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Agenda Governance and Constitution Review Committee

Friday, 27 May 2022 at 11.30 am
Committee Room 1, at Sandwell Council House, Oldbury

This agenda gives notice of items to be considered in private as required by Regulations 5 (4) and (5) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England)

Regulations 2012.

- 1 Apologies for Absence
- 2 **Declarations of Interest**

Members to declare any interests in matters to be discussed at the meeting.

3 Urgent Item of Business

To determine whether there are any additional items of business which, by reason of special circumstances, the Chair decides should be considered at the meeting as a matter of urgency.

4 Democratic Governance Review

7 - 24

To consider proposals to set up a working group of the Committee to progress the democratic governance review.

5 Constitution Review - Review of Cabinet

25 - 40

















Advisor Roles

To recommend to Council to approve the revised role descriptions for Cabinet Advisors (to be renamed Performance Champions).

Kim Bromley-Derry CBE DL Managing Director Commissioner

Sandwell Council House Freeth Street Oldbury West Midlands

Distribution

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Report to Governance and Constitution Review Committee

27th May 2022

Subject:	Democratic Governance Review	
Director:	Surjit Tour, Director of Law & Governance	
Contact Officer:	Elaine Newsome, Service Manager, Democracy	

1 Recommendations

- 1.1 That a cross-party working group comprised from 5 members of the Governance and Constitution Review Committee be established to progress the democratic governance review, and that the Committee confirms the appointment of Members to the working group.
- 1.2 That in connection with 1.1 above, additional membership of the working group, external to the Committee, be approved.
- 1.3 That the Director of Law and Governance, in consultation with the Chair of the Governance and Constitution Review Committee, be authorised to appoint additional members to the working group, in line with the review themes.
- 1.4 That the proposed approach, programme and timeline for the Democratic Governance Review, as set out in the Appendix, be approved.

2 Reasons for Recommendations

2.1 The Committee has delegated authority from Council to review and make recommendations on proposed governance and constitutional related issues.











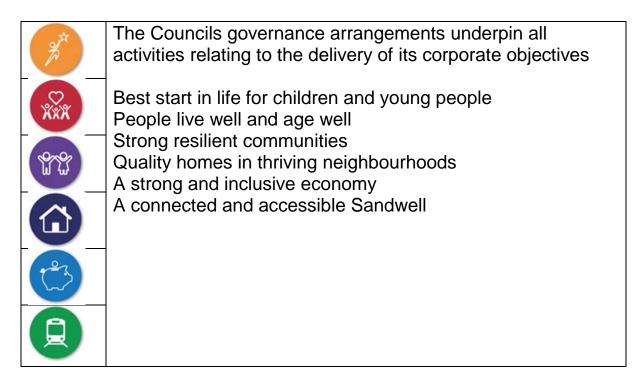






- 2.2 In order to progress the strands of the review, a cross party working group with extended membership is considered to be an effective mechanism as this will provide for a range of input from across all political groups and member roles.
- 2.3 Delegation of membership to the Chair of the Committee would expedite and provide flexibility in appointments to the working group.
- 2.4 The approach to the review is a matter for the Committee to consider and approve.

3 How does this deliver objectives of the Corporate Plan?



4 Context and Key Issues

4.1 In 2018/19, the Local Government Association (LGA) undertook a corporate peer review that included an analysis of the Council's governance infrastructure. A key recommendation arising from the review was the completion of a fundamental review of corporate governance arrangements along with political and wider member development.

















The Council developed an associated action plan to address and move forward the key points identified in the review and commenced with a review of scrutiny arrangements, exploring best practice and emerging themes to enhance the scrutiny functions.

- 4.2 Initial strands of the review have taken place to date, including a series of best practice recommendations in relation to the Council's Scrutiny function; a comprehensive review and revision to the Councillor Code of Conduct, resulting in the adoption of the revised LGA model code; and improvements to digital democracy platforms, including a new committee management system.
- 4.3 Since early 2020, the Council has continued to review and revise its governance and decision-making arrangements in order to meet the challenges and demands arising from the covid-19 pandemic.
- 4.4 The external reviews undertaken by Grant Thornton, the LGA and Cipfa have made a number of recommendations that centre around the council's governance framework and arrangements. In response, the Council has combined resultant activity into a single action plan.
- 4.5 The governance review is the vehicle on which many of the recommendations will be addressed. The review itself is multi-faceted, with the overarching ambition to deliver an effective and efficient governance infrastructure, that is embedded across the organisation. To support the successful realisation of this ambition, the review will also incorporate a development programme for officers and elected members.
- 4.6 Whilst governance arrangements will continue to evolve to meet emerging need and new legislative provisions, there are a number of fundamental issues to be addressed corporately alongside an opportunity to review and implement change in advance of the end of the current Municipal Year, with longer term aims (including a review of the effectiveness of any changes and supporting the governance arrangements of other corporate initiatives) scheduled over a 2-year



















