

Sandwell Metropolitan Borough Council

19 July, 2016

Appointment to Committees, Boards and Other Fora 2016/2017

Summary Statement

- 1.1 The Council's Constitution sets out the executive, scrutiny and constitutional functions and the rules and procedures for how the Council operates and prescribes the issues that the Council should address at its Annual Meeting in identifying the person(s) or bodies it wishes to carry out its functions as a local authority and the portfolios and terms of reference for those persons and bodies.
- 1.2 At its Annual Meeting on 24 May 2016, the Council appointed members to the positions, committees, boards and other fora established by the Council, subject to a review at the next ordinary meeting of the Council. Pending the review, the political balance of the committees, boards and other fora as agreed for 2015/16 have been rolled forward to the 2016/2017 Municipal Year, as set out in Appendix A. Council is now asked to consider the committees, boards and other fora it wishes to establish for the 2016/17 Municipal Year and the appointment of members to those bodies and the positions to be held.

Select Committees

- 1.3 To support the ongoing improvement of the delivery of services to citizens of the Borough, local business and the visitor economy, Council is asked to consider the establishment of two select committees for the 2016/17 Municipal Year. The first Select Committee will review leisure provision in the borough in the wider context of the meaning of leisure. The second select committee will be asked to identify the main priorities for the Council, the issues facing the Borough and its citizens and to review the Council's and partners existing policies and the approach to them to ensure they support the outcomes the Council wishes to achieve.
- 1.4 Council is recommended to authorise the select committees to determine their terms of reference in consultation with the Constitution Working Group once the committees have begun to assess the task they are required to undertake and have a better understanding of the expected outcomes.

Independent Persons

- 1.4 In accordance with the Localism Act 2011, arrangements must be put in place for the appointment by the Council of at least one Independent Person whose views must be sought and taken into account by the Council before it makes its decision on an allegation against an elected member that it has decided to investigate. The Independent Person's views may be sought by a member or co-opted member of the Council if that person's behaviour is the subject of an allegation, and may also be sought by the Council in relation to an allegation it has not yet decided to investigate.
- 1.5 The previous three Independent Persons were eligible to re-apply and two of them have re-applied. Council had indicated at its Annual Meeting that the appointments could continue and it is not therefore considered necessary to re-interview the two existing independent members. In terms of a third member, to enable statutory processes to be followed a recruitment exercise has been carried out and interviews are scheduled for July. In order to make an appointment before the next ordinary meeting of Council in October, approval is sought to delegate authority to the Standards Committee to appoint independent members to serve on the Committee as and when vacancies arise between annual meetings of the Council.

Further details are attached for your information

2. Recommendations

- 2.1 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 B.
- 2.2 That approval be given to the establishment of the Select Committee for Leisure Provision and the Select Committee for Service and Policy Improvement.
- 2.3 That, subject to 2.2 above, authority be given to the respective Select Committees to determine their terms of reference in consultation with the Constitution Working Group.

- 2.4 That, further to Minute No. 59/16(11) of the annual meeting of Council on 24th May 2016, the appointment of Mr Frederick Bell and Mr Raymond Tomkinson to the position of independent person under Section 28 of the Localism Act 2011 for the period ending 31 July 2018 be approved.
- 2.5 That authority be delegated to the Standards Committee to appoint an independent member to serve on the Committee as and when a vacancy occurs between annual meetings of the Council.
- 2.6 That the Service Manager – Governance be authorised to amend the Council’s Constitution accordingly.

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3. Strategic Resource Implications

- 3.1 There are no direct resource implications arising from the approval of the decision-making structures for 2016/2017 or the appointment of members to positions within the structure. The costs associated with the Members’ Allowances Scheme will be met from within allocated resources.
- 3.2 In accordance with the Members’ Allowances Scheme approved at the Annual Meeting of Council on 24th May 2016, the Chair of the Select Committee will be paid a special responsibility allowance at the same level as a Scrutiny Board Chair. Where a member undertakes duties which could entitle him/her to more than one SRA under the Scheme then he/she shall receive only the higher allowance. Where a member does not have, throughout the whole of a year, any such responsibilities as entitle him/her to a special responsibility allowance, his/her entitlement shall be to payment pro rata to the length of time he/she holds the special responsibility.
- 3.3 The role of Independent Person is a voluntary position and no annual allowance is paid in respect of this appointment. However, travelling and subsistence expenses are paid at the appropriate rate. The cost of advertising is met from within existing budgets.

