Lead: Director – Neighbourhoods*
- Markets and market management.  
*Officer Lead: Director – Regeneration & Economy*
- Strategic flood management.  
*Officer Lead: Director – Regeneration & Economy*

## Cabinet Member for Housing

### Portfolio Responsibilities

*Where not otherwise reserved to the Council, a committee of the Council or other body under the Local Authority Functions Regulations, or where authority has not been delegated to a chief officer and, in consultation with a relevant Cabinet Member, as necessary, to take the lead responsibility within the Cabinet for all matters relating to:*

- The maximisation of public and private sector housing development.  
*Officer Lead: Director – Regeneration & Economy*
- The development, implementation and review of local housing strategy, all housing policies and neighbourhood housing plans, including private sector housing.  
*Officer Lead: Director – Neighbourhoods / Director - Regeneration & Economy / Director – Adult Social Care, Health & Wellbeing*
- The strategic direction of the Council's interests in relation to the development and delivery of housing of all types and tenures, including transient groups.  
*Officer Lead: Director – Regeneration & Economy*
- The direction for and delivery of the Council's investment in and management responsibilities for the authorities housing stock, including maintenance.  
*Officer Lead: Director – Neighbourhoods*

- Housing conditions in the private sector and the Housing Agency Service, including improvement, clearance and associated enforcement.  
*Officer Lead: Director - Adult Social Care, Health & Wellbeing*
- Services for the provision of aids and adaptations and home support from the Better Care Fund.  
*Officer Lead: Director – Adult Social Care, Health & Wellbeing*
- Homelessness.  
*Officer Lead: Director – Adult Social Care, Health & Wellbeing / Director - Neighbourhoods*

## Cabinet Member for Leisure

### Portfolio Responsibilities

*Where not otherwise reserved to the Council, a committee of the Council or other body under the Local Authority Functions Regulations, or where authority has not been delegated to a chief officer and, in consultation with a relevant Cabinet Member, as necessary, to take the lead responsibility within the Cabinet for all matters relating to:*

- In conjunction with the Deputy Leader and Cabinet Member for Neighbourhoods and Communities, the development of the Council's relationship and policy and funding strategies with and for the voluntary, community, charity and commercial sector providers of leisure services.

*Officer Lead: Director - Neighbourhoods*

- Sports and leisure including the Council's interests in, and the strategic direction of the Council's input to the Sandwell Leisure Trust.

*Officer Lead: Director - Neighbourhoods*

- The development and commissioning of cultural opportunities in the Borough, support of the arts and heritage, including library and archive services, museums, art galleries and archaeology.

*Officer Lead: Director - Neighbourhoods*

- The development and commissioning of cultural opportunities in the Borough, support of the arts and heritage, including library and archive services, museums, art galleries and archaeology.

*Officer Lead: Director - Neighbourhoods*

- Community Services, including community centres and shop mobility.

*Officer Lead: Director – Neighbourhoods*

- The development of proposals to stimulate tourism and visitor economy of the Borough.

*Officer Lead: Director – Regeneration & Economy*

- The policy direction for countryside management, nature reserves, parks, green spaces and visitors centres.

*Officer Lead: Director – Neighbourhoods*

- The provision and maintenance of allotments within the Borough.

*Officer Lead: Director – Neighbourhoods*

## Cabinet Member for Public Health and Protection

### Portfolio Responsibilities

Where not otherwise reserved to the Council, a committee of the Council or other body under the Local Authority Functions Regulations, or where authority has not been delegated to a chief officer and, in consultation with a relevant Cabinet Member, as necessary, to take the lead responsibility within the Cabinet for all matters relating to:

- The Council's contribution to domestic violence services.  
*Officer Lead: Director – Adult Social Care, Health & Wellbeing / Director - Neighbourhoods*
- Community safety and the development and implementation of the Council's Community Safety policies.  
*Officer Lead: Director - Neighbourhoods*
- Tackling anti-social behaviour and local crime and disorder.  
*Officer Lead: Director - Neighbourhoods*
- The promotion of public health in everyday service delivery across the Council and the integration of public health services within the Council.  
*Officer Lead: Director – Public Health*
- Health improvement and the eradication of health inequalities.  
*Officer Lead: Director – Public Health*

- Monitoring performance and strategic development of health visitors and school nurses in driving wellbeing of young persons.  
*Officer Lead: Director – Children & Families / Director – Public Health*
- Environmental health, trading standards, consumer protection.  
*Officer Lead: Director – Adult Social Care, Health & Wellbeing*
- The Regulation of Investigatory Powers.  
*Officer Lead: Director – Adult Social Care, Health & Wellbeing*
- Emergency planning and civil resilience.  
*Officer Lead: Director – Neighbourhoods / Chief Executive*
- The policy direction for all licensing regimes for which the Council is the designated authority and the application of the executive functions relating to licensing.  
*Officer Lead: Director – Adult Social Care, Health & Wellbeing / Director - Governance*

## Cabinet Member for Regeneration and Economic Investment

### Portfolio Responsibilities

*Where not otherwise reserved to the Council, a committee of the Council or other body under the Local Authority Functions Regulations, or where authority has not been delegated to a chief officer and, in consultation with a relevant Cabinet Member, as necessary, to take the lead responsibility within the Cabinet for all matters relating to:*

- To support the Leader in the strategic development of and to represent the Council's interests in the establishment of a combined authority.  
*Officer Lead: Director – Regeneration & Economy*
- In support of the Leader, to deliver the following for and within Sandwell and in the wider combined authority area, through both local and combined authority wide projects and initiatives:
  - the regeneration of the physical environment of the Borough;
  - regeneration and transport planning, the transport network and public infrastructure;
  - the achievement of economic regeneration, the creation of jobs and the development of wealth;
  - the maximisation of employment, training and local business opportunities.  
*Officer Lead: Director – Regeneration & Economy*

- In support of the Leader, to deliver capital investment in infrastructure, regeneration and renewal within Sandwell and in the wider combined authority area, through both local and combined authority wide projects and initiatives.  
*Officer Lead: Director – Regeneration & Economy / Chief Finance Officer*

- Strategic town planning, including development control and building regulation, the development of supplementary planning guidance and regional planning guidance.  
*Officer Lead: Director – Regeneration & Economy*
- The declaration and making of all clearance areas, permitted development rights and the designation of conservation areas, areas of archaeological interest, nature reserves, green spaces and parks.  
*Officer Lead: Director – Regeneration & Economy*
- The development of links with the local business community and skills/worklessness agencies and regional and national employment organisations, agencies and associations.  
*Officer Lead: Director – Regeneration & Economy*
- To deputise for the Leader of the Council on the Local Enterprise Partnership.  
*Officer Lead: Director – Regeneration & Economy*

## Cabinet Member for Social Care

### Portfolio Responsibilities

*Where not otherwise reserved to the Council, a committee of the Council or other body under the Local Authority Functions Regulations, or where authority has not been delegated to a chief officer and, in consultation with a relevant Cabinet Member, as necessary, to take the lead responsibility within the Cabinet for all matters relating to:*

- The social care needs of adults in the Borough and looking after people in later life.

*Officer Lead: Director – Adult Social Care, Health & Wellbeing*

- Safeguarding of vulnerable adults.

*Officer Lead: Director – Adult Social Care, Health & Wellbeing*

- The Council's prevention strategy for vulnerable adults.

*Officer Lead: Director – Adult Social Care, Health & Wellbeing*

- Development of relationships with adults in need of social care, their carers and with providers of adult social care.

*Officer Lead: Director – Adult Social Care, Health & Wellbeing*

- Home meals support services and access to healthy eating for vulnerable citizens.

*Officer Lead: Director – Adult Social Care, Health & Wellbeing*

- To represent the Executive in the work of the Health and Wellbeing Board.

*Officer Lead: Director – Adult Social Care, Health & Wellbeing*

- Health partnership working between the Council and the wider health economy, including through the Sustainability and Transformation Plan.

*Officer Lead: Director – Adult Social Care, Health & Wellbeing*

- In conjunction with the Cabinet Member for Children's Services, the development and delivery of services to effect the seamless transition of citizens from children's social care to adults social care.

*Officer Lead: Director – Adult Social Care, Health & Wellbeing / Director – Children & Families*

- Developing the Council's approach to whole life services for people with lifelong disabilities and learning disabilities.

*Officer Lead: Director – Adult Social Care, Health & Wellbeing*

# Appendix

## Part 3 – Responsibility for Functions



## Part 3 - Responsibility for Functions

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended \*give effect to Section 13 of the Local Government Act 2000 by specifying those local authority functions which are:

- (a) non-executive ie cannot be undertaken by or be the responsibility of the Executive;
- (b) executive or non-executive by local choice ie those which the Council can choose to be the responsibility of the Executive if they so wish; and
- (c) those which are to some extent, the responsibility of the Executive.

All other functions given to a local authority but which are not specified in the Function Regulations are automatically deemed to be the responsibility of the Executive.

