

Agenda Council

You are hereby summoned to attend the Annual Meeting of Sandwell Council, to be held on Tuesday, 23 May 2023 at 6.00pm for the purpose of transacting the following business:-

1 Apologies for Absence 5 - 6

To receive apologies for absence (if any).

2 Declarations of Interest 7 - 8

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

3 Election of the Mayor

To elect the Mayor and Chair of Council for the Municipal Year 2023/24.

4 Vote of thanks to the retiring Mayor

To move a vote of thanks to the Retiring Mayor for their services during the 2022/23 Municipal Year.

5 Election of the Deputy Mayor

To elect the Deputy Mayor and Vice Chair of Council for the Municipal Year 2023/24.



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|----|--|-----------|
| 6 | Minutes of the Previous Meetings of Council | 9 - 30 |
| | To approve as a correct record the minutes of the extraordinary and ordinary meetings of Council held on 28 March 2023. | |
| 7 | Executive Appointments | 31 - 50 |
| | To receive from the Leader, notification of Executive Appointments for the 2023/24 Municipal year. | |
| 8 | Political Balance, Appointment to Committees, Boards and Other Fora 2023/24 and updates to the Council's Constitution | 51 - 112 |
| | To consider political balance, appointments to committees/boards for the 2023/24 Municipal Year and updates to the Council's Constitution. | |
| 9 | Appointment of Representatives to Other Bodies | 113 - 130 |
| | To consider appointments to other bodies | |
| 10 | Independent Remuneration Panel Review on Members' Allowances Scheme | 131 - 150 |
| | To consider the report of the Independent Remuneration Panel and approve the Members' Allowances Scheme. | |



Shokat Lal
Chief Executive
Sandwell Council House
Freeth Street
Oldbury
West Midlands

Distribution

All Members of Council

Contact: democratic_services@sandwell.gov.uk

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Apologies

To receive any apologies from members

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Declarations of Interest

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

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Minutes of Extraordinary Meeting of Council

**Tuesday 28 March 2023 at 6.00pm
at Sandwell Council House, Oldbury**

Present: His Worshipful The Mayor, Councillor R Jones;
Deputy Mayor, Councillor Taylor;

Councillors Abrahams, Akpoteni, Allcock, Allen, Anandou, Bhullar, Bostan, Carmichael, Chambers, Chapman, Chidley, Choudhry, Costigan, Crompton, Dunn, Fenton, Fisher, Gavan, E A Giles, E M Giles, J Giles, L Giles, M Gill, W Gill, Hackett, Hartwell, Hinchliff, Hughes, A Hussain, Jalil, O Jones, Kalari, Kaur, Khatun, Lewis, Mayo, McVittie, Melia, Millar, Millard, Owen, Padda, Piper, Preece, Rahman, Randhawa, Rollins, Singh, Smith, Uddin, Webb, Wilkes and Williams.

Officers: Shokat Lal – Chief Executive; Surjit Tour – Director of Law and Governance and Monitoring Officer; Elaine Newsome – Services Manager – Democracy; Suky Suthi-Nagra – Democratic and Member Services Manager; Stephnie Hancock – Deputy Democratic Services Manager; Trisha Newton – Deputy Democratic Services Manager; Ruth Darby – Lead Officer – Mayoralty and Member Development; Connor Robinson – Democratic Services Officer; John Swann – Democratic Services Officer; Kennedy Brown – Sergeant at Arms.

33/23 **Apologies for Absence**

Apologies for absence were received from Councillors Ahmed, Akhtar, Ashman, Davies, Dhallu, Dhariwal, G Gill, S Gill, Z Hussain, Moore, Shaeen, Simms and Trumpeter.



34/23 **Declarations of Interest**

No declarations of interest were received.

35/23 **Honorary Alderman of the Borough**

Council considered the recommendations of the General Purposes and Arbitration Committee, of 14 March 2023, in relation to a nomination for Honorary Alderman (Minute No. 6/23 of the Committee refers).

Resolved:-

- (1) that the office of Honorary Alderman of the Borough be conferred upon Mohinder Singh Tagger;
- (2) that the Director – Law and Governance and Monitoring Officer, in consultation with the Mayor and Leader of the Council, be authorised to make the appropriate arrangements to implement the decision set out in (1) above.

