

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

16th May, 2017 at 6.00 pm
at the Sandwell Council House, Oldbury

Present: The Mayor (Councillor Webb);
The Deputy Mayor (Councillor Downing);

Councillors Ahmed, Allcock, Allen, Ashman, Bawa, Carmichael, Cherrington, Crompton, K Davies, P Davies, S Davies, Y Davies, Dhallu, Downing, Eaves, Edis, Edwards, Eling, Garrett, Gavan, E A Giles, E M Giles, Hadley, Haque, Hartwell, Hevican, Hickey, L Horton, R Horton, D Hosell, S Hosell, P M Hughes, P Hughes, Dr Jaron, I Jones, O Jones, S Jones, Khatun, Lewis, Lloyd, Meehan, Melia, Millard, Moore, Phillips, Piper, Preece, B Price, R Price, Rouf, Sandars, Shackleton, Tagger, Taylor, Tranter, Trow, Webb and White.

Apologies: Councillors Costigan, S Crumpton, Dr T Crumpton, Frear, Gill, Goult, Hackett, Jarvis, Marshall, Shaeen, Sidhu, Underhill and Worsey.

55/17 **Vote of Thanks to the Retiring Mayor and Mayoress**

It was moved by Councillor Shackleton, seconded by Councillor B Price, and:-

Resolved that the appreciation of the Council be accorded to Councillor Webb and Ms Nicola Webb for their services as Mayor and Mayor's Consort of the Borough respectively during the Municipal Year 2016/17.

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

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Councillor Webb stated that it had been the most memorable year and expressed her appreciation for the hard work and support of the Deputy Mayor, Deputy Mayor's Consort and the Mayor's staff.

56/17

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

It was moved by Councillor Hartwell, seconded by Councillor R Price and:-

Resolved that the appreciation of the Council be accorded to Councillor Downing and Ms Bethany Downing for their services as Deputy Mayor and Deputy Mayor's Consort respectively during the Municipal Year 2016/17.

In response, Councillor Downing thanked her daughter in her role as Deputy Mayor's Consort and stated that she had thoroughly enjoyed working alongside the Mayor and Mayor's Consort. In particular, Councillor Downing made reference to visits to local schools and the talented young people of the Borough.

57/17

Election of Mayor

Councillor Webb invited nominations for the office of Mayor of the Borough of Sandwell for the 2017/18 Municipal Year.

Councillor Haque was nominated by Councillor Khatun and Councillor Gavan seconded the nomination.

As no other nomination was submitted, the outgoing Mayor declared Councillor Haque elected Mayor of the Borough of Sandwell for the ensuing Municipal Year 2017/18.

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

Councillor Haque took the Chair and made a speech of acceptance.

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The Mayor announced that, during his term of office, his chosen charities would be Midlands Air Ambulance and Your Trust Charity, (run by Sandwell and West Birmingham Hospitals NHS Trust, specifically raising money for cancer services and research).

58/17 **Appointment of Mayor's Consort**

The Mayor announced that his wife, Surma, would act as Mayor's Consort for the ensuing Municipal Year. Mrs Haque was invested with the chain and badge of office of Mayor's Consort.

59/17 **Appointment of Deputy Mayor**

The Mayor invited nominations for the office of Deputy Mayor of the Borough of Sandwell for the 2017/18 Municipal Year.

Councillor Eaves was nominated by Councillor Tranter and Councillor Carmichael seconded the nomination.

As no other nomination was submitted, the Mayor declared Councillor Eaves elected Deputy Mayor of the Borough of Sandwell for the ensuing Municipal Year 2017/18.

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

Councillor Eaves made a speech of acceptance.

60/17 **Appointment of Deputy Mayor's Consort**

The Deputy Mayor announced that her husband, John Eaves, would act as the Deputy Mayor's Consort for the ensuing Municipal Year. Mr Eaves was invested with the chain and badge of office.

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61/17 **Minutes**

Resolved that the minutes of the meeting held on 4th April 2017 be confirmed as a correct record.

62/17 **Appointment to Executive Offices and the Constitution of Committees, Boards and Other Fora 2017/18**

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 2017/18 Municipal Year; the assignment of members to those roles and bodies; a proposed programme of meetings and the Scheme of Members' Allowances.

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 the list of persons appointed by the Leader of the Council to the position of Deputy Leader and Cabinet Member be received;
- (3) 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;
- (4) 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;

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- (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;
- (5) 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;
- (6) that the constitution of the committees, boards and other fora for 2017/18 which are required to carry out those functions allocated under (5) above, be approved, and to note that, in view of the current political make-up of the authority, the proportionality requirements of the Local Government and Housing Act 1989 do not apply;
- (7) that the revised terms of reference of the Audit and Risk Assurance Committee, Chief Officers' Terms and Conditions Committee, Chief Officers' Terms and Conditions Appointments Sub Committee, Ethical Standards and Member Development Committee, General Purposes and Arbitration Committee and Licensing Committee be approved, as set out in Appendix C;
- (8) that the terms of reference of the Budget and Corporate Scrutiny Management Board, Children's Services and Education Scrutiny Board, Economy, Skills, Transport and Environment Scrutiny Board, Health and Adult Social Care Scrutiny Board and Safer Neighbourhoods and Active Communities Scrutiny Board be approved, as set out in Appendix D;