(\* Amendments up to and including SI no. 2015/968 have been taken into account in this document)

### 1. Responsibility for Local Choice Functions

(Note:- The functions referred to in the fourth column are set out in the committee terms of reference, Executive Portfolios and/or delegations to officers as they appear in the Council's Constitution and as may be subsequently amended by the Council and its Executive or committees as appropriate)

| Function  | Decision Making Body | Membership                 | Delegation of Functions* |
|---|----------------------|----------------------------|--------------------------|
| 1.<br>Any function under a local Act other than a function specified or referred to in Regulation 2 or Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended | Council              | All members of the Council | None                     |

| Function  | Decision Making Body  | Membership   | Delegation of Functions*                            |
|---|---|--|---|
| <p>2.<br/>The determination of an appeal against any decision made by or on behalf of the authority</p> | <p>Executive Leader</p>   |  | <p>Cabinet Member with portfolio responsibility</p> |
|   | <p>The following bodies according to the functions delegated to them under their respective terms of reference:-</p> <p>Licensing Committee<br/>Licensing Panels<br/>Licensing (Miscellaneous) Committee<br/>General Purposes and Arbitration Committee<br/>Education Statutory Appeals Panel</p> | <p>The membership of these bodies is set out in Section 2 Responsibility for Council Functions below.</p> <p>(They must not be members of the Executive)</p> |   |

| Function  | Decision Making Body | Membership                 | Delegation of Functions*   |
|---|----------------------|----------------------------|--|
| 3.<br>The making of arrangements in relation to appeals against the exclusion of pupils from maintained schools   | The Council          | All members of the Council | All functions delegated to the Education Statutory Appeals Panel |
| 4.<br>The making of arrangements pursuant to section 94(1), (1A) and (4) of the Schools Standards and Framework Act 1998 (admission appeals)                                  | The Council          | All members of the Council | All functions delegated to the Education Statutory Appeals Panel |
| 5.<br>The making of arrangements pursuant to section 95(2) of the Schools Standards and Framework Act 1998 (children to whom section 87 applies; appeals by governing bodies) | The Council          | All members of the Council | All functions delegated to the Education Statutory Appeals Panel |

| Function  | Decision Making Body  | Membership  | Delegation of Functions*   |
|---|---|---|--|
| <p>6.<br/>Any function relating to contaminated land</p>  | <p>The Executive Leader, except where the function involves any of the following actions which will be the responsibility of the Licensing (Miscellaneous) Committee:-</p>  |   | <p>Cabinet Member with portfolio responsibility</p>  |
| <p>7.<br/>The discharge of any function relating to the control of pollution or the management of air quality</p> | <p>(a) determining an application from a person for a licence, approval, consent, permission or registration;</p> <p>(b) direct regulation of a person (with substantial discretion as to the regulatory action);</p> | <p>Licensing (Miscellaneous) Committee:-<br/>5 non-Executive members of the Council</p> | <p>Such functions relating to these matters which have been delegated to officers by the Council are set out in the Scheme of Delegations within the Constitution and as may be amended by the Council from time to time</p> |
| <p>8.<br/>The service of an abatement notice in respect of a statutory nuisance</p>                               | <p>(c) enforcement of any such licence approval, consent, permission or direct regulation</p>   |   |  |

| Function  | Decision Making Body   | Membership  | Delegation of Functions*   |
|---|--|---|--|
| 9.<br>The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area | The Executive Leader, except where the function involves any of the following actions which will be the responsibility of the Licensing (Miscellaneous) Committee:-                        |   | Cabinet Member with portfolio responsibility   |
| 10.<br>The inspection of an authority's area to detect any statutory nuisance   | (a) determining an application from a person for a licence, approval, consent, permission or registration;   | Licensing (Miscellaneous) Committee:-<br>5 non-Executive members of the Council | Such functions relating to these matters which have been delegated to officers by the Council are set out in the Scheme of Delegation set within the Council's Constitution and as may be amended by the Council from time to time |
| 11.<br>The investigation of any complaint as to the existence of a statutory nuisance   | (b) direct regulation of a person (with substantial discretion as to the regulatory action);<br><br>(c) enforcement of any such licence approval, consent, permission or direct regulation |   |  |

| Function   | Decision Making Body        | Membership  | Delegation of Functions*   |
|--|-----------------------------|---|--|
| <p>12.<br/>The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land</p>                        | <p>The Council</p>          | <p>All members of the Council</p>                   | <p>Planning Committee and to the Director - Governance</p>   |
| <p>13.<br/>The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976</p> | <p>The Council</p>          | <p>All members of the Council</p>                   | <p>Director - Governance</p>   |
| <p>14.<br/>The making of agreements for the execution of highways works</p>  | <p>The Executive Leader</p> | <p>Cabinet Member with portfolio responsibility</p> | <p>Cabinet Member with portfolio responsibility</p> <p>Functions which have been delegated to officers by the Council are set out in the Scheme of Delegation within the Council's Constitution and as may be amended by the Council from time to time</p> |

| Function   | Decision Making Body   | Membership  | Delegation of Functions*                            |
|--|--|---|---|
| <p>15.<br/>The appointment of any individual –</p> <p>(a) to any office other than an office in which he is employed by the authority;</p> <p>(b) to any body other than -</p> <p>(i) the authority;</p> <p>(ii) a joint committee of two or more authorities; or</p> <p>(c) to any committee or sub-committee of such a body, and the revocation of such appointment.</p> | <p>The Council except where the appointment is within the functions of the Executive Leader or has been delegated to an officer or a committee</p> | <p>All members of the Council or Executive Leader</p> |   |
| <p>16.<br/>The making of agreements with other local authorities for the placing of staff at the disposal of those authorities.</p>  | <p>The Executive Leader</p>  |   | <p>Cabinet Member with portfolio responsibility</p> |

## 2. Responsibility for Council Functions

(Note: -

- (1) The “Functions Regulations” referred to in the table are the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended;
- (2) The terms of reference of committees referred to in the table are set out in the Council’s Constitution.)

| Committee | Membership                 | Outline of Functions  | Delegation of Function   |
|-----------|----------------------------|---|--|
| Council   | All members of the Council | The Council has reserved to itself certain strategic and policy functions, which are set out in Article 4 of the Constitution                                   |  |
|           |                            | Such functions specified in Schedule 1 to the Functions Regulations that are not delegated to any of the committees and panels listed in column 1 of this table | Functions which have been delegated to officers by the Council are set out in the Scheme of Delegation within the Council’s Constitution and as may be amended by the Executive Leader from time to time |



| Committee                 | Membership  | Outline of Functions   | Delegation of Function   |
|---------------------------|---|--|--|
| <p>Planning Committee</p> | <p>16 members. Geographic representation as far as possible within proportionality provisions</p> | <p>Such functions relating to town and country planning and development control terms of reference which are set out in the Council's Constitution and as may be amended by the Council from time to time.</p> <p>(The Committee will be responsible for any of the following functions specified in Schedule 1 to the Functions Regulations, as may be delegated to it in its terms of reference by the Council:-</p> <p>Town and country planning and development control functions (A1 – 31 inclusive)</p> <p>Miscellaneous functions (I1 – 34, 41, 42, 46, 47 and 47A) inclusive</p> | <p>Such functions relating to town and country planning and development control which have been delegated to officers by the Council are set out in the Scheme of Delegation within the Council's Constitution and as may be amended by the Executive Leader from time to time</p> |

| Committee           | Membership | Outline of Functions   | Delegation of Function   |
|---------------------|------------|--|--|
| Licensing Committee | 12 members | <p>All matters relating to the discharge of the functions of the Licensing Authority under:</p> <p>the Licensing Act 2003 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 2003 Act (Statement of Licensing Policy) and any function discharged under Section 7 (5) (a) of the 2003 Act by a committee other than the Licensing Committee.;</p> <p>the Gambling Act 2005 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 166 (casino resolution) and Section 349 (Statement of Principles) of the 2005 Act</p> | Such licensing functions which have been delegated to officers by the Licensing Committee are set out in the Scheme of Delegation within the Council's Constitution and as may be amended by the Licensing Committee from time to time |

| Committee                       | Membership   | Outline of Functions  | Delegation of Function   |
|---------------------------------|--|---|--|
| Licensing Committee (continued) |  | The determination of fees as they relate to gambling as provided for by Section 212 of the 2005 Act and any regulations made under that Act, subject to consultation with the appropriate Cabinet Member on the budgetary implications.   |  |
| Licensing Panels                | 4 Panels of 3 members appointed by the Licensing Committee | To exercise the 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 any function conferred on the Licensing Authority by Section 5 of the 2003 Act (Statement of Licensing Policy) and any function discharged under Section 7 (5) (a) of the 2003 Act by a committee other than the Licensing Committee, or any function specifically reserved to the Licensing Committee. | Such licensing functions which have been delegated to officers by the Licensing Committee are set out in the Scheme of Delegation within the Council's Constitution and as may be amended by the Licensing Committee from time to time |

| Committee                           | Membership              | Outline of Functions  | Delegation of Function   |
|-------------------------------------|-------------------------|---|--|
| Licensing Panels (continued)        |                         | To exercise the functions of the Licensing Committee under the Gambling Act 2005 (referred to as “the 2005 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 166 (casino resolution), Section 212 (fees) and Section 349 (Statement of Principles) of the 2005 Act, and any other function specifically reserved to the Licensing Committee. | Such licensing functions which have been delegated to officers by the Licensing Committee are set out in the Scheme of Delegation within the Council’s Constitution and as may be amended by the Licensing Committee from time to time |
| Licensing (Miscellaneous) Committee | 5 non-Executive members | Such functions relating to licensing and registration as are set out in the terms of reference as set out in the Council’s Constitution and as may be amended by the Council from time to time.   |  |

| Committee   | Membership | Outline of Functions   | Delegation of Function   |
|---|------------|--|--|
| <p>Licensing<br/>(Miscellaneous)<br/>Committee<br/>(cont)</p> |            | <p>The following functions specified in Schedule 1 to the Functions Regulations, as may be delegated to it in its terms of reference by the Council:-</p> <p>Taxi, gaming, entertainment, food and other miscellaneous licensing and registration functions including regulation of the use of highways (B1 – 14 and 15 – 71 inclusive, but excluding 14A and 14B which are reserved to the Council and excluding 14AA – 14F and including 14G)</p> <p>Health and safety at work functions, other than those discharged in the authority's capacity as an employer (C)</p> | <p>Such functions relating to licensing and registration which have been delegated to officers by the Council are set out in the Scheme of Delegation within the Council's Constitution and as may be amended by the Executive Leader or Council from time to time</p> |

| Committee   | Membership       | Outline of Functions  | Delegation of Function   |
|---|------------------|---|--|
| <p>General Purposes and Arbitration Committee</p> | <p>7 members</p> | <p>Such functions as are set out in the terms of reference within the Council's Constitution, and as may be amended by the Council from time to time relating to:-</p> <p>Elections (D1 – 22 not including D16) name &amp; status of area or individuals (E) community governance (EB) byelaws (F) local or personal Bills (G) pensions etc. (H)</p> <p>Power to make payments or provide other benefits in cases of maladministration etc. (I48)</p> <p>Power to make a Designated Public Places Order for the purpose of police powers in relation to alcohol consumption (I49)</p> | <p>Functions which have been delegated to officers by the Council are set out in the Scheme of Delegation within the Council's Constitution and as may be amended by the Executive Leader or the Council from time to time</p> |