timeframe. The review programme has been divided into phases with an indicative timescale for each strand. The initial 2 phases are set out below.

- 4.7 It is proposed that a cross-party member working group is established to lead on review activity with officer support drawn from colleagues across Democratic Services, Finance, Legal, HR and internal Audit with input from other services as needed.
- 4.8 A programme of wider elected member engagement in relation to review themes will support the development of recommendations to be considered by the Committee.

5 Implications

Resources:	Appropriate officer support from a variety of governance disciplines will support the review activity.
Legal and	The Councils governance arrangements should reflect
Governance:	the current legislative framework and offer efficient,
	effective and appropriately placed decision making.
Risk:	Risks to the Council arise where governance
	arrangements are not routinely reviewed and aligned
	with legislation and guidance.
Equality:	The Council's governance arrangements should offer
	equality of access to all.
Health and	A key theme of review activity relates to the Councils
Wellbeing:	Health and Wellbeing board arrangements.
Social Value	None associated with this report.

6 Appendices

Appendix 1 – Democratic Governance Review Approach and Timeline

7. Background Papers

LGA Peer Review, Grant Thornton Review, Cipfa Review, Council's Single Improvement Plan

















Appendix

_	Phase 1 May to O	Phase 1 May to October 2022				
age 11	Governance Topic	Action/themes	What will the review strand look to achieve	Lead Committee/Board	Indicative timetable for decision by Council/Leader	
	Member Engagement Strategy		To develop targeted member engagement approach to gauge as broad a view on any proposed governance changes	Governance Review Working Group (June 2022)	N/A	
	Executive Decision Making	Review key decision financial threshold	The review will benchmark against other Metropolitan and neighbouring Councils to understand current financial thresholds and how they support strategic ambitions. Any decision to revise thresholds will be a matter for Council and will impact on other review activity including Contract Procedure Rules, Financial Regulations, the Scheme of Delegation and	Governance & Constitution Review Committee 5 th July	Council 26 th July 2022	





















Page 12		Consider re-introduction of individual cabinet member decision making and associated thresholds	individual Cabinet Member decisions. This element of the review will aim to re-evaluate the decision-making powers delegated by the Leader to individual cabinet members; understanding the associated impact on collective cabinet decisions and determining the process, including checks and balances to ensure robust governance arrangements are	Leader	Following decision by Council July 2022
	Constitution Review: Contract Procedure Rules (CPR)	A holistic review of contract procedure rule	in place, including the role of scrutiny This strand of the review will be influenced by any decision on the key decision threshold. The key aims of the review are to ensure that the council's contract procedure rules are robust, compliant with relevant legislation (following the UK departure	Governance & Constitution Review Committee 5 th July	Council 26 th July 2022



















Page 13			from the EU), offer sufficient checks and balances to provide assurances to members in relation to procurement decision making processes without being prohibitively bureaucratic.		
			Review activity will be supported by officer focus groups on the procurement processes that underpin CPRs with a view to ensuring that processes are effectively supportive		
	Constitution Review Financial Regulations including land and asset management	A holistic review of financial regulations and asset management provisions	This strand of the review will be influenced by any decision on the key decision threshold. The key aims of the review are to ensure that the council's financial regulations are robust, compliant with relevant legislation and guidance (Including CIPFA	Governance and Constitution Review Committee 5 th July	Council 26 th July 2022



















Page 14			guidance), offer sufficient checks and balances to provide assurances to members in relation to the Council's strategic and operational financial management		
			Review activity will be supported by officer focus groups on the processes that underpin Financial Regulations with a view to ensuring that processes are effectively supportive		
	Constitution Review: Council Procedure Rules	To review and refresh constitutional provisions relating to the operation of Council meetings	The Council Procedure Rules have not been reviewed for a number of years. This strand of the governance review will analyse the effectiveness of current practices and look to develop, where appropriate, revised procedures and practices that provide clarity	Governance & Constitution Review Committee 5 th July 2022	Council 26 th July 2022



