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- (9) that, with the exception of the fora referred to in (7) 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 2016/17 Municipal Year, be reaffirmed;
- (10) that the appointment of a statutory Licensing Committee, which will also sit as the Council Committee to carry out other licensing functions, be approved;
- (11) 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;
- (12) 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 E;
- (13) that the appointment of an additional independent member to sit on the Audit and Risk Assurance Committee be approved;
- (14) that the programme of meetings for 2017/18 be approved;
- (15) that the Members' Allowances Scheme for the 2017/18 Municipal Year, as set out in Appendix F, be approved, pending a formal review in the summer of 2017;
- (16) that the continuation with the Financial Regulations and Procedures and Procurement and Contract Procedure Rules be approved, until such point as a review has taken place and a report is submitted to a future meeting of the Council;

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- (17) that, in order to reflect the decisions of the Council on the above recommendations, the Head of Governance 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:-
- Part 4 – Scrutiny Procedure Rules;
 - Article 6 – Scrutiny Boards;
 - Part 3 – Responsibility for Functions – Member Role Descriptions.

63/17

Appointment of Representatives to Other Bodies

The Council considered the appointment or nomination of representatives to serve on outside bodies for the Municipal Year 2017/18. A schedule of nominations was circulated at the meeting.

Resolved that the persons listed in Appendix G be appointed or nominated, as the case may be, as the Council's representatives on the bodies referred to.

(The meeting ended at 6.57 pm)

Contact Officer: Trisha Newton Democratic Services Unit 0121 569 3193

Executive Portfolios 2017/18

Appendix A

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: Executive Director - Resources

- 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: Executive Director - Neighbourhoods
- The development and co-ordination of the work of Town Lead Members.
Officer Lead: Executive Director - Neighbourhoods
- Town management, tasking and cross-organisational service delivery at a town level.
Officer Lead: Executive 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 – Monitoring Officer
- The development of the Council's relationship with the voluntary sector, charities and community ventures.
Officer Lead: Executive 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: Executive 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: Executive 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: Executive 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: Executive 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, Skills and Employment

- The development of and compliance with educational statutory requirements placed on the Council.
Officer Lead: Director – Education, Education, Skills and Employment
- Improving educational attainment.
Officer Lead: Director – Education, Education, Skills and Employment
- School governing bodies and the making of new or amended Instruments and Articles of Government for schools.
Officer Lead: Director – Education, Education, Skills and Employment
- The 14 – 19 year olds strategy and the determination of fees and charges in adult education.
Officer Lead: Director – Education, Education, Skills and Employment
- 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: Executive Director – Children's Services
- Youth Offending Service.
Officer Lead: Executive Director – Children's Services

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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: Executive Director - Resources

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

Officer Lead: Director – Education, Education, Skills and Employment

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: Executive Director - Resources
- The development, overview and co-ordination of the delivery of the Council's Corporate Landlord service.
Officer Lead: Executive Director - Resources
- 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 – Monitoring Officer
- 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: Executive Director - Resources / 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: Executive Director - Resources
- The provision of corporate governance, legal services, the support of democracy and information management.
Officer Lead: Director – Monitoring Officer

Cabinet Member for Core Council Services (cont)

- Electoral registration, engagement and participation.
Officer Lead: Chief Executive
- The delivery of all aspects of the Council's equality agenda and duties.
Officer Lead: Executive Director - Resources
- Organisational development and human resource management.
Officer Lead: Executive Director - Resources
- Information Communication Technology (ICT).
Officer Lead: Chief Finance Officer

- Catering (except for schools meals and adults in need of social care).
Officer Lead: Executive Director - Resources
- Customer Services and Customer Care.
Officer Lead: Executive Director - Neighbourhoods
- The Local Government Ombudsman.
Officer Lead: Director – Monitoring Officer

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: Executive Director – Neighbourhoods
- Highways network management and maintenance.
Officer Lead: Director Regeneration & Planning
- Transport, vehicle and plant management, and the integration of transport services provided by Council services.
Officer Lead: Executive Director – Neighbourhoods
- Environmental services including cleansing, grounds maintenance, public conveniences and the maintenance of water courses.
Officer Lead: Executive 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: Executive Director – Neighbourhoods
- Markets and market management.
Officer Lead: Director – Regeneration & Planning
- Strategic flood management.
Officer Lead: Director – Regeneration & Planning

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 & Planning
- The development, implementation and review of local housing strategy, all housing policies and neighbourhood housing plans, including private sector housing.
*Officer Lead: Executive Director – Neighbourhoods /
Director – Homes and Communities
Director - Regeneration & Planning /
Executive 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 & Planning

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

- The direction for and delivery of the Council's investment in and management responsibilities for the authorities housing stock, including maintenance.

Officer Lead: Executive Director – Neighbourhoods / Director – Homes and Communities

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: Executive 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: Executive 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: Executive 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: Executive Director - Neighbourhoods
- Community Services, including community centres and shop mobility.
Officer Lead: Executive Director – Neighbourhoods
- The development of proposals to stimulate tourism and visitor economy of the Borough.
Officer Lead: Director – Regeneration & Planning
- The policy direction for countryside management, nature reserves, parks, green spaces and visitors centres.
Officer Lead: Executive Director – Neighbourhoods
- The provision and maintenance of allotments within the Borough.
Officer Lead: Executive 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: Executive Director – Adult Social Care, Health & Wellbeing / Executive Director - Neighbourhoods

- Community safety and the development and implementation of the Council's Community Safety policies.