Meeting ended at 6:09pm

Contact: democratic_services@sandwell.gov.uk



Minutes of Council

**Tuesday 28 March 2023 at 6.10pm
at Sandwell Council House, Oldbury**

Present: His Worshipful The Mayor, Councillor R Jones;
Deputy Mayor, Councillor Taylor;

Councillors Abrahams, Akpoteni, Allcock, Allen, Anandou, Bhullar, Bostan, Carmichael, Chambers, Chapman, Chidley, Choudhry, Costigan, Crompton, Dunn, Fenton, Fisher, Gavan, E A Giles, E M Giles, J Giles, L Giles, M Gill, W Gill, Hackett, Hartwell, Hinchliff, Hughes, A Hussain, Jalil, O Jones, Kalari, Kaur, Khatun, Lewis, Mayo, McVittie, Melia, Millar, Millard, Owen, Padda, Piper, Preece, Rahman, Randhawa, Rollins, Singh, Smith, Uddin, Webb, Wilkes and Williams.

Officers: Shokat Lal – Chief Executive; Surjit Tour – Director of Law and Governance and Monitoring Officer; Elaine Newsome – Services Manager – Democracy; Suky Suthi-Nagra – Democratic and Member Services Manager; Stephnie Hancock – Deputy Democratic Services Manager; Trisha Newton – Deputy Democratic Services Manager; Ruth Darby – Lead Officer – Mayoralty and Member Development; Connor Robinson – Democratic Services Officer; John Swann – Democratic Services Officer; Kennedy Brown – Sergeant at Arms.



36/23 **Minute Silence**

The Council observed a minute silence to mark the passing of the former Speaker of the House of Commons, Baroness Betty Boothroyd of Sandwell.

Baroness Betty Boothroyd had represented the parliamentary constituency of West Bromwich from 1973 to 1974 and West Bromwich West from 1974 to 2000.

On behalf of Council, the Mayor extended condolences to her family and friends.

37/23 **Apologies for Absence**

Apologies for absence were received from Councillors Ahmed, Akhtar, Ashman, Davies, Dhallu, Dhariwal, G Gill, S Gill, Z Hussain, Moore, Shaeen, Simms and Trumpeter.

38/23 **Declarations of Interest**

Minute No.	Subject	Member	Interest
52/23(a)	Nominations for the Office of Mayor/Chair of Council and Deputy Mayor/Vice Chair of Council of Sandwell for the 2023/24 Municipal Year.	Councillors Gavan and E M Giles	Nominated for the positions of Mayor and Deputy Mayor 2023/24
		Councillors E A Giles, J Giles and L Giles	Relatives of Councillor E M Giles above.



39/23 **Minutes**

Resolved that the minutes of the meeting of Council held on 21 February 2023 be approved as a correct record and signed by the Chair.

40/23 **Additional Item of Business**

There was one additional item of business – Revisions to Appointments to Committees and Boards (see Minute No. 55/23 below).

41/23 **Mayor's Announcements**

Details of Mayoral and Deputy Mayoral engagements since the last meeting of Council had been circulated to members.

42/23 **Petitions**

No petitions were received under Standing Order No, 5.

43/23 **Written Questions**

Questions received under Standing Order No. 6 were asked of the relevant members and responses received.

44/23 **Pay Policy 2023 and Gender pay Gap Reporting**

The Council considered the Pay Policy Statement and Gender Pay Gap data.

The Council was required under the Localism Act 2011 to annually prepare and publish a Pay Policy Statement setting out its policies relating to the remuneration of their chief officers and employees.



The Council was required by the Equality Act (Specific Duties and Public Authorities) Regulations 2017, to prepare and publish its Gender Pay Gap data on an annual basis and this formed part of an equality measure and transparency obligation placed upon local authorities to illustrate the difference in average earnings between men and women.

The Council's previous Annual Pay Policy statements had informed that the pay ratio between the median FTE employee and the Chief Executive reduced in 2021 from 1:6 to 1:5 and had remained fairly static since. It was noted that this median salary figure had continued to increase over the last 12 months from £28,672 to £30,151 per annum, or by 5.2%.

Sandwell Council's mean Gender Pay Gap figure for 2023 had narrowed from 3.4% to 0.6% over the last 12 months.

Resolved that:-

- (1) the Pay Policy Statement 2023 be approved;
- (2) the Gender Pay Gap data be approved.

45/22 **Transport for West Midlands Update**

Council received an update on the work of the Transport Authority from Councillor Webb, the member nominated pursuant to Section 41 of the Local Government Act 1985 to report on the activities of Transport for West Midlands.

46/22 **West Midlands Police and Crime Panel**

Council received an update on the work undertaken by the West Midlands Police and Crime Panel from Councillor Millard, the Council's lead representative on the Panel.



47/22 **West Midlands Combined Authority**

Council received an update on the work undertaken by the West Midlands Combined Authority from the Leader of the Council.

48/22 **Annual Report of the Ethical Standards and Member Development Committee 2022/23**

Councillor Allcock, Chair of the Ethical Standards and Member Development Committee, presented the Annual Report of the Committee for 2022/23 and highlighted the business of the Committee for the year.