Page 15			 and broader engagement in the Councils flagship meeting. Exploring initially: Lead Member reporting mechanisms Committee minutes received for information Rules of Debate Re-ordering of sections of the CPRs for clarity 		
	Constitution Review: Scheme of Delegation	A comprehensive review of the Scheme of Delegation to Officers	This strand will benchmark against good practice schemes and other local councils with similar strategic ambitions. This will look also at different model schemes, with a view to ensuring that Sandwell's scheme of delegation is accessible and easier for officers to utilise Alongside this there will be an analysis of current legislative	Governance & Constitution Review Committee 13 th October	Council 25 th October 2022



















Page 16		provisions, ensuring that any superseded, new or repealed legislation is accounted for, again, supported by officer focus groups.		
Scrutiny Revie	Embed scrutiny review best practice recommendations Consider corporate appetite to revisit the scrutiny structure	During early 2022, the Chairs of the Scrutiny Boards paused the final elements of the scrutiny review to allow for any changes in membership following the election. A number of best practice recommendations were developed as part of the 2019/2020 review, considering issues such as the scrutiny toolkit, alternative mechanisms for delivering work programmes, the role and remit of scrutiny chairs. Most were implemented during 2021 and are	Scrutiny Board Chairs' recommendations on structure to Governance and Constitution Review Committee 13th October 2022 Any revisions to terms of reference and structures can be developed throughout the remainder of the calendar year	Council 25 th October 2022 or 13 th December 2022



















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			demonstrating effectiveness		
			and improvements across the		
П			function.		
Page			The new civils was a set of a will be		
Jе			The remaining aspects for this		
			strand are to consider the		
7			future structure of the scrutiny		
			function, including the		
			suggested inclusion of a		
			dedicated board to examine		
			the performance of		
			commissioned and externally		
			contract service providers		
	Review of Elected	Analysis of effectiveness	This strand of the review aims	Ethical Standards	N/A
	Member learning	of phases 1&2 MDP	to build on the success of the	and Member	
	and development	•	initial phases of the Member	Development	
	·	Development of Member	Development Programme and	Committee (via	
		offer for 2022	facilitate separate	Member `	
			programmes that are tailored	Development working	
			to meet the needs of:	Group) 14th June	
				2022	
			 Newly elected members 		
			a core programme for		
			all members (including		
			essential elements);		
			coociiliai ciciliciilo),		



















Page 18			 bespoke programmes for members with specific responsibilities (cabinet, scrutiny, committee chairs, Mayor elect) Members aspiring to take on new roles in the future Feed Member Development needs (identified in PDPs) into the mid-year review of the member development programme 	27 th September 2022 (with a further review in preparation for the new municipal year in February 2023, reporting to Committee on 7 th March 2023	
	Officer development & governance engagement	To design and deliver officer learning and development on corporate governance	To support the need for shared corporate ownership of governance, this strand of the review will explore, with colleagues across the	Officer working group August to November 2022	N/A



















Page 19			organisation, to identify any gaps in understanding and build an effective programme of tailored learning and development for officers. *This will be dependent upon the timetable for constitutional changes		
		ber 22 – May 23	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \		
	Governance	Action/themes	What will the review	Lead	Timeline for
	Topic		strand look to achieve	Committee/Board	decision by Council/Leader



















			discretionary elements of the constitution		
Page 20	Health and Wellbeing Board	Review existing arrangements to ensure legislative compliance	This strand of the review will aim to clarify the purpose and role of the H&WBB A collaborative officer review to address anomalies and develop future working mechanism. Any required constitutional changes will be a matter for Council to determine	Governance & Constitution Review Committee November 2022	13 th December 2022
			Feed Member Development needs into the review of the member development programme (set out below)	Ethical Standards and Member Development Committee (via working group)	
	Modern.gov development	Roll-out full functionality of modern.gov supported by Officer Development Programme	This element of the review aims to develop the committee management system following any constitutional changes and enable officers and elected	Democratic Services	May 2023



