Officer Lead: Executive Director - Neighbourhoods

- Tackling anti-social behaviour and local crime and disorder.

Officer Lead: Executive 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: Executive Director – Adult Social Care, Health & Wellbeing
- The Regulation of Investigatory Powers.
Officer Lead: Executive Director – Adult Social Care, Health & Wellbeing
- Emergency planning and civil resilience.
Officer Lead: Executive 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: Executive Director – Adult Social Care, Health & Wellbeing / Director – Prevention and Protection / Director – Monitoring Officer

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 & Planning
- 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 & Planning*

- 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 & Planning / 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 & Planning
- 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 & Planning
- 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 & Planning
- To deputise for the Leader of the Council on the Local Enterprise Partnership.
Officer Lead: Director – Regeneration & Planning

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: Executive Director – Adult Social Care, Health & Wellbeing

- Safeguarding of vulnerable adults.

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

- The Council's prevention strategy for vulnerable adults.

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

Part 3 – Responsibility for Functions

A p p e n d i x B

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. 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. 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 General Purposes and Arbitration Committee 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. 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. 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. 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*
6. Any function relating to contaminated land	The Executive Leader, except where the function involves any of the following actions which will be the responsibility of the Licensing Committee:-		Cabinet Member with portfolio responsibility
7. The discharge of any function relating to the control of pollution or the management of air quality	(a) determining an application from a person for a licence, approval, consent, permission or registration; (b) direct regulation of a person (with substantial discretion as to the regulatory action); (c) enforcement of any such licence approval, consent, permission or direct regulation	Licensing Committee:- 15 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 Delegations within the Constitution and as may be amended by the Council from time to time
8. The service of an abatement notice in respect of a statutory nuisance			

Function	Decision Making Body	Membership	Delegation of Functions*
<p>9. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area</p>	<p>The Executive Leader, except where the function involves any of the following actions which will be the responsibility of the Licensing Committee:-</p>		<p>Cabinet Member with portfolio responsibility</p>
<p>10. The inspection of an authority's area to detect any statutory nuisance</p>	<p>(a) determining an application from a person for a licence, approval, consent, permission or registration;</p>	<p>Licensing Committee:- 15 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 Delegation set within the Council's Constitution and as may be amended by the Council from time to time</p>
<p>11. The investigation of any complaint as to the existence of a statutory nuisance</p>	<p>(b) direct regulation of a person (with substantial discretion as to the regulatory action);</p> <p>(c) enforcement of any such licence approval, consent, permission or direct regulation</p>		

Function	Decision Making Body	Membership	Delegation of Functions*
<p>12. 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. 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. 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. 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. 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	15 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 Sub Committee	3 Sub Committees 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 Sub Committees (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 Committee	15 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
Licensing Committee (cont)		<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>	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

Committee	Membership	Outline of Functions	Delegation of Function
<p style="text-align: center;">General Purposes and Arbitration Committee</p>	<p style="text-align: center;">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 & 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"> (a) submitted by staff and others relating to particular education issues and specific issues in Adult Social Care; (b) on private sector housing issues, including the repayment of house renovations grant money; (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. 	

Committee	Membership	Outline of Functions	Delegation of Function
Ethical Standards and Member Development Committee	8 members, including 1 member of the Executive and 3-5 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 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
Chief Officer Appointments Sub-Committee	Leader plus 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
Safer Neighbourhoods and Active Communities Scrutiny Board	11 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
Audit and Risk Assurance Committee	7 Members plus 2 independent members	<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>	None

Committee	Membership	Outline of Functions	Delegation of Function
<p>Audit and Risk Assurance Committee (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 & 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:- (a) by parents against a decision of the Local Education Authority not to admit a child to a school or to exclude a child from a school; (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 Neighbourhoods and Communities</p> <p>Cabinet Member for Children’s Services</p> <p>Cabinet Member for Core Council Services</p> <p>Cabinet Member for Highways and Environment</p> <p>Cabinet Member for Housing</p> <p>Cabinet Member for Leisure</p> <p>Cabinet Member for Public Health and Protection</p> <p>Cabinet Member for Regeneration and Economic Investment</p> <p>Cabinet Member for Social Care</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 2017/18

Audit and Risk Assurance Committee
Chief Officers Terms and Conditions Committee
Chief Officers Appointments Sub Committee
Ethical Standards and Member Development Committee
General Purposes and Arbitration Committee
Licensing Committee

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Audit and Risk Assurance Committee

Statement of Purpose

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

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

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

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

Governance, Risk and Control

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

- (f) to monitor progress in addressing risk-related issues reported to the committee;
- (g) to consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions;
- (h) to review the assessment of fraud risks and potential harm to the Council from fraud and corruption;
- (i) to monitor the counter-fraud strategy, actions and resources;
- (j) to maintain an overview of the Council's Constitution in respect of contract procedure rules and financial regulations.