| Committee   | Membership | Outline of Functions  | Delegation of Function |
|---|------------|---|------------------------|
| <p>General Purposes and Arbitration Committee (continued)</p> |            | <p>Power to make or revoke an order designating a locality as an alcohol disorder zone.</p> <p>To deal with matters including appeals:</p> <ul style="list-style-type: none"> <li>(a) submitted by staff and others relating to particular education issues and specific issues in Adult Social Care;</li> <li>(b) on private sector housing issues, including the repayment of house renovations grant money;</li> <li>(c) involving disputes from the Joint Consultative Panel; 'Failures to Agree' registered by Trades Unions; to deal with other employee relations matters through the exercise of functions as set out in the terms of reference set out in the Council's Constitution, and as may be amended by the Council from time to time.</li> </ul> |                        |

| Committee                                    | Membership   | Outline of Functions   | Delegation of Function  |
|--|--|--|---|
| Standards Committee                          | 8 members, including 1 member of the Executive and 5 independent persons | The promotion and maintenance of high standards of conduct by members and officers within the Council, through the exercise of such functions as are set out in the terms of reference which are set out in the Council's Constitution, and as may be amended by the Council from time to time   | Sub-Committees carry out specific functions in relation to assessing and reviewing complaints about members and conducting determination hearings |
| Chief Officer Terms and Conditions Committee | 7 members  | The process of selection and appointment and the determination of matters relating to the pay and conditions of the Chief Executive and Chief Officers of the authority, through the exercise of such functions as are set out in the terms of reference set out in the Council's Constitution, and as may be amended by the Council from time to time | None  |



| Committee                     | Membership  | Outline of Functions   | Delegation of Function |
|-------------------------------|---|--|------------------------|
| Appointments Sub-Committee    | Two members selected by the Leader from amongst Cabinet Members and Chairs of Scrutiny Boards | The process of selection and appointment and the determination of matters relating to posts below the designation of Director, which are notionally identified as a deputy chief officer of the Council, through the exercise of such functions as are set out in the terms of reference set out in the Council's Constitution, and as may be amended by the Council from time to time | None                   |
| Neighbourhoods Scrutiny Board | 12 members  | To exercise the functions of the Crime and Disorder Committee under the Police and Justice Act 2006 and any regulations made under that Act, through the exercise of such functions as are set out in the terms of reference which are set out in the Council's Constitution, and as may be amended by the Council from time to time   | None                   |

| Committee  | Membership   | Outline of Functions   | Delegation of Function                  |
|--|--|--|---|
| <p style="text-align: center;">Audit<br/>Committee</p> | <p style="text-align: center;">5 Members<br/>plus 1<br/>independent<br/>person</p> | <p>To provide:-</p> <p>Independent assurance of the adequacy of the risk management framework and the associated control environment;</p> <p>Independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment.</p> | <p style="text-align: center;">None</p> |

| Committee  | Membership | Outline of Functions  | Delegation of Function |
|--|------------|---|------------------------|
| <p style="text-align: center;">Audit<br/>Committee<br/>(continued)</p> |            | <p>To oversee the financial reporting process, to be effected through the exercise of such functions as are set out in the terms of reference which are set out in the Council's Constitution, and as may be amended by the Council from time to time.</p> <p>The Committee will be responsible for any of the following functions specified in Schedule 1 to the Functions Regulations, as may be delegated to it in its terms of reference by the Council:-</p> <p>Duty to approve the authority's statement of accounts, income &amp; expenditure, balance sheet and governance statement (145))</p> |                        |

| Committee                           | Membership | Outline of Functions  | Delegation of Function |
|-------------------------------------|------------|---|------------------------|
| Land and Asset Management Committee | 7 members  | To consider and make recommendations to the Council on all matters relating to land and property assets valued at £500,000 and above 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. | None                   |

| Committee                         | Membership  | Outline of Functions   | Delegation of Function |
|-----------------------------------|---|--|------------------------|
| Education Statutory Appeals Panel | 3 or 5 persons selected from a panel of people who meet the requirements specified under the Schools Standards and Framework Act 1998, but who are not members of the Council | To consider and determine appeals:-<br>(a) by parents against a decision of the Local Education Authority not to admit a child to a school or to exclude an child from a school;<br>(b) by Governing Bodies against a decision of the Local Education Authority to admit a child to whom section 87(2) of the Schools Standards and Framework Act 1998 applies | None                   |
| Health and Wellbeing Board        | 13 members [4 members of the Executive plus 3 Sandwell Directors, together with representatives of the local Commissioning Group, Healthwatch and the NHS Commissioning Board | The Board discharges functions set out in Section 195 of the Health and Social Care Act 2012 [duty to encourage integrated working of health and social care services] and Sections 116 and 116a of the Local Government and Public Involvement in Health Act 2007 [producing a joint strategic needs assessment across health and social care services]       | None                   |

### 3 Responsibility for Executive Functions

| Responsibility and Membership   | Functions  | Onward Limits on Delegations  |
|---|--|---|
| <p>The Cabinet which comprises:-</p> <p>Leader of the Council</p> <p>Deputy Leader (Statutory) and Cabinet Member for Finance and Resources</p> <p>Cabinet Member for Adult Social Care and Health</p> <p>Cabinet Member for Children’s Services</p> <p>Cabinet Member for Highways and Environment</p> <p>Cabinet Member for Leisure and the Voluntary Sector</p> <p>Cabinet Member for Regeneration and Economic Investment</p> <p>Cabinet Member for Town and Neighbourhood Services</p> | <p>The functions for which individual Cabinet Members have received delegated authority from the Executive Leader are set out in their portfolios which are set out in the Council’s Constitution, and as may be amended by the Executive Leader</p> | <p>Such functions relating to responsibilities of the Executive Leader which have been delegated to officers are set out in the Scheme of Delegation within the Council’s Constitution and as may be amended by the Executive Leader.</p> |

# **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                        |
| Sandwell and West Birmingham CCG                 | Director of Adult Services       | No                         |
|  | Director of Children's Services  | No                         |
|  | Director of Public Health        | 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 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.

# **Appointments to Committees, Panels and Boards**

**2016/2017**

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## **Town Lead Members (2016/2017)**

(Lab 6)

### **Oldbury**

Vacant (Deputy: S Davies)

### **Rowley Regis**

Vacant (Deputy: B Price)

### **Smethwick**

Vacant (Deputy: Bawa)

### **Tipton**

Hadley (Deputy: Cherrington)

### **Wednesbury**

Costigan (Deputy: O Jones)

### **West Bromwich**

Melia (Deputy: Worsey)

## Scrutiny Boards (2016/2017)

|   |  |
|---|--|
| <p><b>Budget and Corporate Scrutiny Board</b><br/>(7 members)<br/>(Lab 7)</p> <p><b>Chair</b>                      P Sandars</p> <p>   Chairs of 6<br/>   Scrutiny Boards</p>   | <p><b>Children's Services and Education Scrutiny Board</b><br/>(9 members + 4 co-opted members)<br/>(Lab 9)</p> <p><b>Chair</b>                              Underhill<br/><b>Vice-Chair</b>                      Vacant</p> <p>   Allen<br/>   Downing<br/>   Giles<br/>   Hartwell<br/>   Vacant<br/>   Vacant<br/>   Taylor</p> <p>1 Church of England Diocese representative (Reverend P French)</p> <p>1 Roman Catholic Archdiocese representative</p> <p>2 Parent Governor representatives</p> |
| <p><b>Community Safety, Highways and Environment Scrutiny Board</b><br/>(7 members)<br/>(Lab 7)</p> <p><b>Chair</b>                              L Horton<br/><b>Vice-Chair</b>                      Ashman</p> <p>   Allcock<br/>   K Davies<br/>   Goult<br/>   Preece<br/>   R Price<br/>   Taylor</p> | <p><b>Health and Adult Social Care Scrutiny Board</b><br/>(10 members)<br/>(Lab 10)</p> <p><b>Chair</b>                                      Sandars<br/><b>Vice-Chair</b>                              Jarvis<br/><b>Vice-Chair</b>                              Lloyd</p> <p>   Edis<br/>   Giles<br/>   Vacant<br/>   Hartwell<br/>   Vacant<br/>   Phillips<br/>   Piper</p>   |

**Scrutiny Boards (cont)**  
**(2016/2017)**

|  |  |
|--|--|
| <p><b>Housing Scrutiny Board</b><br/> (7 members 1 co-opted member)<br/> (Lab 7)</p> <p><b>Chair</b> P Hughes<br/> <b>Vice-Chair</b> Edis</p> <p>Eaves<br/> Goult<br/> Hevican<br/> S Hosell<br/> S Jones</p> <p>1 Co-opted member</p> | <p><b>Jobs, Economy and Enterprise Scrutiny Board</b><br/> (7 members)<br/> (Lab 7)</p> <p><b>Chair</b> S Jones<br/> <b>Vice-Chair</b> Tagger</p> <p>Ashman<br/> P Davies<br/> Vacant<br/> Gavan<br/> Haque<br/> Millard</p> |
| <p><b>Leisure, Culture and the Third Sector Scrutiny Board</b><br/> (7 members)<br/> (Lab 7)</p> <p><b>Chair</b> Ahmed<br/> <b>Vice-Chair</b> Hevican</p> <p>P Hughes<br/> Jarvis<br/> Lloyd<br/> Phillips<br/> Vacant</p>             |  |



## Planning Committee (2016/2017)

(16 members to be geographically representative)  
(Lab 16)

|                   |                                |
|-------------------|--------------------------------|
| <b>Chair</b>      | Frear (Bristnall)              |
| <b>Vice-Chair</b> | Downing (Oldbury)              |
|                   | Allen (Great Bridge)           |
|                   | Costigan (Wednesbury North)    |
|                   | S Davies (Langley)             |
|                   | Dhallu (West Bromwich Central) |
|                   | R Horton (Soho/Victoria)       |
|                   | P M Hughes (Wednesbury South)  |
|                   | Preece (Charlemont/Grove Vale) |
|                   | B Price (Rowley Regis)         |
|                   | Rouf (Soho/Victoria)           |
|                   | Tagger (West Bromwich Central) |
|                   | Vacant                         |
|                   | Webb (Cradley Heath/Old Hill)  |
|                   | Worsey (Great Barr/Yew Tree)   |
|                   | Garrett (Princes End)          |

## Licensing Committee (2016/2017)

(12 **non-executive** members)  
(Lab 12)