Page 21	Democratic engagement	Public engagement platforms	members to utilise full system functionality. Elements of the wider corporate governance officer development programme will address any training needs This strand of the review will explore opportunities for wider democratic engagement including digital democratic presence and enhancing public engagement and participation in democratic processes	Governance & Constitution Review Committee (this will be an element of the phase that continues into year 2)	
	Corporate Governance	Review of Annual Governance Statement and Code of Corporate Governance mechanisms	This strand of the review will explore the effectiveness of the current mechanisms for the development of the Annual Governance Review	Governance Review Officer Group by December 2022	
	Committee structure	Review the effectiveness of existing arrangements	This strand of the review will examine the current decision-making structure and explore any appetite for change, considering the appropriate	Governance & Constitution Review Committee January 2023	Council 31 st January 2023



















		placement of decisions in line with legislative provisions	
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Report to Governance and Constitution Review Committee

27 May 2022

Subject:	Constitution Review – Review of Cabinet Advisor Roles
Director:	Director of Law and Governance & Monitoring Officer, Surjit Tour
Contact Officer:	Jane Alexander, Service Improvement Jane_Alexander@sandwell.gov.uk

1 Recommendations

1.1 That Full Council be recommended to approve the revised role descriptions for Cabinet Advisors (to be renamed Performance Champions) as attached at Appendix 1 to the report.

2 Reasons for Recommendations

2.1 The Governance and Constitution Review Committee is the body charged to review and make recommendations to Council on the content of the Constitution. Any changes to the Constitution are reserved matters for Council to determine.

3 How does this deliver objectives of the Corporate Plan?

3.1 The proposals support the delivery of all objectives contained in the corporate plan.

















**	Best start in life for children and young people
XXX XXX	People live well and age well
TT	Strong resilient communities
	Quality homes in thriving neighbourhoods
(2)	A strong and inclusive economy
Q	A connected and accessible Sandwell

4 Context and Key Issues

- 4.1 In 2019, Council approved the establishment of six Cabinet Advisor roles. Absorbing the previous Member champion roles, the purpose of the Cabinet Advisors was to provide alternative views, opinions and advice on wider, often cross-cutting issues and matters, to the Executive with a view to supporting and enabling more informed policy and strategy development. The roles enabled Cabinet Advisors to share their own experiences, areas of expertise and views/opinions from wider engagement they undertook in relation to matters falling within the scope of each Cabinet Advisor role.
- 4.2 The Cabinet Advisors did not form part of the Executive. However, the Executive could seek their views and engage them in relation to relevant matters and issues so that important insight, ideas, thoughts and views could be harnessed when executive functions were considered.
- 4.3 Cabinet Advisors provided an additional mechanism and opportunity for important views and opinions to be ascertained, in particular from the public, partners and stakeholders. This was in addition to the other functions, mechanisms already in place, such as the Council's Scrutiny function and arrangements, consultation arrangements and methodologies.

















- 4.4 In June 2021, the former Leader aligned the Cabinet Advisors to the corporate objectives outlined below:
 - Business Ambassadors and Community Wealth
 - Clean & Green
 - Crime & Community Safety
 - Digital Inclusion and 5G
 - Wellbeing & Mental Health
 - Young People and Skills
- 4.5 A review of the roles of Cabinet Advisors has been undertaken and it is proposed that they be renamed Performance Champions and their responsibilities be reprofiled to support the Council's key objectives. The Governance and Constitution Committee is requested to consider and make recommendations to Full Council on the proposals to revise the existing roles, focusing their remit towards the council commitments as follows:
 - Safer Community
 - Greener Community
 - Cleaner Community
 - Our economy
 - External partnerships
 - Neighbourhoods Lead Champion
- 4.6 Re-shaping the overarching responsibilities, as outlined in the proposed role descriptions at Appendix 1, would support delivery of both portfolio activity and of the Council's key commitments.

5 Implications

Resources:	The Independent Remuneration Panel previously recommended, and Full Council approved, a Special Responsibility Allowance of 33.3% of the Leaders allowance be paid to Cabinet Advisors (now to be renamed Performance Champions). The cost of the roles are met from within approved budgets.
Legal and	Whilst not part of the Executive, the role of
Governance:	Performance Champion will enable non-Executive members to contribute, alongside the work of the



















	Overview and Scrutiny function, to the direction of travel for the Council and help shape and influence policy.
Risk:	None specifically associated with this report. However, Performance Champions may from time to time receive confidential, personal or sensitive information that will need to be managed in accordance with information governance obligations.
Equality:	Performance Champions will engage with a variety of people from different backgrounds. Ensuring such views are captured and considered is an important part of the role of Performance Champion.
Health and Wellbeing:	The remit of several of the proposed revised roles would contribute to the health and wellbeing of our communities.
Social Value	The remit of several of the proposed revised roles would contribute to enhancing social value.