Internal Audit

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

These will include:

- updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work;
- regular reports on the results of the quality assurance and improvement programme;

- reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards and Local Government Application Note, considering whether the non-conformance is significant enough that it must be included in the annual governance statement;
- (g) to consider the head of internal audit's annual report:
- the statement of the level of conformance with the Public Sector Internal Audit Standards and Local Government Application Note and the results of the quality assurance and improvement programme that supports the statement - these will indicate the reliability of the conclusions of internal audit;
 - the opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control together with the summary of the work supporting the opinion - these will assist the committee in reviewing the annual governance statement;
- (h) to consider summaries of specific internal audit reports as requested;
- (i) to receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions;
- (j) to contribute to the quality assurance and improvement programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years;
- (k) to consider a report on the effectiveness of internal audit to support the annual governance statement, where required to do so by the Accounts and Audit Regulations;
- (l) to support the development of effective communication with the head of internal audit.

External Audit

- (a) to consider the external auditor's annual letter, relevant reports, and the report to those charged with governance;
- (b) to consider specific reports as agreed with the external auditor;

- (c) to comment on the scope and depth of external audit work and to ensure it gives value for money;
- (d) to commission work from internal and external audit;
- (e) to advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

Financial Reporting

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

Accountability Arrangements

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

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

Independent Member

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

Chief Officer Terms and Conditions Committee

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

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

Chief Officer Terms and Conditions Committee (cont)

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

Chief Officers Appointments Sub-Committee

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

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

Ethical Standards and Member Development Committee

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

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

Ethical Standards and Member Development Committee (cont)

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

Meet at least annually and as and when appropriate.

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

End

General Purposes and Arbitration Committee

Terms of Reference

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

1. consider and make recommendations to the Council on all matters which fall within the following terms of reference:-
 - (a) the nomination of the Ceremonial Mayor of the Borough;
 - (b) all matters relating to electoral boundaries of the Borough and its Wards including Parliamentary boundaries and associated electoral registration issues;
 - (c) functions relating to the name and status of areas and individuals, including confirming the title of honorary aldermen and honorary alderwomen and the admission of honorary freemen and honorary freewomen;
 - (d) to make nominations for the Queen's Birthday Honours List to highlight the good work by citizens of Sandwell;
 - (e) the power to make, amend, revoke and re-enact by-laws;
 - (f) the power to promote or oppose local or personal Bills;
 - (g) functions relating to local government pensions etc. under the The Local Government Pension Scheme Regulations 2013 and other relevant statutory requirements, regulation or direction;
2. deal with all matters which fall within the following terms of reference, which are delegated to it:-
 - (1) 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;

General Purposes and Arbitration Committee (Cont)

- (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;
- (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 Executive 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 Executive 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 Executive 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 Executive 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 Executive Director – Adult Social Care, Health and Wellbeing or of the Executive Director – Neighbourhoods/Director – Housing and Communities 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.

Licensing Committee

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

Statutory Licensing Committee

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

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

Section 101 of the Local Government Act 1972

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

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

Budget and Corporate Scrutiny Management Board

Terms of Reference

As set out in the Scrutiny Procedure Rules contained in Part 4 of the Council's Constitution to scrutinise recommendations, consider referrals under the Call for Action process, and contribute to decision making and policy development through pre-decision scrutiny processes in relation to the following matters:-

- (a) budget strategy;
- (b) asset management;
- (c) procurement;
- (d) revenues and benefits;
- (e) corporate governance;
- (f) information management;
- (g) risk management;
- (h) human resources, including organisational development;
- (i) information and communication technology;
- (j) complaints handling;
- (k) the West Midlands Combined Authority.

In addition the Budget and Corporate Scrutiny Management Board will have the following responsibilities:

- (1) to approve an annual overview and scrutiny work programme, including the programme of any other scrutiny boards appointed by the Council, to ensure that there is efficient use resources, and that the potential for duplication of effort is minimised;

- (2) where matters fall within the remit of more than one scrutiny board, to determine which board will assume responsibility for any particular issue, and to resolve any issues of dispute between scrutiny boards;
- (3) to receive requests from the executive and/or the full Council for reports from scrutiny boards and to allocate them, if appropriate, to one or more scrutiny boards;
- (4) to put in place and maintain a system to ensure that referrals from scrutiny to the executive either by way of report or for consideration are managed efficiently and do not exceed the limits of the Constitution;
- (5) in the event of the Board being aware that the number of reports it is to put before the executive exceeds the limits in this Constitution, or if the volume of such reports creates difficulty for the management of executive business or jeopardises the efficient running of Council business, the Board shall make recommendations to the Leader about the priority of referrals made;
- (6) to consider and respond to calls for evidence from the Overview and Scrutiny Committee of the West Midlands Combined Authority.

Children's Services and Education Scrutiny Board

Terms of Reference

As set out in the Scrutiny Procedure Rules contained in Part 4 of the Council's Constitution to scrutinise recommendations, consider referrals under the Call for Action process, and contribute to decision making and policy development through pre-decision scrutiny processes in relation to the following matters:-

- (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.