**Chair** Allen

**Vice-Chair** Piper

Bawa  
T Crumpton  
K Davies  
S Davies  
Frear  
Goult  
Hadley  
Lewis  
Preece  
Tranter

## Licensing (Miscellaneous) Committee (2016/2017)

(7 **non-executive** members)  
(Lab 7)

**Chair** Rouf

**Vice-Chair** R Price

Costigan  
S Davies  
P M Hughes  
O Jones  
Sidhu

## Emergency Committee (2016/2017)

(7 members)  
(Lab 7)

|                   |  |
|-------------------|--|
| <b>Chair</b>      | Leader of the Council  |
| <b>Vice-Chair</b> | Deputy Leader  |
|                   | Cabinet Member for Housing<br>Cabinet Member for Children's Services<br>Cabinet Member for Highways and Environment<br>Cabinet Member for Regeneration and Economic Investment |
|                   | Chair of Community Safety, Highways and Environment Scrutiny Board   |

## General Purposes and Arbitration Committee (2016/2017)

(7 **non-Executive** members)  
(Lab 7)

|                   |   |
|-------------------|---|
| <b>Chair</b>      | Dhallu  |
| <b>Vice-Chair</b> | Haque   |
|                   | S Crumpton<br>P Davies<br>S Hosell<br>Meehan<br>Melia |

## Joint Consultative Panel (2016/2017)

(6 members)  
(Lab 6)

|              |            |
|--------------|------------|
| <b>Chair</b> | Vacant     |
|              | T Crumpton |
|              | Dhallu     |
|              | Frear      |
|              | L Horton   |
|              | Taylor     |

## Standards Committee (2016/2017)

(8 elected members including 1 member of the Executive (**excluding Leader**))  
(Lab 8) + 3 independent persons

|                   |                                    |
|-------------------|------------------------------------|
| <b>Chair</b>      | Lewis                              |
| <b>Vice-Chair</b> | S Crumpton                         |
|                   | Ahmed                              |
|                   | Vacant for member of the Executive |
|                   | Dhallu                             |
|                   | L Horton                           |
|                   | Sandars                            |
|                   | Underhill                          |
|                   | (+ 3 independent persons)          |

## Audit Committee (2016/2017)

(5 members) +1 independent member.  
(Lab 5)

|              |                         |
|--------------|-------------------------|
| <b>Chair</b> | Sidhu                   |
|              | Vacant                  |
|              | Vacant                  |
|              | Jaron                   |
|              | Vacant                  |
|              | (+1 independent member) |

## Land and Asset Management Committee (2016/2017)

(7 members)  
(Lab 7)

|              |          |
|--------------|----------|
| <b>Chair</b> | Gavan    |
|              | Costigan |
|              | Edis     |
|              | Eling    |
|              | P Hughes |
|              | Moore    |
|              | Taylor   |

## Chief Officer Terms and Conditions Committee (2016/2017)

(7 members)  
(Lab 7)

**Chair**                      Leader of the Council

**Vice-Chair**              Deputy Leader

Five members drawn from the remaining relevant Cabinet Members or chairs or vice-chairs of relevant boards/committees/panels.

### **Chief Officers Appointments Sub-Committee**

Two members selected by the Leader from amongst Cabinet Members and Chairs of Scrutiny Boards to deal with appointments to and the determination of matters relating to posts designated as service manager tier 2.

## Health and Wellbeing Board (2016/2017)

(4 members)  
(Lab 4)

Leader of the Council  
Cabinet Member for Children's Services  
Cabinet Member for Public Health and Protection  
Cabinet Member for Social Care

Other Board members as agreed by Council on 5 March, 2013:-

NHS Commissioning Board:

One representative of the NHS England - Birmingham, Solihull and the Black Country Area Team (without voting rights)

Sandwell and West Birmingham Clinical Commissioning Group:

Four representatives (three with voting rights and one without voting rights)

Healthwatch Sandwell:

One representative (with voting rights)

Other Board member as agreed by Council on 15 April, 2014:-

One representative of West Midlands Police (without voting rights)

One representative of Sandwell Council of Voluntary Organisations (without voting rights)

## Cabinet Petitions Committee (2016/2017)

(8 members)  
(Lab 8)

**Chair** To be nominated by the Leader  
  
All members of the Cabinet

## Constitution Working Group (2016/2017)

(7 members)  
(Lab 7)

**Chair** Eling  
  
Vacant for member of the Cabinet  
Edwards  
Vacant  
Hackett  
L Horton  
Lewis



## Member Development Working Group (2016/2017)

(6 members)  
(Lab 6)

**Chair**      Eling  
  
                 Allen  
                 Edwards  
                 L Horton  
                 Shackleton  
                 Y Davies

## Cabinet Working Group for Development of Leisure Facilities (2016/2017)

(5 members)  
(Lab 5)

Vacant  
Vacant  
Eling  
Moore  
Khatun

**Sandwell Residential Education Service  
Cabinet Group  
(2016/2017)**

(5 members)  
(Lab 5)

Vacant  
Hackett  
L Horton  
Moore  
Underhill

**Children's Services Executive Support Group  
(2016/2017)**

(4 members)  
(Lab 4)

Vacant  
Eling  
Hackett  
Moore

Participating Observers: Chair and Vice-Chair of Children's  
Services and Education Scrutiny Board.

## Strategic Waste Partnership Board (2016/2017)

(2 members)  
(Lab 2)

Vacant  
Eling

(and representatives of Serco)

## Ring and Ride Member Working Group (2016/2017)

(3 members)  
(Lab 3)

**Chair:** Vacant  
  
Eling  
Khatun

# **Members' Allowances Scheme 2016/17**

# **A p p e n d i x E**

# **Sandwell Metropolitan Borough Council**

## **MEMBERS' ALLOWANCES SCHEME**

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## 1. Introduction

- 1.1 This Members' Allowances Scheme is in accordance with the statutory provisions in the Local Government and Housing Act 1989, the Local Government Act 2000 and the Local Authorities (Members' Allowances) (England) Regulations 2003.

The Council has had regard to the recommendations of the Independent Panel on Members' Remuneration of May 2012. The Panel is the independent remuneration panel required to be established by the Regulations.

The scheme is reviewed annually.

### 1.2 Definitions

"Regulations" means the Local Authorities (Members' Allowances) (England) Regulations 2003 and any Regulations which may from time to time replace, amend or revoke them.

"Standing Body" means in accordance with the Council's constitution, committees, sub-committee boards or panels comprising members of the Council or other persons established to deal with functions which are neither reserved to the Council nor are executive functions.

- 1.3 Sections 2 to 18 of this Scheme describe the types of allowances which may be paid to members and the arrangements for administering the Scheme.
- 1.4 Section 19 contains a Schedule of Allowances approved by the Council. The Schedule will be re-issued annually and at any time when the Scheme is amended.

### 1.5 Approved Duties

The following duties which are for the purpose of or in connection with the discharge of the functions of the Council will be regarded as approved duties for the payment of allowances in accordance with the legal definitions as specified in the Regulations.

- A. Attendance at a meeting of the Council or of any Standing Body of the Council.

- B. Attendance at a Joint Committee established by the Council and one or more other authorities or standing body or working group established by such a Joint Committee.
- C. Attendance at meetings of working groups established by the Council.
- D. Attendance at meetings to which the Council or a standing body of the Council makes appointments or nominations, or of any sub-committee or working group established by such a body.
- E. Attendance at meetings of any association of authorities of which the Council is a member or of any standing body or working group established by such an association.
- F. Attendance at any body within the Council's Constitution where a Member has been invited to attend by the Proper Officer.
- G. Attendance at meetings of Single Party Working Groups provided that:-
  - (i) such groups have been formally established by the Council or a standing body of the Council for the purpose of considering only Council business; and
  - (ii) that the opportunity to establish such groups is offered to all political groups represented on the Council.
- H. Attendance at meetings outside the Sandwell Council House, Oldbury by a Councillor in connection with the role for which a Special Responsibility Allowance is paid and who have elected to be a member of the Council's Transport Protocol. (see paragraph 5.3)
- I. Attendance at site visits or visits to Council or other establishments provided that the visit has been authorised in advance by the Council or a standing body of the Council.
- J. Attendance at a meeting of any outside body to which the Council makes appointments or nominations or of any standing body of such a body.
- K. Attendance at meetings of statutory bodies or fora to which members are appointed or nominated by the Council or a decision making body of the Council, standing body or other Fora of the Council

- L. Attendance at seminars organised by the Council provided that the event is authorised in advance by the Council or a decision making body of the Council, standing body or other Fora of the Council.
- M. Attendance at training sessions organised by the Council for members.
- N Attendance at public consultation meetings provided that such a meeting has been authorised in advance by the Council or a decision making body of the Council, standing body or other Fora of the Council.
- O. Attendance as a representative of the Council at ceremonies where either the Council, or a service area of the Council, or the Borough is nominated for an award.
- P. Attendance as a representative of the Council or as a member of a Council delegation at meetings with or receptions for representatives of Government Departments or Statutory Bodies or visitors from abroad.
- Q. Attendance at meetings held at the request of the Local Government Ombudsman.
- R. Attendance as a witness on behalf of the Council at an Employment Tribunal or at any judicial proceedings.
- S. The Director - Governance Services, following consultation with the Leader, be authorised to determine those other duties which are to be regarded as “approved duties”, in connection with the provision of transport outside the West Midlands Conurbation area and the payment of Carers’ and Subsistence Allowances, provided that approval is given before the duty is performed.

Duties which are not “approved duties”

The following duties will NOT be regarded as “approved duties” for the payment of allowances:-

- A. Attendance at Agenda meetings.
- B. Attendance at other meetings with Directors or other Senior Officers to discuss Council business.
- C. Attendance by Cabinet Members, Chairs and Vice-Chairs at Council service areas for which they have responsibility, save those allowed for in paragraph 1.5 (H).
- D. Attendance at political group meetings



- E. Attendance at meetings of School Governing Bodies.
- F. Attendance at Ward Surgeries.
- G. Attendance at meetings of any body within the Council's Constitution at which they are not a member or have not been invited to attend by the Proper Officer.
- H. Attendance at consultative meetings for wards/local areas.
- I. Attendance at meetings which are not listed as approved duties and in respect of which prior approval has not been given by the Council.