In presenting the report the Councillor Allcock wished to place on record his thanks to John Tew, who had retired as Independent Person.

49/23 **Minutes of Cabinet**

The minutes of the meeting the Cabinet held on 15 February 2023 were received.

50/23 **Minutes of the Budget and Corporate Scrutiny Management Board**

The minutes of the meetings of the Budget and Corporate Scrutiny Management Board held on 2 February and 1 March 2023 were received.

51/23 **Minutes of the Ethical Standards and Member Development Committee**

The minutes of the meeting of the Ethical Standards and Member Development Committee held on 7 March 2023 were received.



The Council considered the recommendations of the Ethical Standards and Member Development Committee on the following matter:-

51/23(a) **DBS Checks for Elected Members**

Council considered the recommendation of the Ethical Standards and Member Development Committee in respect of DBS Checks for Elected Members.

Resolved that the DBS Check Protocol for Elected Members, as set out in Appendix A, which includes:

- (1) annual Basic DBS Checks to be undertaken for all elected members not identified in the roles set out in (2) below;
- (2) annual Enhanced DBS Checks to be undertaken for those elected members in the roles set out below:-
 - The Leader
 - Deputy Leader
 - Cabinet Members for Children and Adults
 - all Members of Children’s Services and Education Scrutiny Board and Health and Adults Social Care Scrutiny Board
 - Members of the Corporate Parenting Board
 - Members of the Health and Wellbeing Board
 - any other Member who may regularly come into contact with children or vulnerable adults as part of their Council role.

be approved with effect from the commencement of the 2023 municipal year.



52/23 **Minutes of the General Purposes and Arbitration Committee**

The minutes of the meeting of the General Purposes and Arbitration Committee held on 14 March 2023 were received.

The Council considered the recommendation of the General Purposes and Arbitration Committee on the following matter:-

52/23(a) **Nominations for the Offices of Mayor/Chair of Council and Deputy Mayor/Vice Chair of Council of Sandwell for the 2023/24 Municipal Year**

The Council considered the recommendation of the General Purposes and Arbitration Committee in respect of the nomination for the Office of Mayor/Chair of Council and Deputy Mayor/Vice Chair of Council of Sandwell for the 2023/24 Municipal Year.

Resolved that: -

- (1) Councillor Gavan be nominated to the office of Mayor/Chair of Council for the Borough of Sandwell for the 2023/24 Municipal Year;
- (2) Councillor E M Giles be nominated to the office of Deputy Mayor of the Borough of Sandwell for the 2023/24 Municipal Year.

(Councillors Gavan, E A Giles, E M Giles, J Giles and L Giles left the Council Chamber during consideration of the item and took no part in the debate)

53/23 **Minutes of the Audit and Risk Assurance Committee**

The minutes of the meeting of the Audit and Risk Assurance Committee held on 19 January 2023 were received.



54/23 **Notice of Motions**

The Council proceeded to consider the following motions received under Standing Order No. 7.

54/23(a) **Introduction of an Additional Licensing Scheme for Houses of Multiple Occupancy across Sandwell**

It was moved by Councillor Dunn and seconded by Councillor Wilkes:-

“That this Council recognises that Houses of Multiple Occupancy (HMOs) with under five occupants is difficult to monitor due to the lack of requirements needed when registering with Local Authorities and is therefore having an impact on the wellbeing of residents within our community.

As a result, this Council moves that the Cabinet Member for Housing commissions a report to the next meeting of Cabinet, which outlines the feasibility of having an Additional Licensing Scheme, for all HMOs within Sandwell Metropolitan Borough, which runs alongside the Mandatory Licensing Scheme, pursuant to Section 56 of the Housing Act 2004 and report the findings of this Report to the next Full Council Meeting, which falls in the next Municipal Year.”

In accordance with Standing Order No.12, Councillor Piper moved the following amendment to the Motion, seconded by Councillor Carmichael:-

“That this Council recognises that Houses of Multiple Occupancy (HMOs) with under five occupants is difficult to monitor due to the lack of requirements needed when registering with Local Authorities and is therefore having an impact on the wellbeing of some residents within our community.



It must be noted that HMOs, where of good quality, make an important contribution to the private rented sector (PRS) by catering for different housing needs, including for some key workers, professionals and single persons and by contributing to the overall provision of affordable or private rented stock.

It is important that Sandwell has a mixture of housing and homes available for its residents especially with the current waiting list that the council currently operates - that is why this administration welcomed the councils introduction of the West Bromwich Trial for Additional Licensing to gather evidence needed to submit a scheme to the whole borough.