4. Legal and Statutory Implications

- 4.1 The Constitution prescribes the issues that the Council should address at its Annual Meeting in terms of the identification of the person(s) or bodies it wishes to carry out its functions as a local authority and the portfolios and terms of reference for those persons and bodies.
- 4.2 Proportionality in relation to the appointment of members to fora is governed by the Local Government and Housing Act 1989. The appointment of members to executive positions is pursuant to the Local Government Act 2000 (as amended) and unless otherwise specified, the appointment of members to committees and other fora falls within the Local Government Act 1972 (as amended).
- 4.3 Section 27 of the Localism Act 2011 requires authorities to promote and maintain high standards of conduct by their members and co-opted members. The Act requires local authorities to have in place mechanisms to investigate allegations that a member has not complied with their Code of Conduct, and arrangements under which decisions on allegations may be made.
- 4.4 Section 28(7) requires local authorities to appoint at least one Independent Person to advise the Council before it makes a decision on an allegation that is to be the subject of an investigation. The Independent Person also advises a member facing an allegation who has sought the views of that person. There are restrictions on who can be appointed as the Independent Person, mainly, that the Independent Person cannot be a councillor, officer or their relative or close friend. Public notice has to be given of recruitment for the role.

5. Implications for the Council's Scorecard Priorities

- 5.1 The Council's decision making structures are designed to support the delivery of Sandwell's Scorecard Priorities and in particular Great Performance.

6. Background Details

- 6.1 Part 3 of the Constitution (Responsibility for Functions) outlines the functions of the Council which the Executive cannot be responsible for, or, where there is local discretion, who will have responsibility for a particular function. The section also lists the committees, boards and fora which the Council has established to carry out those functions.
- 6.2 Subject to any changes mentioned elsewhere in this report, it is proposed to reconstitute the same committees, boards and fora as were established at the last Annual Meeting as amended by any additions or deletions made during the 2015/16 Municipal Year.

The Local Government and Housing Act, 1989 and the Local Government (Committees and Political Groups) Regulations 1990

- 6.3 Sections 13, 15, 16 and 17 of the above Act have a significant impact on the constitution of Committees and other fora and the relevant provisions are briefly outlined below:

Section 13 – Voting Rights of Persons who are not Members of the Council

- 6.4 Section 13 of the Local Government and Housing Act 1989 provides that a person co-opted to serve on committees and sub-committees appointed under Subsection (1) of Section 102 of the Local Government Act 1972 and who is not an elected member of the Council, cannot have voting rights. However, nothing in the Act prevents a person who is not an elected member from being appointed to any committee or sub-committee established under those provisions as non-voting members.
- 6.5 The exceptions to this are the Health and Wellbeing Board, whose members do have voting rights extended to them by Section 194 of the Health and Social Care Act 2012; and faith and parent governor representatives on the relevant overview and scrutiny committee who have the right to vote on education matters in pursuance of the relevant provisions of the Local Government Act 2000.

Section 15 – Political Balance on Committees

- 6.6 Section 15 of the Act provides, amongst other things, that where a Local Authority is divided into different political groups, it will have regard to the allocation to the different political groups on the Council, of all of those seats on any ordinary committee, sub-committee and Joint Authorities established pursuant to Part IV of the Local Government Act 1985.
- 6.7 The regulations provide for a political group to comprise two or more elected members of a local authority.
- 6.8 Sandwell is a single party authority and the proportionality provisions will not apply.
- 6.9 A political group represented on the Council may choose to allocate a proportion of its allocation of seats to an elected member who is not in a political group on the Council, without affecting proportionality.

Appointment of Independent Persons under Section 28 of the Localism Act 2011

- 6.10 The Localism Act 2011 requires local authorities to have arrangements in place under which allegations of breaches of the Member Code of Conduct can be investigated and decisions on allegations can be made.

Those provisions must include the appointment of at least one Independent Person whose views must be sought and taken into account before the Council makes a decision on an allegation it has decided to investigate, and whose views may be sought on other allegations.

The Independent Person's views may also be sought by a member or co-opted member whose behaviour is the subject of an allegation.