## **2. Basic Allowance**

- 2.1 This is a basic, flat rate allowance payable to all Members of the Council. The allowance is the same for each Member and is paid in monthly instalments, in arrears, throughout the year.
- 2.2 Where the term of office of a member begins or ends otherwise than at the beginning or end of the Municipal Year, beginning with the Annual Meeting of the Council, his/her entitlement to payment shall be pro rata to the number of days served.
- 2.3 Basic allowance is intended to recognise the time commitment of all members, including such inevitable calls on their times as meetings with officers and constituents and attendance at standing bodies of the Council. It is also intended to cover the cost of travel and subsistence within the West Midlands Conurbation area (i.e. within the boundaries of Birmingham, Coventry, Dudley, Sandwell, Solihull, Walsall and Wolverhampton). The basic allowance is also intended to cover fixed telephone rental and calls and other incidental costs such as the use of their homes. All members are entitled to an allowance of £15 per month to cover broadband provision for internet connection.
- 2.4 To assist in the introduction of the Council's paperless agenda, each Councillor will receive a monthly allowance to offset the increased costs to them of procuring, insuring and using tablet technology to further the paperless agenda.

### **3. Special Responsibility Allowance**

- 3.1 Special Responsibility Allowances (SRAs) may be paid to those members who have significant responsibilities. The Regulations prescribe the categories of responsibility for which SRAs may be paid.
- 3.2 The Council has determined that SRAs be paid to members holding the posts detailed in the attached Appendix.
- 3.3 Where a member undertakes duties which could entitle him/her to more than one SRA under this Scheme then he/she shall receive only the higher allowance.
- 3.4 Where a member does not have, throughout the whole of a year, any such responsibilities as entitle him/her to a SRA, his/her entitlement shall be to payment pro rata to the length of time he/she holds the special responsibility.

### **4. Dependants' Carers' Allowance**

- 4.1 A dependants' Carers' Allowance is payable to those elected members who incur expenditure for the care of their children or other dependants whilst undertaking particular approved duties as set out in paragraph 1.5 of this Scheme.
- 4.2 The amount of the dependants' carers' allowances payable in respect of approved duties will be the actual costs incurred up to a total annual maximum amount of 10% of elected members' basic allowance.

### **5. Travelling and Subsistence Allowance**

- 5.1 Travel and subsistence is payable in connection with undertaking duties specified by the Council. The duties specified are those set out in paragraph 1.5 of this Scheme.
- 5.2 No separate amount will be payable for travel and subsistence within the West Midlands Conurbation Area. The basic allowance will be deemed to include an element for travel and subsistence.
- 5.3. Members electing to use Council Transport
  - 5.3.1 Elected Members may opt to use Sandwell M.B.C. drivers to transport them on approved duties within the West Midlands area ('pool transport'). A charge will be levied for this service.

5.3.2 At the beginning of each Municipal Year Members will state whether or not they wish to use pool transport. Those Members who decide to register as a user will have an amount of £500 deducted from their annual allowance.

5.3.3 A banding and charge in respect of the level of annual usage will be set at the following rates: -

| Level of Use of Transport | Number of return journeys made in West Midlands Conurbation | Annual Charge |
|---------------------------|---|---------------|
| Low (Emergency service)   | 1/3 return journeys per year                                | Nil           |
| Medium                    | 4 – 99 return journeys per year                             | £200          |
| Medium-High               | 100-200 return journeys per year                            | £300          |
| High                      | 201 and over return journeys per year                       | £500          |

5.3.4 Elected Members will be issued with a confirmation ticket with details of the journey and a log will be maintained of all journeys undertaken in the Municipal Year.

5.3.5 At the end of the Municipal Year, the Member Services Unit will advise each Member of the band of charges applicable to the total journeys made in the year. In the final allowance payment at the end of the Municipal Year an adjustment relating to the unused portion of the £500 will be released in respect of all members given a banding of low, medium or medium high usage.

5.3.6 To ensure efficient use of resources, elected members are required to give 24 hours notice when booking transport.

Should elected members be unable to provide 24 hours notice the Members' Services Unit will endeavour to provide transport. Should a driver not be available then elected members will be responsible for booking and paying for private transport arrangements.

5.3.7 Bookings made and subsequently unused without prior notification to the drivers will be counted as a journey for payment purposes.

5.3.8 The Leader, Cabinet, Mayor and Deputy Mayor (or their nominated representatives) in their roles as ambassadors and representatives for Sandwell MBC will be entitled to the provision of transport without charge.

5.3.9 Any exceptions to the scheme will be authorised by the Director - Governance or any duly authorised officer acting on his/her behalf.

#### 5.4 Travel and subsistence outside the West Midlands Conurbation area

Members required to travel outside the West Midlands Conurbation area to undertake the duties specified in paragraph 1.5 of this Scheme are encouraged to travel by public transport. The costs of such travel if incurred by members will be reimbursed. Alternatively the Council will obtain and pay for travel warrants or tickets for use by members.

Where it is not practicable to use public transport, mileage rates applicable to members will be reimbursed.

Where members are unable to take main meals i.e. breakfast, lunch and dinner, in their normal place, they may claim a Subsistence Allowance, not exceeding the prescribed rates which are available via Members Services.

### **6. Mobile Telephones**

6.1 The Council will provide mobile telephones and reimburse expenses related to their use in order to assist Councillors in the discharge of their statutory and policy making functions:

- The Council through its Members Services Unit will issue mobile telephones for Councillors to conduct Council business.
- All elected members are eligible to be issued with a mobile telephone.
- Upon issue of a mobile telephone, the user must comply with all legislation covering the safe and effective use of mobile telephones.
- All mobile telephones are purchased on behalf of the Council, shall be acquired through Members' Services and remain the property of the Council unless Members have contributed to the cost of the device.

- Any upgrades relating to handsets authorised will not alter the ownership arrangements as detailed above.
- Members' Services will be responsible for all costs associated with the initial purchase of mobile telephones (within the stated framework) as well as the ongoing funding associated with maintenance.
- Cabinet Members supplied with smart phones for the purposes of undertaking their portfolio responsibilities will not have to contribute to the cost of the devices.
- It is the responsibility of the Members' Services Manager to maintain adequate control of the supply and costs associated with mobile telephones.
- The Members' Services Unit will maintain and update records of all supplied mobile phones including the names and locations of registered users.
- All Members will abide by the agreed protocols and procedures in relation to mobile telephones.

## **7. Conferences and Seminars**

7.1 Sandwell MBC will provide support to enable all elected members to attend two external conferences/ seminars per Municipal Year in connection with Council business, in addition to events organised by the West Midlands Local Government Association.

7.2 All elected members will submit an application form (Conference 1) providing full details of the Conference/Seminar and proposed method of travel, to the Members Services Unit. Elected members will be asked to detail the perceived benefits of attending the conference/seminar.

A condition of approval being granted will be the consent of elected members to complete an Evaluation Form upon their return.

7.3 Approval in each instance is to be provided by the Director - Legal and Governance Services, in consultation with the appropriate Senior Member.

7.4 All of the costs associated with attendance at conferences and seminars will be funded from the Members Services budget for non-portfolio specific events.

- 7.5 The conference or seminar fee for portfolio specific events is to be met by Service Areas on the agreement of the appropriate Service Director. All other costs associated with the event are to be met by Members Services.
- 7.6 Any requests by a member to attend more than two external conferences/seminars in one Municipal Year and any disputes over whether an event is “in connection with Council business” will be referred to the Director - Governance in consultation with the Leader of the Council.
- 7.7 Elected members will travel by the most appropriate class of travel having regards to cost and suitability.

## **8. Co-optees Allowance**

- 8.1 The Council has decided not to pay any allowance to co-opted members of the Council (i.e. a person who, not being an elected Member of the Council, has been appointed to membership of a standing body of the Council) in respect of attendance at meetings.
- 8.2 Co-opted members of standing bodies will be entitled to claim travel and subsistence costs.
- 8.3 Co-opted members of standing bodies may claim Dependant Carer’s Allowance up to a total annual cost of 10% of the elected Members’ basic allowance.

## **9. Foregoing of Allowances**

- 9.1 A member may forego all or part of any allowances to which they are entitled under this Scheme. Notice, in writing, must be given to the Members Service Manager.

## **10. Amendments to the Scheme**

- 10.1 The Members' Allowances Scheme will be reviewed annually. If the scheme is amended and any amendment is made which affects an allowance payable for the year in which the amendment is made then entitlement to such allowance as amended may apply (if the Council so determines) with effect from the beginning of the Municipal Year in which the amendment is made or any other date in that year as is determined by the Council.

## **11. Annual Adjustment of Allowance levels**

- 11.1 Basic and Special Responsibility Allowances will be varied with effect from 1<sup>st</sup> April each year in line with the National Joint Council for Local Government Services pay award (as negotiated between the National Joint Employers and National Joint Trade Unions) unless the Council determines that allowances should be frozen, withdrawn or otherwise not paid for any reason.

## **12. Tax and National Insurance treatment of Members' Allowances**

- 12.1 In respect of income tax and national insurance purposes members (councillors and non councillors) will be treated in the same way as any other individual who holds an office or is an employee. Guidance received by the Council will be made available to members who should contact their assigned tax office for advice as necessary.

## **13. Amendments and Revocation of the Scheme**

- 13.1 Each year the Council will review the scheme as required by the Regulations for the payment of allowances in respect of the year.
- 13.2 The Scheme may be amended at any time, but may only be revoked with effect from the beginning of a year.

## **14. Claims and Payment Timescales**

- 14.1 Claims for dependants' carers' allowance, travelling and subsistence outside the West Midlands Conurbation allowance must be claimed within one month of the date on which entitlement to the allowance arose.

- 14.2 Any claims received later than one month following the date on which the entitlement arose will be considered by the Service Manager - Governance.
- 14.3 Unless otherwise agreed, payment of the basic allowance and SRAs will be made monthly in arrears.
- 14.4 Members can request the Director - Governance to backdate a claim but for no longer than a six month period from the date on which the request is made.

**15. Records of Allowances**

- 15.1 The Council will keep a record of payments made by it in accordance with the Scheme. The record will contain the information required by the Regulations.
- 15.2 As soon as reasonably practicable after the end of a year to which the Scheme related the Council will publish details in accordance with the Regulations of allowances paid.