This Council moves that the Cabinet Member for Housing continues with the current trial that has been in place for 9 months so that robust evidence can be gathered which outlines the feasibility of having an Additional Licensing Scheme, for all HMOs within Sandwell Metropolitan Borough, which runs alongside the Mandatory Licensing Scheme, pursuant to Section 56 of the Housing Act 2004 and report the findings and bring a report back to this council.”

The amendment was accepted, the amended motion was put to the vote and, having been carried, it was RESOLVED accordingly.

54/23(b) **DBS Legislation Review**

It was moved by Councillor Allcock and seconded by Councillor Crompton:-

“The work the Disclosure and Barring Service (DBS) does is vital to safeguarding initiatives across the UK and they undertake millions of checks every year.

However, a legal loophole that allows dangerous individuals to potentially bypass these measures exist. By simply changing one's name by deed poll, the link to an individual criminal record is broken.



By law, people convicted of sex offences or those on the sex offenders' register must inform the police if they change their name and failure to do so can lead to a 5-year prison sentence. If the individual in question decides to change their name without informing the police, they could potentially disappear and bypass the DBS process.

Also during the development of the Sandwell Council's DBS check protocol, it has become apparent that the "Enhanced Disclosure" criteria is somewhat vague in respect to the duties undertaken by Councillors. The reality is that we do not know what level of exposure to vulnerable persons we will have whilst carrying out our duties and Enhanced checks that offer greater level of scrutiny and assurance may be declined by DBS.

This Council requests that the Leader of the Council, with cross party support, write to the Minister for Safeguarding, Sarah Dines MP to close this loophole in the legislation and consider the role of a Local Councillor as automatic qualification for Enhanced Checks as part of the planned Government review."

On being put to the vote, the motion was carried and it was **RESOLVED** accordingly.

54/23(c) **Dog Waste**

It was moved by Councillor W Gill and seconded by Councillor Chapman:-

"This Council recognises the impact of dog mess in our local communities and the concerns that residents raise about the issue, particularly in hotspot areas like in parks and on popular dog walking routes.

This Council recognises and reaffirms its duty to ensure Sandwell's streets are safe and clean.



This Council requests that the executive work with Serco to explore the option of introducing more bins onto our local housing estates, parks and nature reserves, to encourage people to pick up and dispose of their dog waste – and encourages the Council’s communications department to continue to emphasise the importance of clearing up after your pets.

That this Council requests that the Cabinet Member explores the option of a local database of ‘dog dna’ to trace, fine and bill any people who leave their dog waste on our streets as this has proven in other areas of both the United Kingdom and the western world to significantly reduce the amount of dog waste reported to local authorities.”

On being put to the vote, the motion was carried and it was **RESOLVED** accordingly.

54/23(d) West Bromwich Albion

It was moved by Councillor Dunn and seconded by Councillor W Gill:-

“That this Council recognises the benefit of having local sports teams like West Bromwich Albion in our community.

And it is acknowledged that fans have concerns surrounding the majority shareholder and the use of club funds, but this Council welcomes the steps taken by central government to introduce a white paper which will help reform football governance.

Finally, this Council will commit to work proactively with groups like Action for Albion along with West Midlands Police to assist in any necessary road closures and management of the ongoing lawful protests that fans are engaging in.”

In accordance with Standing Order No.12, Councillor Hackett moved the following amendment to the Motion, seconded by Councillor Hughes:-



“That this Council recognises the benefit of having local sports teams like West Bromwich Albion in our community – to be inclusive we must recognise that all sports clubs are a benefit to Sandwell.

It is acknowledged that West Bromwich Albion fans have concerns surrounding the majority shareholder and the use of club funds, this Council welcomes the positive steps taken by central government to introduce a white paper which will help reform football governance and protect the heritage of football clubs. The white paper does need to go further with the need to review women’s football, player welfare, equality- diversity- inclusion, agent regulation and alcohol at football.

We ask this Council to commit to work proactively with groups like Action for Albion along with West Midlands Police to assist in any road closures as judged necessary by the police with regard to any outgoing lawful protests that fans are engaging in.

We also ask the Cabinet Member for Environment that - when making the decision to close roads - the council along with West Midlands Police take into consideration the effect on traffic near the M5 Junction 1 island.

Finally, we ask the same Cabinet Member to report back to this council any developments that the council and National Highways, who are responsible for road infrastructure in the area, both working to improve traffic flow at the junction in the short-term and will work with the club in the development of scheme options for a longer-term solution to ease the burden of fans travelling to games on match days.”

The amendment was accepted, the amended motion was put to the vote and, having been carried, it was RESOLVED accordingly.

55/23

Revisions to Appointments to Committees and Boards

Council considered revisions to the appointments to committees, boards and other bodies.