- 6.11 The Council appointed three Independent Persons under Section 28 of the Localism Act 2011 for a two year term of office ending 30th June 2016.

A recruitment exercise has been carried out. The previous Independent Persons were also invited to re-apply.

Source Documents

Sandwell MBC Constitution

Otherwise as referred to in the body of the report and attached as appendices.

**Constitution and
Political Balance
of the Executive,
Committees, Panels
and Other Fora
2016/17**

**Sandwell Metropolitan Borough Council
Constitution of Boards, Committees and Other Fora 2016/2017**

	Lab	Total
Scrutiny Boards		
Budget and Corporate	7	1 Chair + 6 members
Health and Adult Social Care	10	1 Chair, 2 Vice Chairs + 7 members
Jobs, Economy and Enterprise	7	1 Chair, 1 Vice Chair + 5 members
Housing	7	1 Chair, 1 Vice Chair + 5 members
Community Safety, Highways and Environment	7	1 Chair, 1 Vice Chair + 5 members
Children's Services and Education	9	1 Chair, 1 Vice Chair, 7 members + 4 non-elected representatives
Leisure, Culture and the Third Sector	7	1 Chair, 1 Vice Chair + 5 members
		54
Constitutional and Quasi-Judicial Committees/Panels		
Select Committee for Leisure Provision	7	1 Chair + 6 members
Select Committee for Service and Policy Improvement	7	1 Chair + 6 members
Audit Committee	5	5 (+ 1 Independent)
Planning Committee	16	16
Licensing Committee	12	12
Licensing (Miscellaneous) Committee	5	5
General Purposes and Arbitration Committee	7	7
Land and Asset Management Committee	7	7
Standards Committee	8	8 (+ 3 Independent)
Chief Officer Terms and Conditions Committee	7	7
Chief Officer Appointments Sub-Committee	2	2
Emergency Committee	7	7
		90
		144

Appointments to Committees, Panels and Boards

2016/2017

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>Budget and Corporate Scrutiny Board (7 members) (Lab 7)</p> <p>Chair P Sandars</p> <p> Chairs of 6 Scrutiny Boards</p>	<p>Children's Services and Education Scrutiny Board (9 members + 4 co-opted members) (Lab 9)</p> <p>Chair Underhill Vice-Chair Vacant</p> <p> Allen Downing Giles Hartwell Vacant Vacant 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>Community Safety, Highways and Environment Scrutiny Board (7 members) (Lab 7)</p> <p>Chair L Horton Vice-Chair Ashman</p> <p> Allcock K Davies Goult Preece R Price Taylor</p>	<p>Health and Adult Social Care Scrutiny Board (10 members) (Lab 10)</p> <p>Chair Sandars Vice-Chair Jarvis Vice-Chair Lloyd</p> <p> Edis Giles Vacant Hartwell Vacant Phillips Piper</p>

Scrutiny Boards (cont) (2016/2017)

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

Planning Committee (2016/2017)

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

Chair	Frear (Bristnall)
Vice-Chair	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)

Chair	Leader of the Council
Vice-Chair	Deputy Leader
	Cabinet Member for Housing Cabinet Member for Children's Services Cabinet Member for Highways and Environment 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)

Chair	Dhallu
Vice-Chair	Haque
	S Crumpton P Davies S Hosell Meehan Melia

Joint Consultative Panel (2016/2017)

(6 members)
(Lab 6)

Chair	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

Chair	Lewis
Vice-Chair	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)

Chair	Sidhu
	Vacant
	Vacant
	Jaron
	Vacant
	(+1 independent member)

Land and Asset Management Committee (2016/2017)

(7 members)
(Lab 7)

Chair	Gavan
	Costigan
	Edis
	Eling
	P Hughes
	Moore
	Taylor

**Select Committee for Leisure Provision
(2016/2017)**

(7 members)
(Lab 7)

Chair	Vacant
	Vacant

**Select Committee for Service and Policy
Improvement
(2016/2017)**

(7 members)
(Lab 7)

Chair	Vacant
	Vacant

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 (Chair)

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)

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 Cabinet Member for Highways and Environment

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)

D Hosell
Trow
Eling

(and representatives of Serco)

Ring and Ride Member Working Group (2016/2017)

(3 members)
(Lab 3)

Chair: Vacant

Eling
Khatun