











REPORT TO GOVERNANCE AND CONSTITUTION REVIEW COMMITTEE

12 April 2018

Subject:	Constitution Update 2018
Director:	Surjit Tour Director – Monitoring Officer
Contribution towards Vision 2030:	         
Contact Officer(s):	Suky Suthi-Nagra Democratic Services Manager suky_suthi-nagra@sandwell.gov.uk

DECISION RECOMMENDATIONS

That the Governance and Constitution Review Committee:

1. **Members Allowance Scheme 2018-19**
 - a) Consider the revised Members Allowance Scheme 2018-19;
 - b) Provide a steer on the reinstatement of a taxi provision for members;
 - c) Recommend the Members Allowance Scheme 2018-19 to Council for approval;
2. **Programme of Committee Meetings 2018-19**
 - a) Consider the Programme of Committee Meetings 2018-19;
 - b) Recommend the Programme of Committee Meetings 2018-19 to Council for approval;
3. **Sandwell Children's Trust**
 - a) Consider changes necessary to the Council's Scheme of Delegation to Officers for the Chief Executive, Executive Director of Children's Services and Miscellaneous Officers to incorporate the provisions of the Sandwell Children's Trust;
 - b) Request the Leader of the Council to consider amending the executive portfolios for the Leader and Cabinet Member for Children's Services to incorporate the provisions of the Sandwell

- Children's Trust and to provide an update to the Council in May 2018;
- c) Consider changes necessary to amend the Terms of Reference for Scrutiny Boards (Children's Services and Education Scrutiny Board) to incorporate the provisions of the Sandwell Children's Trust;
 - d) Recommend the proposed changes to the Council for approval;

4. Miscellaneous Officers

- a) Consider a change to the Scheme of Delegation to Officers (Miscellaneous Officers) to enable to Conservation Officer to sign off notices as required by the Planning (Listed Buildings and Conservation Areas) Regulations 1990 notifying owners/occupiers that a building has become listed;
- b) Recommend the proposed changes to the Council for approval;

5. Policy Review Select Committee

- a) To provide a steer on the future of the Policy Review Select Committee.

1 PURPOSE OF THE REPORT

1.1 Members will be aware that before the Annual Meeting each year, officers review the Council's Constitution to ensure it remains fit for purpose and to take account of any new changes in legislation or policy. This report outlines the areas that are currently under review, including:-

- update to Members' Allowances Scheme to reflect the recommendations of the Independent Remuneration Panel following their review in 2017 and to provide greater flexibility to meet changing demands;
- proposed programme of committee meetings 2018-19;
- future of the Policy Review Select Committee;
- proposed changes to the Scheme of Delegation to Officers and the Terms of Reference for Scrutiny Boards to incorporate the provisions of the Sandwell Children's Trust.

2 IMPLICATIONS FOR SANDWELL'S VISION

- 2.1 The proposals enable the Council and the Executive to review and refresh the Council's constitutional framework and governance arrangements and to re-design and revise them to ensure they are effective to deliver the council's statutory functions and Vision 2030.

3 BACKGROUND AND MAIN CONSIDERATIONS

- 3.1 The Council has a duty under Section 37 of the Local Government Act 2000 to keep its Constitution up to date. The Monitoring Officer is responsible for monitoring and reviewing the Constitution on behalf of the Council. This exercise is carried out on an annual basis to ensure that in-year amendments approved by the Council have been included and to identify any areas in need of review and revision.
- 3.2 An in-depth governance review will be undertaken to ensure the council's governing frameworks, constitutional arrangements and working practices and procedures remain effective and fit for purpose in addressing changes in the council's circumstances, legislation and business needs and are aligned to Sandwell's Vision 2030. A further report will be submitted in due course.

4 THE CURRENT POSITION

Members Allowance Scheme 2018-19

- 4.1 In accordance with the Local Authorities (Members' Allowances) (England) Regulations 2001, as amended, independent representatives of Sandwell formed an Independent Remuneration Panel to make recommendations on a suitable remuneration scheme for elected Members. The Panel met on several occasions to undertake their work and during August 2017, the Panel met with various elected members who had expressed an interest in making representations to the Panel.

Having considered this information alongside comparative data and benchmarking evidence, the Panel produced a report, which set out their considered recommendations for the Members' Allowances Scheme at Sandwell MBC. This was considered by the Council on 17th October 2017.