**16. Publicity**

- 16.1 The Council will, as soon as reasonably practicable after making the Scheme or any amendment thereto, make arrangements for publication as required by the Regulations.

**17. Schedule of Allowances  
(see over)**



## Members Allowance Scheme Proposed Schedule of Allowances

| <u>Title</u>   | <u>£</u> |
|--|----------|
| Leader   | 26,278   |
| Deputy Leader (90% of LA)  | 23,650   |
| Cabinet Member (60% of LA)   | 15,768   |
| Scrutiny Board Chair (33.3% of LA)   | 8,751    |
| Scrutiny Board Vice Chair (20% of LA)                                      | 5,256    |
| Chair of Planning Committee (50% of LA)                                    | 13,139   |
| Vice Chair of Planning Committee<br>(45% of Chair of Planning's Allowance) | 5,913    |
| Chair of Licensing Committee (33.3% of LA)                                 | 8,751    |
| Vice Chair of Licensing Committee (20% of LA)                              | 5,256    |
| Chair of Licensing Miscellaneous (33.3% of LA)                             | 8,751    |
| Vice Chair of Licensing Miscellaneous (20% of LA)                          | 5,256    |
| Chair of General Purposes and Arbitration<br>Committee (20% of LA)         | 5,256    |
| Vice Chair of General Purposes and Arbitration<br>Committee (10% of LA)    | 2,628    |
| Chair of Land and Asset Management (20% of LA)                             | 5,256    |
| Chair of Audit Committee (20% of LA)                                       | 5,256    |
| Town Lead Member (33.3% of LA)   | 8,751    |
| Deputy Town Lead Member (20% of LA)  | 5,256    |
| Chair of Standards Committee (33.3% of LA)                                 | 8,751    |
| Vice Chair of Standards Committee (10% of LA)                              | 2,628    |
| Adoption/Fostering Panel Councillor representative<br>(20% of LA)          | 5,256    |
| Chair of Joint Consultative Panel (20% of LA)                              | 5,256    |

| Leader of Main Opposition Party (Variable) | % of size of controlling group | Rate<br>£ |
|--|--------------------------------|-----------|
|  | 5 (min)                        | 1,314     |
|  | 10                             | 2,627     |
|  | 15                             | 3,942     |
|  | 20                             | 5,256     |
|  | 25                             | 6,569     |
|  | 30                             | 7,883     |
|  | 35 (max)                       | 9,197     |
| Ceremonial Mayor                           | 20,000                         |           |
| Ceremonial Deputy Mayor                    | 0                              |           |

Basic Allowance

£10,620

(LA = Leader's Allowance)

# **Council's Petition Scheme 2016/17**

# **A p p e n d i x F**

# Petition Scheme

The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.

## How to Submit a Petition to the Council

Your petition must be signed by at least ten people who live, work or study in the authority's area (including under 18s) and must relate to a function of the authority, or to an improvement in the economic, social or environmental well-being of the authority's area to which any of its partner authorities could contribute. This could include complaints about antisocial behaviour, or about the way we have provided a service, for instance, refuse collection or highway repairs. You can find more information on the services for which the council is responsible on the [Council's website](#).

Your petition should contain a contact name and address for the petition organiser which is clearly legible (a sample form is attached to this guidance note for your convenience). This is the person we will contact to explain how we will respond to the petition. Your petition must clearly state what action you want the Council to take. People who sign the petition **must** give their name and full address including post code (where you live, work or study). The Council will hold this information but will not disclose any personal information to any third party unless required to do so by law.

Full details of petitions received and their outcomes are published on the [Council's website](#), however, contact details of the petition organiser will not be placed on the website.

## 1. **Where to submit a petition to the Council**

Petitions from members of the public can be delivered to the Council in one of the following ways:

- (a) by delivering the petition to [a councillor](#) representing the ward in which the head petitioner resides, or where the head petitioner is not a Sandwell resident, the ward affected by the subject of the petition;
- (b) by delivering the petition to the Town Lead Member (see Appendix 1) for the town most relevant to the subject of the petition;
- (c) by delivering the petition directly to the Chief Executive or the offices of the relevant service area.

A petition will be considered closed at the date it is submitted to the Council, no further signatures can be added to the petition at a later date.

## 2. **Validity of petitions**

Your petition must contain at least ten signatures to be considered under this scheme.

Petitions will not be considered in the following circumstances:

- (1) if the petition is considered to be vexatious (tending to cause trouble or harassment by disproportionate or unjustified disruption, irritation or distress and taking into account the content and history of the request);
- (2) if the petition is considered to be discriminatory as defined within equalities legislation;
- (3) if the petition contains statements which are considered to be false or defamatory, or language considered to be offensive, abusive or aggressive;

- (4) if the petition relates to a quasi judicial matter (eg a planning or licensing decision), or is a petition submitted under specific legislation (eg requesting a petition for a referendum on having an elected mayor), or on a matter where there already exists a right of appeal (such as council tax banding and non-domestic rates), in which case the petition will be passed on to the appropriate theme for action;

However, failure to deliver services in these areas remains within the scope of the Council's duty to respond, for example, a petition on an individual planning application would not be considered, but a petition about the Council's failure to deliver an effective service for planning applications would be considered.

- (5) if the petition relates to a matter where an individual has a statutory right of appeal or legal recourse to a review;
- (6) where the Director – Governance considers that the petition relates to the personal circumstances of an identifiable resident(s), a recipient(s) of a Council service or an employee or office holder against whom there is some personal enmity, in which case the matter will be referred direct to the relevant service area for consideration;
- (7) if the petition relates to the conduct of a member or officer it will be dealt with under the Member Code of Conduct or officer disciplinary process, as appropriate;
- (8) duplicate petitions or petitions which are substantially similar to one already lodged by, or on behalf of, the same person/organisation will be inadmissible unless circumstances have changed since the response to the original petition.

The relevant Cabinet Member, in consultation with the Monitoring Officer, will make the decision on the basis of the criteria set out above as to whether a petition is rejected and the decision will be communicated to the petitioner organiser, without consideration of the issue, setting out the reasons for rejection. There is no right of appeal to the decision to reject the petition in accordance with the scheme.

If your petition cannot be dealt with under this process we will let you know and advise you of any steps you can take. If possible, the issue will be referred into the Council's customer feedback process for investigation and response.

In the period immediately before an election/referendum we may need to deal with your petition differently, if this is the case we will explain the reasons and discuss the revised timetable which will apply. The decision to defer consideration of a petition during this period will be made by the Monitoring Officer whose decision is final.

### 3. **What Happens Next**

If you hand your petition to a Councillor and the petition raises strategic/policy issues or has Borough-wide significance, the Councillor may present the petition direct to a full Council meeting. The petition will then be passed to the Council's Democratic Services Unit where it will be logged, acknowledged and passed to the appropriate service area/partner organisation for action.

If the petition relates to an issue of local concern, the Councillor will pass it straight to Democratic Services where it will be logged, acknowledged and passed to appropriate service area/partner organisation for attention.

All petitions of a non-strategic nature will be brought to the attention of the relevant neighbourhood partnership co-ordinator who will, where appropriate, work with the service area/partner organisation to try to resolve the issues raised in the petition.



Once your petition has been received by the Council, you can expect to receive an acknowledgement letter within 10 working days letting you know what we plan to do with the petition and when you can expect to hear from us again.

We aim to give you a response on the issues raised in your petition within 60 calendar days unless there are extenuating circumstances. In this case officers will apply to the relevant Cabinet Member for an extension of this timescale.

### **Full Council debates**

If a petition contains 3,000 signatures or more, it will be debated by full Council (unless it is a petition asking for a senior Council officer to give evidence at a public meeting). This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend. The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. The petition organiser will be informed of the date and time of the Council meeting. The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by councillors for a maximum of 15 minutes. The Council can extend the time allowed for discussion if it sees fit.

The Council will decide how to respond to the petition at this meeting. It may decide:

- to take the action the petition requests; or
- not to take the action requested for reasons put forward in the debate; or
- to commission further investigation into the matter, for example, by a relevant committee or scrutiny body; or
- where the issue is one on which the Council executive is required to make the final decision, the Council will decide whether to make recommendations to inform that decision.

The petition organiser will receive written confirmation of the Council's decision. This confirmation will also be published on our website.

## **Officer evidence**

Your petition may ask for a senior officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision.

If your petition contains 1500 signatures or more, the relevant senior officer/s will give evidence at a public meeting of the relevant scrutiny body. You should be aware that the scrutiny body may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition - for instance, if the named officer has changed jobs. The scrutiny body may also decide to call the relevant cabinet member to attend the meeting. The petition organiser will be advised of the time and date of the meeting and how the meeting will be conducted. Councillors will ask the questions at this meeting. Members of the public may also ask questions at the Chair's discretion. However, it would be useful if you could provide any questions you may have to the Democratic Services Unit on 0121 569 3193 up to three working days before the meeting.

## **Other petitions**

All petitions received (with the exception of those requiring a Council debate or requesting a senior officer to give evidence) will be reported to the next available meeting of the Cabinet Petitions Committee.

The petition organiser will be advised of the date of the meeting when the petition will be considered and will be invited to attend and address the Committee in support of the petition, if they so wish.

You will be informed of the final outcome of the petition as soon as possible.

Our response to a petition will depend on what the petition asks for and how many people have signed it, but it may include one or more of the following:

- taking the action requested in the petition;
- considering the petition at a Council meeting;
- holding an inquiry into the matter;
- undertaking research into the matter;
- holding a public meeting;
- holding a consultation;
- holding a meeting with petitioners;
- referring the petition for consideration by the relevant scrutiny body (scrutiny bodies hold the Council's decision makers to account);
- calling a referendum;
- writing to the petition organiser setting out our views about the request in the petition.

In addition to these steps, the Council will consider all the specific actions it can potentially take on the issues highlighted in the petitions.

If your petition is about something over which the Council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body.

The Council works with a large number of local partners (see Appendix 2) and where possible will work with these partners to respond to your petition.

If we are not able to do this for any reason (for example if what the petition calls for conflicts with Council policy) then we will set out the reasons for this to you.

If your petition is something that a different council is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other council, but could involve other steps. In any event we will always notify you of the action we have taken.

By the end of the process the petition organiser will have been notified in writing of the steps the Council has taken or proposes to take in response to the petition and of the Council's reasons for doing so.