Economy, Skills, Transport and Environment Scrutiny Board

Terms of Reference

As set out in the Scrutiny Procedure Rules contained in Part 4 of the Council's Constitution to scrutinise recommendations, consider referrals under the Call for Action process, and contribute to decision making and policy development through pre-decision scrutiny processes in relation to 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) environmental health functions;
- (h) the visual appearance of the Borough (the 'streetscene');
- (i) emergency planning and civil resilience;
- (j) policies and strategies of the Council and partners that affect the economic development of the borough;
- (k) regeneration and investment;
- (l) development control;
- (m) the development and management of town centres;
- (n) skills, worklessness and economic inclusion;
- (o) initiatives to support the development and sustainability of new businesses and social enterprise;
- (p) the work of any relevant partnerships, including the Local Enterprise Partnership, or public bodies that deliver services to local people in relation to skills, work and enterprise;

In relation the Council's scrutiny functions as set out in Flood and Water Management Act 2010, and the Localism Act 2011 (Schedule 2, paragraph 54 of the FWMA 2010 amends the Local Government Act 2000; Section 9FH of 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.

Health and Adult Social Care Scrutiny Board

Terms of Reference

As set out in the Scrutiny Procedure Rules contained in Part 4 of the Council's Constitution to scrutinise recommendations, consider referrals under the Call for Action process, and contribute to decision making and policy development through pre-decision scrutiny processes in relation to the following matters:-

- (1) services for older and vulnerable adults;
- (2) local safeguarding arrangements for adults;
- (3) whole life services for people with disabilities and/or learning disabilities;
- (4) mental health services;
- (5) dementia services;
- (6) Public Health;
- (7) the activities of NHS Trusts, Clinical Commissioning Groups (CCGs), NHS England, Health and Wellbeing Board and Healthwatch;
- (8) the Better Care Fund;

In relation to the council's relevant regulations and directions made under the Health and Social Care Act 2001; all functions of the Council contained in the National Health Service Act 2006; the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002; the Health and Social Care Act 2012 and related regulations the Board will;

- (a) make reports and recommendations to relevant NHS bodies, relevant health service providers and commissioners, the Secretary of State or Regulators;
- (b) 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;
- (c) participate with other relevant neighbouring local authorities in any joint scrutiny arrangements of NHS Trusts providing cross-border services;

- (d) refer a proposed substantial variation in service delivery to the Secretary of State, subject to the agreement of the Chair 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.
- (e) review and scrutinise the decisions made or actions of the Health and Wellbeing Board.

Safer Neighbourhoods and Active Communities Scrutiny Board

Terms of Reference

As set out in the Scrutiny Procedure Rules contained in Part 4 of the Council's Constitution to scrutinise recommendations, consider referrals under the Call for Action process, and contribute to decision making and policy development through pre-decision scrutiny processes in relation to the following matters:-

- (1) crime and community safety;
- (2) trading standards;
- (3) emergency planning and civil resilience;
- (4) leisure and tourism opportunities in the borough;
- (5) libraries, museums and the Community History and Archive Service;
- (6) the planning and provision of green spaces including parks and local nature reserves;
- (7) voluntary and community sector support;
- (8) partnership working to strengthen the third sector in Sandwell;
- (9) community development;
- (10) strategic housing policy;
- (11) social housing;
- (12) private rented sector rented accommodation;
- (13) homelessness.

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;
- (c) make reports and recommendations to the Council and responsible bodies.

Appointments to Committees, Panels and Boards

2017/18



Town Chair and Vice Chair (2017/2018)

(Lab 6)

Oldbury

Hartwell (Vice Chair: S Davies)

Rowley Regis

Eaves (Vice Chair: Webb)

Smethwick

Dr Jaron (Vice Chair: K Davies)

Tipton

Jarvis (Vice Chair: Cherrington)

Wednesbury

Costigan (Vice Chair: P M Hughes)

West Bromwich

Melia (Vice Chair: E A Giles)
(Vice Chair: S Hosell)

Planning Committee (2017/2018)

(16 members)
(Lab 16)

Chair	Sandars (Hateley Heath)
Vice-Chair	Costigan (Wednesbury North)
	K Davies (Smethwick)
	Downing (Oldbury)
	Edis (Friar Park)
	Gavan (Langley)
	E A Giles (Charlemont with Grove Vale)
	Haque (Tipton Green)
	R Horton (Soho & Victoria)
	P M Hughes (Wednesbury South)
	Piper (Abbey)
	Tagger (West Bromwich Central)
	Taylor (Greets Green & Lyng)
	Tranter (Rowley)
	Webb (Cradley Heath & Old Hill)
	Garrett (Princes End)

Emergency Committee (2017/2018)

(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 Safer Neighbourhoods and Active Communities Scrutiny Board

Ethical Standards and Member Development Committee (2017/2018)

(8 members)
(Lab 8) + 3 independent persons

Chair	Lewis
Vice-Chair	S Crumpton
	E M Giles P Hughes Sandars Shackleton Trow Underhill
	(+ 3 independent persons)

Audit and Risk Assurance Committee (2017/2018)

(7 members) + 2 independent member
(Lab 7)

Chair	Preece
	Allcock
	Gavan
	Dr Jaron
	Jarvis
	Piper
	Sandars
	(+2 independent member)

Select Committee for Leisure Provision (2017/2018)

(7 members)
(Lab 7)