Resolved:-

- (1) that Councillor Dunn be appointed to the Budget and Corporate Scrutiny Management Board to replace Councillor Anandou;
- (2) that Councillor Fisher be appointed to the Planning Committee to replace Councillor Williams;
- (3) that Councillor Chapman be appointed to the Economy, Skills, Transport and Environment Scrutiny Board to replace Councillor Abrahams.

Meeting ended at 8.54pm following an adjournment between 7.26 – 7.57pm

Contact: democratic_services@sandwell.gov.uk



DBS Checks Protocol for Elected Members

Introduction

Section 27 of the Localism Act 2011 requires local authorities to promote and maintain high standards of conduct by members and co-opted members of the authority. There is no statutory requirement for councillors to undergo basic DBS checks.

There are 4 levels of DBS checks:

1. Basic Check

A Basic DBS Check is for any purpose, including employment.

A basic check will contain details of convictions and conditional cautions considered to be 'unspent' under the terms of the Rehabilitation of Offenders Act 1974.

The Rehabilitation of Offenders Act 1974 aims to give those with convictions or cautions the chance - in certain circumstances - to wipe the slate clean and start afresh.

Under the Act, eligible convictions or cautions become 'spent' after a specified period of time known as the 'rehabilitation period', the length of which varies depending on how the individual was dealt with.

2. Standard Check

A Standard DBS check is suitable for certain roles, such as a security guard. The certificate will contain details of both spent and unspent convictions, cautions, reprimands and warnings that are held on the Police National Computer, which are not subject to filtering.

An individual cannot apply for a standard check by themselves. There must be a recruiting organisation who needs the applicant to get the check. This is then sent to DBS through a Registered Body.

3. Enhanced Check

An Enhanced DBS check is suitable for people working with children or adults in certain circumstances such as those in receipt of healthcare or personal care. An Enhanced DBS check is also suitable for a small number of other roles such as taxi licence applications or people working in the Gambling Commission.

The certificate will contain the same details as a standard certificate and, if the role is eligible, an employer can request that one or both of the DBS Barred Lists are checked.

The certificate may also contain non-conviction information supplied by relevant police forces, if it is deemed relevant and ought to be contained in the certificate.

An individual cannot apply for an Enhanced DBS check by themselves. There must be a recruiting organisation who needs the applicant to get the check. This is then sent to DBS through a Registered Body.

4. Enhanced with Barred List(s) Check

An Enhanced with Barred Lists DBS check is also suitable for people working with children or adults in certain circumstances such as those in receipt of healthcare or personal care.

An Enhanced with Barred Lists certificate will contain the same information as an Enhanced DBS certificate, but will also include a check of one or both Barred Lists.

Eligibility for Standard, Enhanced, and Enhanced with Barred Lists DBS checks is prescribed in legislation and can only be requested where the requester is legally allowed to do so. They can only be applied for by a 'Registered Body' such as an employer.

Basic Checks

Following member consultation, it has been agreed that all members shall undergo basic DBS checks.

Each member is responsible for making the application and must do so within 3 months of being elected and thereafter every 12 months whilst they remain an Elected Member.

DBS requires Elected Members to submit the DBS application personally. However, officers from the Council's Law and Governance Directorate will support and co-ordinate the application and processing of Basic DBS checks with Elected Members.

Members must produce an original or certified copy of the DBS check to Vanessa Maher-Smith in Law & Governance (vanessa_mahersmith@sandwell.gov.uk). A record will be kept of Members who have complied with this requirement. Copies of the DBS check will not be kept by the Council.

Enhanced DBS Checks

There are certain roles an Elected Member may take on in addition to their role as a ward Councillor. Some of those roles involve more regular and frequent contact with vulnerable adults and children. Whilst there is no statutory requirement for DBS checks in relation to these roles, they may meet the eligibility criteria for an Enhanced DBS check. To determine whether an Enhanced DBS check is required, the Council follows the Government's DBS Eligibility Guidance, which can be found via the following link:

<https://www.gov.uk/government/collections/dbs-eligibility-guidance>

The eligibility criteria for an Enhanced DBS check is dependent upon whether the Elected Member will be working with adults or children, how frequent that interaction is and whether it is unsupervised or with no other person present.

Working with Adults

Under the Police Act 1997 (Criminal Records) Regulations 2002, a person is eligible for an Enhanced DBS check if they are:

- (i) a member of a local authority and discharges any social services functions of a local authority which relate wholly or mainly to adults who receive a health or social care service
- (ii) a member of an executive of a local authority which discharges any such functions;
- (iii) a member of a committee of an executive of a local authority which discharges any such functions; or
- (iv) a member of an area committee, or any other committee, of a local authority which discharges any such functions.