- 4.2 The Panel recommended that members basic allowance should be uplifted in line with any pay awards given to staff. Once the National Pay Offer is agreed, a further report will be submitted to the Council to recommend approval including the budgetary implications.
- 4.3 In response to the recommendations of the Panel, the Members Allowances Scheme has been amended to:-

- provide clarity on childcare provision available for those members who are primary carers, whilst undertaking approved duties, for e.g. attendance at meetings;
- clarity on the ICT and member mobile phone policy.

However, a steer is now required from the Committee on whether to reinstate a taxi scheme for members. Travel and subsistence is payable in connection with undertaking duties specified by the Council. No separate amount is be payable for travel and subsistence within the West Midlands conurbation area as the basic allowance is deemed to include an element for travel and subsistence. However, in previous years, a transport scheme was made available for members. Those members whom utilised the scheme would pay monthly towards the cost of the scheme and the Council would reimburse a sum of money to that member if they had made less than 99 journeys in a year. In 2016, the decision was taken to remove this provision so that payment for taxis may only be made in cases of urgency or where public transport is not reasonably available. The previous scheme was utilised by one member and was costing the Council approximately £700 per year. Having heard representations from a member, the Independent Remuneration Panel felt that the transport plan issue should be revisited to consider whether it should be reintroduced.

Sandwell Children's Trust

- 4.4 Whilst a governance review is underway, it has become necessary to make minor changes to the Council's Scheme of Delegation to Officers (Non-Executive function) and the Terms of Reference for Scrutiny Boards to incorporate the provisions of the Sandwell Children's Trust and any additional delegation that are required in order for the Council to carry out its functions. These will be recommended for approval by the Council in May 2018.

The Leader will be requested to consider any proposed amendments to the executive portfolios for the Leader and the Cabinet Member for Children's Services to incorporate the Children's Trust provisions and to update the Council in May 2018 on any changes.

Policy Review Select Committee

- 4.5 A steer from the Committee is sought on whether the Policy Review Select Committee will continue for a third year. The Select Committee was set up in 2016 and has met on five occasions to review the Council's strategic policy framework and bring forward recommendations for policy refresh to ensure alignment with the Council's corporate policy priorities. With the inception of the Sandwell Vision 2030, clarification is now sought on whether the Select Committee should be dissolved in May 2018.

5 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)

- 5.1 An Independent Remuneration Panel was appointed in 2017 to advise on the terms and conditions of the scheme of Members Allowances.

6 ALTERNATIVE OPTIONS

- 6.1 Once a steer is obtained from the Committee in relation to the future of the Policy Review Select Committee and the taxi provision for members, officers will be able to provide alternative options to members for consideration.

7 STRATEGIC RESOURCE IMPLICATIONS

- 7.1 Any proposed changes to the Members Allowance Scheme, the Special Responsibility Allowance and the provision of a taxi scheme will have a budgetary impact. A further report will be submitted to the Council in the event that the National Pay Offer is agreed which will result in an increase in members basic allowance, to outline the financial implications.

8 LEGAL AND GOVERNANCE CONSIDERATIONS

- 8.1 The Council has a duty under Section 37 of the Local Government Act 2000 to keep its Constitution up to date.

9 EQUALITY IMPACT ASSESSMENT

- 9.1 There are no equality issues arising from the proposals.

10 DATA PROTECTION IMPACT ASSESSMENT

- 10.1 The proposals are in line with data protection implications.

11 CRIME AND DISORDER AND RISK ASSESSMENT

- 11.1 There are no crime or disorder implications arising from the proposals.

12 HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE) (

- 12.1 The proposals have no implications on health and wellbeing.

13 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

- 13.1 There are no implications for Council managed land or property.

14 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

14.1 It is proposed to recommend to Council:-

- The revised Members Allowance Scheme 2018-19;
- The Programme of Committee Meetings 2018-19;
- Proposed changes to the Scheme of Delegation to Officers and the Terms of Reference for Scrutiny Boards to incorporate the provisions of the Sandwell Children's Trust.

15 BACKGROUND PAPERS

15.1 Report of the Independent Remuneration Panel to Council – 17 October 2017.

16 APPENDICES:

Revised Members Allowance Scheme 2018–19 – Appendix 1

Programme of Committee Meetings 2018-19 – Appendix 2

Scheme of Delegation to Officers (Chief Executive) – Appendix 3

Scheme of Delegation to Officers (Executive Director of Children's Services) – Appendix 4

Scheme of Delegation to Officers (Miscellaneous Officers) – Appendix 5

Terms of Reference for Scrutiny Boards – Appendix 6