Chair	Sandars
	Costigan
	Hartwell
	Dr Jaron
	Jarvis
	Piper
	Tranter

Select Committee for Policy Review (2017/2018)

(7 members)
(Lab 7)

Chair	Worsey
	Cherrington
	Edwards
	Gill
	Hickey
	Dr Jaron
	Sandars

Chief Officer Terms and Conditions Committee (2017/2018)

(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

The Leader plus 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 (2017/2018)

(4 members)
(Lab 4)

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

Participating Observers:

Chair – Health and Adult Social Care Scrutiny Board
Chair – Children's Services and Education Scrutiny Board

Other Board members as agreed by Council on 18 October, 2016:-

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)

Black Country Partnership NHS Foundation Trust (without voting rights)

One representative of West Midlands Police (without voting rights)

One representative of West Midlands Fire and Rescue Service (without voting rights)

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

Cabinet Petitions Committee (2017/2018)

(8 members)
(Lab 8)

Chair Cabinet Member for Highways and Environment
All members of the Cabinet

Governance and Constitution Review Committee (2017/2018)

(8 members)
(Lab 8)

Chair Eling
Hevican
P Hughes
Khatun
Lewis
Preece
Trow
Underhill

**Strategic Waste Partnership Board
(2017/2018)**

(3 members)
(Lab 3)

D Hosell
Trow
Eling

(and representatives of Serco)

**Adoption Panel
(2017/2018)**

P M Hughes

**Fostering Panel
(2017/2018)**

Shaeen

Scrutiny Boards (2017/2018)

<p>Budget and Corporate Scrutiny Management Board (5 members) (Lab 5)</p> <p>Chair P Hughes</p> <p style="padding-left: 150px;">Chairs of 4 Scrutiny Boards</p>	<p>Children's Services and Education Scrutiny Board (11 members + 4 co-opted members) (Lab 11)</p> <p>Chair Underhill Vice-Chair Phillips Vice-Chair White</p> <p style="padding-left: 150px;">Allen Ashman Y Davies Hickey L Horton Preece Rouf Shaeen</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>Economy, Skills, Transport and Environment Scrutiny Board (11 members) (Lab 11)</p> <p>Chair Hickey Vice-Chair Ashman Vice Chair Tagger</p> <p style="padding-left: 150px;">Ahmed Allcock Crompton Dhallu Frear I Jones B Price Rouf</p>	<p>Health and Adult Social Care Scrutiny Board (11 members) (Lab 11)</p> <p>Chair E M Giles Vice-Chair Ahmed Vice-Chair Meehan</p> <p style="padding-left: 150px;">Crompton Downing Goult O Jones Hevican S Jones Lloyd Shaeen</p>

Scrutiny Boards (cont) (2017/2018)

Safer Neighbourhoods and Active Communities Scrutiny Board (11 members + 1 co-opted member) (Lab 11)

Chair	Edis
Vice-Chair	Goult
Vice-Chair	Hevican
	Allcock
	Ashman
	Bawa
	Hadley
	Phillips
	R Price
	Underhill
	White

1 Co-opted member

Licensing Committee (2017/2018)

(15 non-executive members)
(Lab 15)

Chair	Piper
Vice-Chair	Dr T Crumpton
Vice-Chair	Tranter
	K Davies
	P Davies
	S Davies
	Downing
	Eaves
	Edis
	Frear
	Gavan
	Goult
	Lewis
	Millard
	White

General Purposes and Arbitration Committee (2017/2018)

(7 non-Executive members)
(Lab 7)

Chair	Dhallu
Vice-Chair	P Davies
	Allen
	S Crumpton
	S Hosell
	Melia
	Rouf

Joint Consultative Panel (2017/2018)

(6 members)
(Lab 6)

Chair	Trow
	Dr T Crumpton
	Dhallu
	Frear
	Millard
	Taylor

Land and Asset Management Committee (2017/2018)

(7 members)
(Lab 7)

Chair	Gavan
	Edis
	Eling
	P Hughes
	Moore
	Preece
	Taylor

**Member Champion
(2017/2018)**

(Lab 4)

Children and Youth

Millard

Equality and Diversity

Taylor

Business

Gavan

Environment

Cherrington

Members' Allowances Scheme 2017/18

Appendix 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 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.

5.4 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 – Monitoring Officer, 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 – Monitoring Officer 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 1st 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 – Monitoring Officer 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
Budget and Corporate Scrutiny Management Board Chair (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 (40% of LA)	10,512
Vice Chair of Planning Committee (20% of Chair of Planning's Allowance)	5,256
Chair of Licensing Committee (40% of LA)	10,512
Vice Chair of Licensing Committee (20% of LA)	5,256
Chair of General Purposes and Arbitration Committee (20% of LA)	5,256
Vice Chair of General Purposes and Arbitration Committee (10% of LA)	2,628
Chair of Land and Asset Management (33.3% of LA)	8,751
Chair of Audit and Risk Assurance Committee (33.3% of LA)	8,751
Chair of Select Committee (33.3% of LA)	8,751
Town Chair Member (33.3% of LA)	8,751
Deputy Town Chair Member (20% of LA)	5,256
Chair of Ethical Standards and Member Development Committee (33.3% of LA)	8,751
Vice Chair of Ethical Standards and Member Development Committee (10% of LA)	2,628
Adoption/Fostering Panel Councillor representative (20% of LA)	5,256
Member Champion (33.3% of LA)	8,751
Chair of Joint Consultative Panel (20% of LA)	5,256