Working with Children

Under the Police Act 1997 (Criminal Records) Regulations 2002, a person is eligible for an Enhanced DBS check if the organisation is:

- i) considering the applicant's suitability to engage in any activity which is a regulated activity relating to children

Regulated activity is made up of:

- i) what activity a person carries out and how often the person does it, for example

Activity	Period condition	Supervision	Age of child
Teaching, training or instruction, care or supervision of children	More than 3 days in a 30 day period OR overnight between 2am & 6am with the opportunity for face to face contact with children	Must be considered	Under 18 – but not if the activity is in relation to the child's paid or unpaid employment AND they are 16/17.
Moderating a web service wholly or mainly for children	More than 3 days in a 30 day period ONLY	Not required	Under 18
Advice or guidance wholly or mainly to children	More than 3 days in a 30 day period OR overnight between 2am & 6am with the opportunity for face to face contact with children	Not required	Under 18 – but not if the activity is in relation to the child's paid or unpaid employment AND they are 16/17.
Driving a vehicle for children	More than 3 days in a 30 day period ONLY	Not required	Under 18
Health care or personal care	Once is enough	Not required	Under 18
Registering to be a foster carer or private foster carer	None	Not required	Under 18
Registering to be a childminder or child care provider, including voluntary registration	None	Not required	In line with regulations

or

- ii) where the role takes place and how often the person will work there

The specified establishments are:

- An educational institution exclusively or mainly for the provision or full-time education of children
- A pupil referral unit
- A provider of nursery education
- A detention centre for children
- A children's home or a home provided under the Children Act 1989
- A children's centre
- Relevant childcare premises

Ancillary roles in these specified establishments must meet all four of the following criteria to be in regulated activity with children:

- They work there on more than 3 days in a 30 day period or overnight between 2am and 6am with the opportunity for face to face contact with the children and
- They have the opportunity, because of their job, to have contact with the children in the establishment and
- They work there for the purpose of the establishment and
- It is not temporary or occasional work, and
- It is not a supervised volunteer role

The following members will be asked to consent to Enhanced DBS checks, subject to them meeting the DBS eligibility criteria/guidance:

- The Leader,
- Deputy Leader,
- Cabinet Members for Children and Adults
- All Members of Children's Services and Education Scrutiny Board and Health and Adults Social Care Scrutiny Board
- Members of the Corporate Parenting Board
- Members of the Health and Wellbeing Board, and
- Any other Member who may regularly come into contact with children or vulnerable adults as part of their Council role.

Costs

A Basic DBS check is currently £18 each.

Enhanced DBS checks currently cost £38 each.

The cost of the DBS check is to be met by the Council.

Frequency of Check

Members will be expected to complete the application for a Basic DBS online within 3 months of being elected, and every 12 months thereafter. The application can be completed on the following website:

<https://www.gov.uk/request-copy-criminal-record>

Guidance is available here:

<https://www.gov.uk/government/collections/dbs-checking-service-guidance--2>

The Enhanced DBS request will be completed within 14 days of appointment to the relevant position/committee and every 12 months from the date of appointment, until the appointment ceases.

Failure to comply

If Members fail to meet the requirements to complete a DBS check and produce it to the Council, this will be reported to:

- i) The Ethical Standards and Member Development Committee;
- ii) The Group Leader; and
- iii) Full Council (if required)

In the event that a Member fails to comply with the requirement to undergo an Enhanced check, they will be unable to undertake that role.

What Happens if a Check Reveals an Offence?

In the case of a DBS check revealing an offence, the relevant Elected Member shall within 3 working days refer the DBS check to the Monitoring Officer.

The Monitoring Officer, will in consultation with the Chair of the Ethical Standards and Member Development Committee, consider the results of the DBS check and determine whether the matter should be referred to the Group Leader of the relevant Elected Member and/or the Ethical Standards and Member Development Committee for consideration.

The Monitoring Officer and Chair of the Ethical Standards and Member Development Committee shall consider, inter alia,

- (i) the significance and/or severity of the offence,
- (ii) the amount of time that has elapsed since the date of the conviction,
- (iii) whether public confidence in the position held by Elected Member in question could be adversely affected, and if so, to what extent,
- (iv) The potential reputational harm (if any) that could impact upon the Council
- (v) whether the matter should be referred to the Ethical Standards and Member Development Committee for consideration.

It is recognised that the data will include personal data and criminal offence data and the Council will ensure compliance with UK GDPR and Data Protection legislation when processing the information, including the application of Schedule 12A Local Government Act 1972 (as amended).

Other actions- assurance from Political Parties

It is recognised that a DBS check is only valid on the day that it is provided, and circumstance may change at any time. The Council will work with the Political Groups to ensure Elected Members understand that they have an obligation to declare any criminal offences/convictions (other than minor offences such as traffic offences) to the Monitoring Officer as soon as reasonable practicable after conviction (i.e. within 3 working days).