6 Appendices

Appendix 1 – Proposed Role Descriptions

7. Background Papers

None

















Role Description for Lead Performance Champion – Neighbourhoods

Corporate Responsibilities:

- 1. A non-decision making role that supports Cabinet to drive performance and promote continuous improvement in service delivery and the implementation of best practice.
- 2. To promote and develop the neighbourhoods agenda, ensuring the needs and assets of each town are taken into account, raising awareness of council activity in the community and contributing to the Council's Corporate Plan and Vision 2030.
- 3. Encouraging and supporting measures, initiatives and/or activities that raise greater awareness and involvement by local people and communities in Council decision-making.

- 4. To liaise with Cabinet and Town Leads on all aspects associated with their performance champion role.
- 5. To report progress on a regular basis to the Deputy Leader.
- 6. To liaise as required with the other Performance Champions and the relevant Cabinet member
- 7. To develop productive collaborative working with the community and relevant agencies/partners.
- 8. To gather data, intelligence and all other forms of information that assist with reporting and decision making at Cabinet level.
- 9. To meet regularly with Town Leads to share data and intelligence in relation to their performance champion role
- 10. To liaise with Council officers, partners and other agencies to ensure appropriate communication and engagement associated with their performance champion role.

- 11. To liaise with the other performance champions to share intelligence and joint areas of interest
- 12. To be aware of legislation and ongoing local and national developments on matters relevant to their performance champion role.
- 13. Promoting equality in service provision, in consultation with appropriate Cabinet Members in relation to the safer community agenda.
- 14. To comply with the Member/Officer protocol as set out in the Constitution.
- 15. To take part in training and development programmes to ensure that this role is undertaken as effectively as possible.

Role Description for Performance Champion – Safer Communities

Corporate Responsibilities:

- 1. A non-decision making role that supports Cabinet to drive performance and promote continuous improvement in service delivery and the implementation of best practice.
- 2. To promote and develop the safer communities agenda, raising awareness of council activity in the community and contributing to the Council's Corporate Plan and Vision 2030.
- 3. Encouraging and supporting measures, initiatives and/or activities that raise greater awareness and involvement by local people and communities in Council decision-making.

- 4. To liaise as required with the Lead Performance Champion and the relevant Cabinet member.
- 5. To develop productive collaborative working with the community and relevant agencies/partners.
- 6. To gather data, intelligence and all other forms of information that assist with reporting and decision making at Cabinet level.
- 7. To liaise with Council officers, partners and other agencies to ensure appropriate communication and engagement associated with their performance champion role.
- 8. To liaise with the other performance champions to share intelligence and joint areas of interest
- 9. To be aware of legislation and ongoing local and national developments on matters relevant to their performance champion role.

- 10. Promoting equality in service provision, in consultation with appropriate Cabinet Members in relation to the safer community agenda.
- 11. To comply with the Member/Officer protocol as set out in the Constitution.
- 12. To take part in training and development programmes to ensure that this role is undertaken as effectively as possible.

Role Description for Performance Champion – Cleaner Communities

Corporate Responsibilities:

- 1. A non-decision making role that supports Cabinet to drive performance and promote continuous improvement in service delivery and the implementation of best practice.
- 2. To promote and develop the cleaner communities agenda, raising awareness of council activity in the community and contributing to the Council's Corporate Plan and Vision 2030.
- 3. Encouraging and supporting measures, initiatives and/or activities that raise greater awareness and involvement by local people and communities in Council decision-making.

- 4. To liaise as required with the Lead Performance Champion and the relevant Cabinet member.
- 5. To develop productive collaborative working with the community and relevant agencies/partners.
- 6. To gather data, intelligence and all other forms of information that assist with reporting and decision making at Cabinet level.
- 7. To liaise with Council officers, partners and other agencies to ensure appropriate communication and engagement associated with their performance champion role.
- 8. To liaise with the other performance champions to share intelligence and joint areas of interest
- 9. To be aware of legislation and ongoing local and national developments on matters relevant to their performance champion role.