Leader of Main Opposition Party (Variable)	% of size of controlling group	Rate £
	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)

Sandwell Metropolitan Borough Council

Appointments to Other Bodies – Nominations

Appointments to Other Bodies - National Organisations

National Organisation	Term of Office	Nomination(s)	Notes
Bus Lane Adjudication Service Joint Committee	1 year expiring 2018	Cabinet Member for Highways and Environment Deputy: Service Manager – Highways	
Local Government Association – General Assembly	1 year expiring 2018	Leader of the Council (5 votes) Non-voting members:- Deputy Leader Director - Regeneration and Planning	LGA Executive Meetings – any places allocated to Sandwell on Executive Meetings will be dealt with through the regional political groups

National Organisations continued

National Organisation	Term of Office	Nomination(s)	Notes
Local Government Association Strategic Aviation Special Interest Group	1 year expiring 2018	Councillor Piper Director – Regeneration and Planning	
Local Government Information Unit – Management Committee	1 year expiring 2018	Deputy Leader of the Council and Cabinet Member for Neighbourhoods and Communities or her nominee	
PATROL Adjudication Joint Committee (Parking and Traffic Regulations Outside London)	1 year expiring 2018	Cabinet Member for Highways and Environment Substitute member - Cabinet Member for Regeneration and Economic Investment	

Appointments to Other Bodies - Regional Organisations

Regional Organisation	Term of Office	Nomination(s)	Notes
Association of Black Country Authorities	1 year expiring 2018	Leader of the Council (substitute: Cabinet Member for Regeneration and Economic Investment)	
Beacon Centre for the Blind	1 year expiring 2018	Councillor Allen	Non-Voting Advisory Capacity Only.
Midlands Joint Advisory Council for Clean Air and Noise Control	1 year expiring 2018	Cabinet Member for Public Health and Protection Chair of Economy, Skills, Transport and Environment Scrutiny Board Director – Public Health	

Regional Organisations continued

Regional Organisation	Term of Office	Nomination(s)	Notes
Midlands Joint Advisory Council for Environmental Protection	1 year expiring 2018	Cabinet Member for Public Health and Protection Chair of Economy, Skills, Transport and Environment Scrutiny Board Director – Public Health	
West Midlands Fire and Rescue Authority	1 year expiring 2018	Councillor Edwards* Councillor Tranter Councillor Allcock	* Denotes Lead Member (Section 41)
West Midlands Home and Leisure Safety Council	1 year expiring 2018	Councillor Taylor	

Regional Organisations continued

Regional Organisation	Term of Office	Nomination(s)	Notes
Transport Delivery Committee (Sub Committee of West Midlands Combined Authority)	1 year expiring 2018	Councillor R Horton* Councillor Sidhu	*Denotes Lead Member (Section 41)
Transport Authority Overview and Scrutiny Joint Committee	1 year expiring 2018	Councillor Dhallu	
West Midlands Police and Crime Panel	1 year expiring 2018	Cabinet Member for Public Health and Protection Named alternate: Councillor Webb Named alternate for Dudley MBC: Councillor D Hosell	

Regional Organisations continued

Regional Organisation	Term of Office	Nomination(s)	Notes
West Midlands Regional Health Scrutiny Chairs Group	1 year expiring 2018	Chair of Health and Adult Social Care Scrutiny Board	
West Midlands Scrutiny Network	1 year expiring 2018	Councillor P Hughes	
West Midlands Strategic Migration Partnership Board	1 year expiring 2018	Deputy Leader of the Council	
Pensions Committee, Investment Advisory Sub-Committee	1 year expiring 2018	Councillor Hevican (or nominee: vacant)	

Appointments to Other Bodies - Partnership Organisations

Partnership Organisation	Term of Office	Nomination(s)	Notes
Birmingham Airport Holdings Limited – Main Board	2 years expiring 2019	Councillor Piper	
Birmingham Airport - Airport Consultative Committee	1 year expiring 2018	Councillor Dr T Crumpton	
Black Country Consortium	1 year expiring 2018	Leader of the Council	As a Director and a Guarantee Member.
Black Country Local Enterprise Partnership	1 year expiring 2018	Leader of the Council Cabinet Member for Regeneration and Economic Investment	

Partnership Organisations continued

Partnership Organisation	Term of Office	Nomination(s)	Notes
Black Country Waste Management Forum	1 year expiring 2018	Cabinet Member for Highways and Environment	
Clinical Governance Committee	1 year expiring 2018	Chair of Health and Adult Social Care Scrutiny Board	
Contest Board	1 year expiring 2018	Leader of the Council Cabinet Member for Public Health and Protection	
Corporate Parenting Board	1 year expiring 2018	Cabinet Member for Children's Services Councillor Hartwell Councillor P M Hughes Councillor Phillips Councillor Shackleton Councillor Webb	Cabinet Member with responsibility for Children's Services + 5 members Chair and Vice-Chair of Children's Services and Education Scrutiny Board participating observers
Local Improvement Finance Trust (LIFT) – Strategic Partnership Board	1 year expiring 2018	Director – Regeneration and Planning	Director nomination