To ensure that people know what we are doing in response to the petitions we receive, the details will be published on our [website](#), except in cases where this would be inappropriate.

## **What can I do if I feel my petition has not been dealt with properly?**

If you feel that we have not followed the process set out in the petitions scheme properly, the petition organiser has the right to request that the appropriate scrutiny body review the matter. We will ensure that a different scrutiny body deals with the review if your petition has already been considered by a scrutiny body. You will be notified of the date of the meeting where your request for a review will be considered and your right to attend.

Should the scrutiny body decide that we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the Council Executive or arranging for the matter to be considered at a meeting of the full Council.

Once the appeal has been considered the petition organiser will be informed of the results within 5 working days and the results of the review will be published on our website.

## **If you need more assistance**

If you have any queries regarding the petitions process please contact Trisha Newton in the Democratic Services Unit on 0121 569 3193.

## Appendix 1

### Town Lead Members

|                      |            |
|----------------------|------------|
| <b>Oldbury</b>       | (Deputy: ) |
| <b>Rowley Regis</b>  | (Deputy: ) |
| <b>Smethwick</b>     | (Deputy: ) |
| <b>Tipton</b>        | (Deputy: ) |
| <b>Wednesbury</b>    | (Deputy: ) |
| <b>West Bromwich</b> | (Deputy: ) |

Contact details for the above can be found on the [Council's website](#).

## **Partner Organisations**

The following are listed by the Local Government and Public Involvement in Health Act 2007 as partner authorities.

West Midlands Fire Service  
West Midlands Police  
Sandwell and West Birmingham NHS Hospital Trust  
Sandwell Mental Health and Social Care Foundation Trust  
West Midlands Ambulance Trust  
The Local Probation Board  
The Youth Offending Team  
The Arts Council for England  
The English Sports Council  
The Environment Agency  
The Health and Safety Executive  
The Historic Buildings and Monuments Commission  
(English Heritage)  
The Learning and Skills Council for England  
The Museums, Libraries and Archives Council  
Natural England

## **Other Partners**

Sandwell Leisure Trust  
Riverside Housing



## **Public Petition**

To ensure that your petition is dealt with as quickly and efficiently as possible, please complete the following information and attach it to your petition.

|   |
|---|
| <b>1. Name and contact details of principal/head petitioner</b><br>(If applicable, please specify the name of the organisation on whose behalf the petition is raised. Please also include telephone numbers if possible) |
|   |
| <b>2. Petition Title</b>  |
|   |
| <b>3. What action do you want the Council to take?</b>  |
|   |
| <b>4. Any previous action taken to resolve issues referred to in the petition</b>   |
|   |
| <b>5. Any additional information in support of the petition</b>   |
|   |

Please inform your signatories that their details will be passed to the Council or one of its partner organisations as appropriate to ensure effective consideration of the matters raised in the petition.

### **Petition title**

|           |   |
|-----------|---|
| Signature | Name and full postal address including postcode |
|           |   |



# Member Code of Conduct

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**The Code of Conduct  
for Members and Co-Opted Members**

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**together with**

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**The Rules for  
Registration of Interests  
and  
Conflicts of Interest**

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*Revised 24 May 2016  
Adopted with effect from 6 June 2016*

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# **Members' Code of Conduct**

## **FOR MEMBERS AND CO-OPTED MEMBERS OF THE AUTHORITY**

### **PART I**

#### **Purpose of the Code**

1. Sandwell Council (“The authority”) has adopted the following code dealing with the conduct that is expected of members and co-opted members of the authority (“members”) when they are acting in that capacity as required by section 27 of the Localism Act 2011 (“the Act”).
2. The authority has a statutory duty under the Act to promote and maintain high standards of conduct by members and the Code sets out the standards that the authority expects members to observe.
3. The Code is not intended to be an exhaustive list of all the obligations that are placed on members. It is the responsibility of individual members to comply with the provisions of the Code as well as such other legal obligations as may apply to them from time to time. Failure to do so may result in a sanction being applied by the authority. Failure to take appropriate action in respect of a disclosable pecuniary interest may result in a criminal conviction and a fine of any amount and/or disqualification from office for a period of up to 5 years.
4. The code is intended to be consistent with the seven principles as attached to this code at Appendix C and applies whenever a person is acting in his/her capacity as a member of the authority or co-opted member in the conduct of the authority’s business or acting as a representative of the authority.

## Definitions

5. In this Code “meeting” means any formal meeting of— (a) the authority; (b) the executive of the authority; (c) any of the authority’s or its executive’s committees, sub-committees, joint committees, joint sub-committees, or area committees. It also means any informal meeting, which is not a formal meeting under the Council’s constitution but which has been arranged in advance where authority business is being discussed between members or between members and officers.
6. In this Code a ‘member of your family’ includes the following relationships of the member, the member’s spouse or the member’s civil partner or any person with whom you are living as husband and wife or as if you were civil partners: a son/daughter (including a biological son/daughter, stepson/daughter, adopted son/daughter or male/female child for which the person has custodial responsibilities), mother, father, brother or sister, a niece, nephew, aunt, uncle, grandchild, grandparent
7. In this Code ‘a person with whom you have a close association’ means someone that you are in either regular contact with over a period of time or a significant contact who is more than an acquaintance or can be considered to be a friend, a colleague, a business associate or someone whom you know through general social contacts.

## PART II

### Rules of Conduct

#### 1. Behaviour

- 1.1 You must act solely in the public interest and should never improperly seek to confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a close associate, an employer or a business carried on by you.

- 1.2 You must not place yourself under a financial or other obligation to outside individuals or organisations that may influence you in the performance of your duties
- 1.3 You must not disclose any information given to you as a member in breach of any confidence.
- 1.4 You must not prevent another person from gaining access to information to which that person is entitled by law.
- 1.5 You must not bring your office or your authority into disrepute
- 1.6 You must treat others with respect and must promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their sex, race, age, religion, gender, sexual orientation or disability
- 1.7 You must not bully any person
- 1.8 You must not intimidate or attempt to intimidate any person who is or is likely to be -
  - (i) a complainant,
  - (ii) a witness, orinvolved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct;
- 1.9 You must respect the impartiality and integrity of the authority's statutory officers and its other employees.
- 1.10 When carrying out your public duties such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, you must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

1.11 You must only use the resources of the authority in accordance with its requirements. In particular you must ensure, when using or authorising the use by others of the resources of your authority, that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

1.12 You must promote and support high standards of conduct when serving in your office.

## **2. Registration of interests**

2.1 You must, within 28 days of taking office as a member or co-opted member, register with the Monitoring Officer the interests which fall within the categories set out in Appendices A (disclosable pecuniary interests) and B (other registerable interests).

2.2 You must, within 28 days of becoming aware of it, register with the Monitoring Officer any change to interests or new interests which fall within the categories set out in Appendices A and B.

2.3 You must, within 28 days of taking office as a member or co-opted member, register with the Monitoring Officer the names of any members of your family or close associates who either work for the Council or have a contractual relationship with the Council, within 28 days of becoming aware of it, register with the Monitoring Officer any changes to such interests or any new such interests.

## **3. Declaration of interests at meetings and when acting alone**

3.1 Where a matter arises at a meeting which relates to an interest in Appendix A ('disclosable pecuniary interests') you must declare the existence and nature

of the interest even where it has been entered in the authority's register, unless the matter is a 'sensitive interest' as described by the Localism Act 2011. Unless a dispensation has been granted, you must then leave the meeting room and may not participate in any discussion, vote on, or discharge any function related to the matter. Where the matter is a 'sensitive interest' you do not need to declare the nature of the interest but must still withdraw from the meeting without participating. When acting alone declare the interest and do not take any steps, or any further steps in relation to the matter.

- 3.2.1 Where a matter arises at a meeting which relates to or affects an interest in Appendix B ('other registerable interests') you must declare the existence and nature of the interest unless it is a sensitive interest. When acting alone declare the interest and do not take any steps, or any further steps in relation to the matter.
- 3.2.2. Where a matter arises at a meeting which relates to or affects either the employment with the Council or any contractual arrangement with the Council of a member of your family or close associate you must declare the existence and nature of the interest unless it is a sensitive interest. When acting alone declare the interest and do not take any steps, or any further steps in relation to the matter
- 3.3 Where a matter arises at a meeting or when acting alone which relates to or affects a financial interest of you, a family member or close associate (and it is not a disclosable pecuniary interest, other registerable interest or relating to or affecting a family member's or close associate's work for the Council or contractual relationship with the Council) you must declare the existence and nature of the interest unless it is a sensitive interest



- 3.4 Where the matter relates to or affects the interest under paragraph 3.2 or 3.3 more than the majority of people in the area affected by the decision and a reasonable member of the public would think your view of the public interest would be so adversely affected, you must then leave the meeting room and may not vote on, or discharge any function related to the matter unless a dispensation has been granted. You may speak on the matter only if members of the public are also allowed to speak at the meeting. When acting alone declare the interest and do not take any steps, or any further steps in relation to the matter.

## Appendix A – Disclosable Pecuniary Interests

A pecuniary interest is a “disclosable pecuniary interest” in relation to a member (“M”) if it is of a description specified in this Schedule and either—

(a) it is an interest of M’s, or

(b) it is an interest of—

- (i) M’s spouse or civil partner,
- (ii) a person with whom M is living as husband and wife, or
- (iii) a person with whom M is living as if they were civil partners,

And M is aware that that other person has the interest.

Each category of person referred to above is described as the ‘relevant person’.