Retention of Information

The Council will maintain a record of Members who have produced their basic DBS checks to the Officer appointed by the Monitoring Officer. This will be retained for a period of 15 months after the date of the last entry.

Enhanced DBS checks will be provided to the Council as the Registered Body. They will be kept for 1 month after receipt of the updated check.

Should a Councillor cease to be a Councillor during the 12 month period, their Enhanced DBS check will be destroyed after 1 month.

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Report to Council

23 May 2023

Subject:	Executive Arrangements
Director:	Director of Law and Governance and Monitoring Officer – Surjit Tour
Contact Officer:	Suky Suthi-Nagra Democratic Services Manager suky_suthinagra@sandwell.gov.uk

1 Recommendations

That Council:

- (1) receive the names of persons appointed by the Leader of the Council to the position of Deputy Leader (Statutory) and as a Cabinet Member.
- (2) receive the Executive Portfolios as determined by the Leader of the Council and their assignment to the Deputy Leader and each Cabinet Member.
- (3) approve the appointments made to Executive bodies (Appendix A).

2 Reasons for Recommendations







- 2.1 The Leader of the Council has the discretion to appoint up to nine Cabinet Members (which includes the Deputy Leader of the Council) and to determine their portfolios.



2.2 The Leader of the Council will therefore be invited to confirm the:

- Statutory Deputy Leader of the Council; and
- Cabinet Members and their Portfolios.

3 How does this deliver objectives of the Corporate Plan?

		All executive functions vest in the Leader of the Council, who together with Cabinet Members, the Cabinet and officers discharge those functions. Vision 2030 will influence and help determine how those executive functions will be discharged.
		
		

4 Context and Key Issues

4.1 The Local Government Act 2000, when it came into force, required almost all principal local authorities to adopt “executive arrangements” in one of three forms, namely:-

Mayor and Cabinet Executive;
 Leader and Cabinet Executive; or
 Mayor and Council Manager.

4.2 In England, Part 3 of the Local Government and Public Involvement in Health Act 2007 abolished the ‘Mayor and Council Manager’ model of governance and amended Section 11 of the Local Government Act 2000 to replace the ‘Leader and Cabinet Executive’ model with the ‘Leader and Cabinet Executive (England)’ model.

4.3 The Local Government and Public Involvement in Health Act 2007, required Metropolitan Borough Councils to approve a move to a new form of executive arrangement by 31 December 2009.



- 4.4 The Council's revised governance arrangements were considered and approved by Full Council at its meeting on 1 December 2009, and the arrangements subsequently came into force on 6 May 2010, three days after the May 2010 Local Elections.
- 4.5 Further subsequent amendments to the executive model of governance were made by the Localism Act 2011.
- 4.6 Under the current Leader and Cabinet Executive (England) model, Full Council elects the Leader of the Council; however, the Leader is responsible for: -
- determining the membership size of the Cabinet (which can be between 3 and 10 excluding the Statutory Deputy Leader);
 - appointing the Members of the Cabinet;
 - allocating portfolios or areas of responsibility to the Cabinet Members, Cabinet, Committees of the Cabinet, and/or officers;
 - allocating decision-making powers to the Cabinet and to individual Cabinet Members, Cabinet, Committees of Cabinet and officers; and
 - removing and replacing Cabinet Members.

Cabinet Members

- 4.7 Article 7.06 of the Constitution provides that Cabinet Members are appointed by the Leader of the Council and will hold that office until he/she is removed by the Leader or resigns, is suspended, or ceases to be a councillor. The Leader of the Council will advise the Council at the meeting of any appointments she intends to make.
- 4.8 Paragraph 1.2 of Part 4 of the Constitution (Executive Procedure Rules) details the information relating to each Cabinet Member that must be submitted to the Annual Meeting of the Council (ie name, address and ward).



4.9 Article 7.08 of the Constitution requires the Leader of the Council to maintain a list of which member of the Cabinet is responsible for the exercise of a particular executive function.

Paragraph 1.2 of Part 4 of the Constitution (Executive Procedure Rules) requires the executive leader to submit a written record of the delegations to Cabinet Members to the Annual Meeting of the Council, i.e. the Executive Portfolios. The allocation of portfolio responsibilities is the sole responsibility of the Leader of the Council.