Partnership Organisations continued

Partnership Organisation	Term of Office	Nomination(s)	Notes
Local Sustainable Transport Fund (Local Sustainable Transport Fund Member Programme Board)	1 year expiring 2018	Cabinet Member for Regeneration and Economic Investment	Cabinet Member with responsibility for transport
Raising Participation Group	1 year expiring 2018	Cabinet Member for Children's Services	
River Trent Regional Flood and Coastal Committee	1 year expiring 2018	Cabinet Member for Highways and Environment (nominated substitute: Councillor Khatun)	

Partnership Organisations continued

Partnership Organisation	Term of Office	Nomination(s)	Notes
Sandwell Futures Ltd Board (and HoldCo Board)	Indefinite appointment	Executive Director – Adult Social Care, Health and Wellbeing	Appointed as the Local Education Partnership Director for Sandwell Futures and PFI 1 Director for HoldCo
Sandwell Leisure Trust	1 year expiring 2018	Councillor P Hughes* Councillor Gavan	* denotes nominated member to answer written questions
Sandwell Local Access Forum	1 year expiring 2018	Councillor Gavan Councillor S Hosell Councillor Tranter	Elected member representatives would ideally address any areas of interest that appeared to be under represented at that time – in particular Land Management.
Sandwell Children’s Social Care Trust – Council appointed non-executive Director	To be determined in line with agreed Articles of Association of the Trust	Councillor Sandars Director – Prevention and Protection	New Body

Partnership Organisations cont

Partnership Organisation	Term of Office	Nomination(s)	Notes
SIPS Education Board	1 year expiring 2018	Councillor Underhill Director – Prevention and Protection	
Standing Advisory Council on Religious Education (SACRE)	1 year expiring 2018	Cabinet Member for Children’s Services Councillor Melia Nominated representatives: Councillor B Price and Phillips respectively	
W2R Contract Management Board	1 year expiring 2018	Leader of the Council Executive Director - Neighbourhoods	
West Midlands Combined Authority Board	1 year expiring 2018	Leader of the Council Cabinet Member for Regeneration and Economic Investment (substitutes: Cabinet Member for Public Health and Protection and Cabinet Member for Core Services)	

Partnership Organisations continued

Partnership Organisation	Term of Office	Nomination(s)	Notes
West Midlands Combined Authority Overview and Scrutiny Committee	1 year expiring 2018	Councillor Peter Hughes Substitute: Councillor Worsey	
West Midlands Combined Authority Audit Committee	1 year expiring 2018	Councillor Carmichael Substitute: Councillor Taylor	
West Midlands Combined Authority Growth Company	1 year expiring 2018	Leader of the Council	New Body
West Midlands Employers	1 year expiring 2018	Cabinet Member for Core Services	
West Midlands Joint Committee	1 year expiring 2018	Leader of the Council* Deputy Leader of the Council**	* Voting member ** Substitute voting member (Chair of each Joint Authority for Police, Fire and Transport to be ex-officio members but with no voting rights)

Appointments to Other Bodies - Civic Organisations

Civic Organisation	Term of Office	Nomination(s)	Notes
Safer Sandwell Partnership	1 year expiring 2018	Cabinet Member for Public Health and Protection Councillor Piper Councillor Webb	Cabinet Portfolio Holder for crime and disorder issues/ Chair of Licensing Committee

Appointments to Other Bodies - Local Organisations

Local Organisation	Term of Office	Nomination(s)	Notes
Adoption Panel	1 year expiring 2018	Councillor P M Hughes	
Barlow Homes Committee of Management	1 year expiring 2018	Councillor S Davies Councillor Y Davies Councillor Frear Councillor Gavan Councillor E M Giles	
- Barlow Samaritan Fund for Teachers and Scholars – Committee of Management	1 year expiring 2018	The Mayor Councillor Y Davies Councillor Downing Councillor Gavan	
Fostering Panel	1 year expiring 2018	Councillor Shaeen	
George and Thomas Henry Salter Trust	1 year expiring 2018	The Mayor	Ex-officio appointment only

Local Organisations continued

Local Organisation	Term of Office	Nomination(s)	Notes
Leonard Andrews Poole Trust	1 year expiring 2018	Members of the General Purposes and Arbitration Committee	To act as managing trustees of the Charity
Mackmillan Educational Foundation	4 years expiring 2021	Councillor Eaves Councillor Shackleton Vacant	Other representatives: 4 years expiring 2019 Councillor Carmichael Mr P Webb 4 years expiring 2020 Councillor White Councillor Webb
Rowley Quarry Residents Liaison Group	1 year expiring 2018	Ward Blackheath Councillor Millard Rowley Councillor Eaves Tividale Councillor Crompton	

Local Organisations continued

Local Organisation	Term of Office	Nomination(s)	Notes
Sandwell Academy Governing Body	1 year expiring 2018	Councillor Shackleton	
Sandwell Advice and Moneylink	1 year expiring 2018	Councillor Y Davies	
Sandwell Twinning Association	1 year expiring 2018	The Mayor Councillor Dhallu Councillor Hackett (or their nominee: Councillor J Underhill)	Ex-officio appointment