The duties to register, disclose and not to participate in respect of any matter in which a member has a disclosable pecuniary interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

| <i>Interest</i>  | <i>Prescribed description</i>   |
|--|---|
| <b>Employment, office, trade, profession or vocation</b> | Any employment, office, trade, profession or vocation carried on for profit or gain.  |
| <b>Sponsorship</b>                                       | Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.<br>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992). |
| <b>Contracts</b>   | Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—<br>(a) under which goods or services are to be provided or works are to be executed; and<br>(b) which has not been fully discharged.  |

|                            |   |
|----------------------------|---|
| <b>Land</b>                | Any beneficial interest in land which is within the area of the relevant authority.   |
| <b>Licences</b>            | Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.  |
| <b>Corporate tenancies</b> | Any tenancy where (to M’s knowledge)—<br>(a) the landlord is the relevant authority; and<br>(b) the tenant is a body in which the relevant person has a beneficial interest.  |
| <b>Securities</b>          | Any beneficial interest in securities of a body where—<br>(a) that body (to M’s knowledge) has a place of business or land in the area of the relevant authority; and<br>(b) either—<br><br>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or<br><br>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class. |

For this purpose –

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

## Appendix B – Other Registerable Interests

Other registerable interests are:

- a) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the authority.
- b) any body of which you are a member or in a position of general control or management and which
  - i) exercises functions of a public nature
  - ii) is directed to charitable purposes, or
  - iii) is a body which includes as one of its principal purposes influencing public opinion or policy (this includes political parties or trade unions).
- c) any person from whom you have received a gift or hospitality with an estimated value of at least £100 (you must register any gifts and hospitality worth over £100 that you receive personally in connection with your official duties).

Exactly as with a pecuniary interest “other registerable interest” applies in relation to a member (“M”) if it is of a description specified above and either—

(a) it is an interest of M’s, or

(b) it is an interest of—

- (i) M’s spouse or civil partner,
- (ii) a person with whom M is living as husband and wife, or
- (iii) a person with whom M is living as if they were civil partners,

And M is aware that that other person has the interest.

## Appendix C – The Seven Principles of Public Life

The principles of public life apply to anyone who is elected or works as a public office-holder. All public office-holders are both servants of the public and stewards of public services. The principles are:

|                       |  |
|-----------------------|--|
| <i>Selflessness</i>   | Holders of public office should act solely in terms of the public interest.  |
| <i>Integrity</i>      | <p>Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work.</p> <p>They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends.</p> <p>They must declare and resolve any interests and relationships.</p> |
| <i>Objectivity</i>    | Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.   |
| <i>Accountability</i> | Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.  |
| <i>Openness</i>       | Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.   |
| <i>Honesty</i>        | Holders of public office should be truthful.   |
| <i>Leadership</i>     | Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.   |

**Sandwell Metropolitan Borough Council**

**REGISTER OF MEMBERS INTERESTS**

(Pursuant to Sandwell Metropolitan Borough Council's Code of Conduct for Members and Part 1, Chapter 7 of the Localism Act 2011).

**Please refer to the Code of Conduct and the accompanying Notes of Guidance before completing this form.**

I,

an **Elected/Co-opted/Appointed** (*delete as appropriate*) member of Sandwell Metropolitan Borough Council give notice that I have set out below my interests and in so far as I am aware of the existence of the interests of my spouse or civil partner or any person with whom I am living as husband and wife or as if we were civil partners (relevant persons).

I have also set out in so far as I am aware of the existence of the names of any members of my family or close associates who either work for the Council or have a contractual relationship with the Council and the nature of that interest.

I have put 'None' where I/we have no such interest under any heading.

**PART A**  
**DISCLOSABLE PECUNIARY INTERESTS**

1. Any employment, office, trade, profession or vocation carried on for profit or gain (Including employment outside of the Borough of Sandwell). Please give details of (i) every employment, job, trade, business or vocation you and/or your partner have, for which you and/or your partner receive any benefit or gain (i.e. profit, salary or benefit in kind) including a short description of the activity e.g. accountant or plumber and (ii) the name of any employer or body, firm or company which you and/or your partner own or in whose securities you and/or your partner have any beneficial interest. This must include remuneration as a director.

- 
2. Sponsorships -any payment or provision of any other financial benefit (other than from the Council) made or provided within the relevant period in respect of any expenses incurred in carrying out duties as a member, or towards the election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

3. Contracts - any contract which is made between you and/or your partner (or a body in which you and/or your partner have a beneficial interest) and the Council (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.

4. Land - any beneficial interest in land which is within the area of the Borough of Sandwell. Please give the address or other description (sufficient to identify the location) of any land or property in the area of the Borough of Sandwell in which you and/or your partner have a beneficial interest, indicating whether you and/or your partner are the owner or lessee or a tenant. Include any house you rent from Sandwell Borough Council.



- 
5. Licences - any licence (alone or jointly with others) to occupy land in the area of the Borough of Sandwell for a month or longer. Please give the address or other description (sufficient to identify the location) of any land or property in the area of the Borough of Sandwell in which you and/or your partner licence.

6. Corporate tenancies -any tenancy where (to your knowledge) (a) the landlord is the Council; and (b) the tenant is a body in which you and/or your partner have a beneficial interest. Please give the address or other description (sufficient to identify the location) of any land leased or licensed from the Council by you and/ or your partner or any body, firm or company by which you are employed or which you own or in which you have a beneficial interest

7. Securities - any beneficial interest in securities of a body where (a) that body (to your knowledge) has a place of business or land in the area of the Borough of Sandwell ; and (b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class. Note it is not necessary to declare the nature or size of the holding, simply the name of the company or other body.

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PART B  
OTHER REGISTERABLE INTERESTS

8. Any body of which you and/ or your partner are a member or in a position of general control or management and to which you and/ or your partner are appointed or nominated by the Council.

9. Any body of which you and/ or your partner are a member or in a position of general control or management and which
- (a) exercises functions of a public nature;
  - (b) is directed to charitable purposes; or
  - (c) is a body which includes as one of its principal purposes influencing public opinion or policy (this includes any political parties or trade union).

10. Any person from whom you and/or your partner have received a gift, or hospitality with an estimated value of at least £100 (you must register any gifts and hospitality worth over £100 that you receive personally in connection with official duties).

PART C  
MEMBERS OF YOUR FAMILY AND CLOSE ASSOCIATES

11. The names of any members of your family or close associates who either work for the Council or have a contractual relationship with the Council and the nature of that interest.

## **Voluntary Registration of Other Interests**

Please list below any other interests that you wish to declare in accordance with the General Principles of Conduct as set out in the Code of Conduct or which you think may lead to a conflict of interests between your personal interests and the public interest.

## Confirmation

I understand that:-

- (a) I may be committing a criminal offence if I:-
- (i) fail to register or declare disclosable pecuniary interests as required, without reasonable excuse;
  - (ii) participate or vote or take steps in Council business at meetings or when acting alone when prevented from doing so;
  - (iii) knowingly or recklessly provide information that is false or misleading;

I understand that I must, within 28 days of becoming aware of any new or change in the above interests, provide written notification to the Monitoring Officer.

- (b) I will be in breach of Sandwell Metropolitan Borough Council's Code of Conduct for Members if I:-
- (i) fail to meet the requirements in relation to disclosable pecuniary interests;
  - (ii) fail to register or declare other interests as required;
  - (iii) take part in Council business at meetings or when acting alone when prevented from doing so;
  - (iv) provide information that is materially false or misleading;

I understand that I must, within 28 days of becoming aware of any new or change in the above interests provide written notification to the Monitoring Officer.

Signed: .....

Dated: .....

Please sign and return this Notice to the Democratic Services Unit, Sandwell Council House, P.O. Box 2374, Oldbury, West Midlands, B69 3DE.

Date received by the Monitoring Officer: ...../...../.....

## Notes of Guidance to Register of Interests

You should complete the register with sufficient detail to identify clearly what the interest is. Do not use abbreviations, initials or acronyms. You are personally responsible for the accuracy of the contents of the register.

### PART A DISCLOSABLE PECUNIARY INTERESTS

Disclosable Pecuniary interests are prescribed by Regulation. Please refer to Part A of the Code of Conduct when completing questions 1 - 7.

### PART B OTHER REGISTERABLE INTERESTS

8. List all the bodies that are not committees or sub committees of the Council to which you have been appointed by the Council. Give the full name of the body (not acronyms or initials). If in doubt, ask the Monitoring Officer or the Service Manager - Governance for the list of Outside Bodies. Appointments or nominations may include local committees and charities, partnerships and companies in which the Council is involved, and other related organisations. Include nominations to regional and national bodies such as local authority associations.
9. Include any public bodies of which you are a member (e.g. school governor, health authority, government agency, other non-profit organisation in the public sector, local committee). Include any charity of which you are a trustee or member and any non-profit making body such as a cultural, sporting, environmental or social association, club or organisation. Include the name of any political party of which you are a member, any national or local body operating as a pressure group and any trade union or trade association.
10. This requirement is not intended to cover gifts and hospitality received by you in your private capacity (i.e. when you are not acting as a Councillor). The requirement covers gifts and hospitality received by you as a Councillor. With some hospitality, for example, weddings and special events, you will need to consider in what capacity you are involved. You are advised to register all gifts that you accept, and all hospitality (other than incidental refreshment of a modest nature). You must register the nature and approximate value of the gift and hospitality, and the person or body giving it. You should register it as soon as possible after receiving it. Make sure that you indicate the date when you register as this is important to determine how long you will need to disclose the receipt of the gift or hospitality in the event of any business of the authority relating to it (three years from the date of registration). Please see Guidance on Gifts and Hospitality.

PART C  
MEMBERS OF YOUR FAMILY AND CLOSE ASSOCIATES

11. List the names of any members of your family or close associates who either work for the Council or have a contractual relationship with the Council. Named individuals will need to provide written approval for their personal data to be used or the member will need to sign a statement that they have obtained permission. Any such names will be redacted from the public register.

PLEASE NOTE

In the context of BOTH Disclosable Pecuniary Interests and Other Registerable Interests you are required to set out your own interests AND in so far as you are aware of their existence the interests of your spouse or civil partner or any person with whom you are living as husband and wife or as if you were civil partners.

In circumstances where the interest is not your own, you are not required to identify the interest as being your spouse or civil partner or any person with whom you are living as husband and wife or as if you were civil partners. However, you may wish to do so should you wish to provide further clarity where appropriate.

In this Code a 'member of your family' includes the following relationships of the member, the member's spouse or the member's civil partner or any person with whom you are living as husband and wife or as if you were civil partners: a son/daughter (including a biological son/daughter, stepson/daughter, adopted son/daughter or male/female child for which the person has custodial responsibilities), mother, father, brother or sister, a niece, nephew, aunt, uncle, grandchild, grandparent

In this Code 'a person with whom you have a close association' means someone that you are in either regular contact with over a period of time or a significant contact who is more than an acquaintance or can be considered to be a friend, a colleague, a business associate or someone whom you know through general social contacts.

**N SHARMA**  
**Director – Governance**  
**May 2016**