- 10. Promoting equality in service provision, in consultation with appropriate Cabinet Members in relation to the safer community agenda.
- 11. To comply with the Member/Officer protocol as set out in the Constitution.
- 12. To take part in training and development programmes to ensure that this role is undertaken as effectively as possible.

Role Description for Performance Champion – Greener Communities

Corporate Responsibilities:

- 1. A non-decision making role that supports Cabinet to drive performance and promote continuous improvement in service delivery and the implementation of best practice.
- 2. To promote and develop the greener communities agenda, raising awareness of council activity in the community and contributing to the Council's Corporate Plan and Vision 2030.
- 3. Encouraging and supporting measures, initiatives and/or activities that raise greater awareness and involvement by local people and communities in Council decision-making.

- 4. To liaise as required with the Lead Performance Champion and the relevant Cabinet member.
- 5. To develop productive collaborative working with the community and relevant agencies/partners.
- 6. To gather data, intelligence and all other forms of information that assist with reporting and decision making at Cabinet level.
- 7. To liaise with Council officers, partners and other agencies to ensure appropriate communication and engagement associated with their performance champion role.
- 8. To liaise with the other performance champions to share intelligence and joint areas of interest
- 9. To be aware of legislation and ongoing local and national developments on matters relevant to their performance champion role.

- 10. Promoting equality in service provision, in consultation with appropriate Cabinet Members in relation to the safer community agenda.
- 11. To comply with the Member/Officer protocol as set out in the Constitution.
- 12. To take part in training and development programmes to ensure that this role is undertaken as effectively as possible.

Role Description for Performance Champion – Our economy

Corporate Responsibilities:

- 1. A non-decision making role that supports Cabinet to drive performance and promote continuous improvement in service delivery and the implementation of best practice.
- 2. To promote and develop the "our economy" agenda, raising awareness of council activity in the community and contributing to the Council's Corporate Plan and Vision 2030.
- 3. Encouraging and supporting measures, initiatives and/or activities that raise greater awareness and involvement by local people and communities in Council decision-making.

- 4. To liaise as required with the Lead Performance Champion and the relevant Cabinet member.
- 5. To develop productive collaborative working with the community and relevant agencies/partners.
- 6. To gather data, intelligence and all other forms of information that assist with reporting and decision making at Cabinet level.
- 7. To liaise with Council officers, partners and other agencies to ensure appropriate communication and engagement associated with their performance champion role.
- 8. To liaise with the other performance champions to share intelligence and joint areas of interest
- 9. To be aware of legislation and ongoing local and national developments on matters relevant to their performance champion role.

- 10. Promoting equality in service provision, in consultation with appropriate Cabinet Members in relation to the safer community agenda.
- 11. To comply with the Member/Officer protocol as set out in the Constitution.
- 12. To take part in training and development programmes to ensure that this role is undertaken as effectively as possible.

Role Description for Performance Champion – External Partnerships

Corporate Responsibilities:

- 1. A non-decision making role that supports Cabinet to drive performance and promote continuous improvement in service delivery and the implementation of best practice.
- 2. To promote and develop external partnerships, raising awareness of council activity in the community and contributing to the Council's Corporate Plan and Vision 2030.
- 3. Encouraging and supporting measures, initiatives and/or activities that raise greater awareness and involvement by local people and communities in Council decision-making.

- 4. To liaise as required with the Lead Performance Champion and the relevant Cabinet member.
- 5. To develop productive collaborative working with the community and relevant agencies/partners.
- 6. To gather data, intelligence and all other forms of information that assist with reporting and decision making at Cabinet level.
- 7. To liaise with Council officers, partners and other agencies to ensure appropriate communication and engagement associated with their performance champion role.
- 8. To liaise with the other performance champions to share intelligence and joint areas of interest
- 9. To be aware of legislation and ongoing local and national developments on matters relevant to their performance champion role.

- 10. Promoting equality in service provision, in consultation with appropriate Cabinet Members in relation to the safer community agenda.
- 11. To comply with the Member/Officer protocol as set out in the Constitution.
- 12. To take part in training and development programmes to ensure that this role is undertaken as effectively as possible.