5 Alternative Options

5.1 None. The recommendations are in line with the Council’s Constitution.

6 Implications

Resources:	There are no strategic resource implications arising from this report. The Council has in place an approved Members’ Allowances Scheme.
Legal and Governance:	These considerations are set out in the main body of the report.
Risk:	The Council is legally required to elect a Leader of the Council under the Leader and Cabinet Executive model with the Leader determining the size of Cabinet and portfolio responsibilities to enable effective decision making.
Equality:	There is no requirement for an equality assessment arising from this report.
Health and Wellbeing:	There are no health and wellbeing implications arising from this report.
Social Value	There are no social value implications arising from this report.
Climate Change	There are no direct climate change implications arising from this report.

7. Appendices

Appendix A – Appointments to Executive Bodies.

Appendix B – Appointments to Executive Roles

Appendix C – Executive Portfolios



8. Background Papers

None



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Appointments made by the Executive

Health and Wellbeing Board (2023/24)

(4 members)
(Lab 4)

Deputy Leader of the Council
Cabinet Member for Children, Young People and Education
Cabinet Member for Health and Adults Social Care (Chair)
Cabinet Member for Housing & Built Environment

Non voting members:

Chair – Health & Adult Social Care Scrutiny Board
Chair – Children’s Services & Education Scrutiny Board

Other Board members as agreed by Council:-

Director – Adult Social Care (without voting rights)
Director of Children’s Services (without voting rights)
Director of Public Health (without voting rights)
NHS Commissioning Board:
One representative of the NHS England - Birmingham, Solihull and the Black Country Area Team (without voting rights)
Black Country Integrated Care Board:
Four representatives (three votes)
Healthwatch Sandwell:
One representative (with voting rights)
One representative of Sandwell’s faith sector (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)
Sandwell and West Birmingham Hospitals NHS Trust (without voting rights)
Sandwell Children’s Trust (without voting rights)

Strategic Waste Partnership Board (2023/2024)

(3 members)
(Lab 3)

Leader of the Council
Statutory Deputy Leader
Cabinet Member for Environment & Highways

(and representatives of Serco)

Cabinet Petitions Committee 2023/2024)

(9 members)
(Lab 9)

Chair Cabinet Member for Environment & Highways

Members of the Cabinet x 8

Constitution of the Cabinet 2023/24

Cabinet Position	Member	Ward Represented
Leader of the Council	Councillor Kerrie Carmichael	Blackheath
Statutory Deputy Leader of the Council and Cabinet Member for Finance and Resources	Councillor Bob Piper	Abbey
Deputy Leader and Cabinet Member for Health and Adult Social Care	Councillor Suzanne Hartwell	Oldbury
Cabinet Member for Children, Young People and Education	Councillor Simon Hackett	Friar Park
Cabinet Member for Environment and Highways	Councillor Danny Millard	Blackheath
Cabinet Member for Housing and Built Environment	Councillor Laura Rollins	West Bromwich Central
Cabinet Member for Leisure and Tourism	Councillor Charn Singh Padda	Tipton Green
Cabinet Member for Public Health and Communities	Councillor Syeda Khatun	Tipton Green
Cabinet Member for Regeneration and WMCA	Councillor Peter Hughes	Wednesbury North

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LEADER OF THE COUNCIL

CABINET MEMBER APPOINTMENTS AND PORTFOLIOS

I, Councillor Kerrie Carmichael, Statutory Leader of Sandwell Council hereby confirm the Cabinet Portfolios and Cabinet Member appointments pursuant to the Local Government Act 2000(as amended), Local Government Public Involvement in Health Act 2007 (as amended) and associated Regulations with effect from 22 May 2022.

I confer all executive functions, powers and responsibilities falling within the scope of each Cabinet Portfolio to the respective Cabinet Member as detailed in Appendix 1 hereto (unless otherwise reserved to the Statutory Leader of the Council or the Cabinet or Council Officer under the Scheme of Delegation to Officers).

	Cabinet Portfolios	Cabinet Member
1.	Leader of the Council	Cllr Kerrie Carmichael
2.	Finance and Resources	Cllr Bob Piper (Statutory Deputy Leader)
3.	Health and Adult Social Care	Cllr Suzanne Hartwell (Deputy Leader)
4.	Children, Young People and Education	Cllr Simon Hackett
5.	Public Health and Communities	Cllr Syeda Khatun
6.	Environment & Highways	Cllr Danny Millard
7.	Housing and Built Environment	Cllr Laura Rollins
8.	Leisure and Tourism	Cllr Charn Singh Padda
9.	Regeneration and WMCA	Cllr Peter Hughes

Signed _____

Councillor Kerrie Carmichael
Leader of the Council

Date: 16 May 2023



Leader of the Council

Cllr Kerrie Carmichael



THE BEST START IN
LIFE FOR CHILDREN
AND YOUNG PEOPLE



PEOPLE
LIVE WELL
AND AGE
WELL



STRONG
RESILIENT
COMMUNITIES



QUALITY HOMES
IN THRIVING
NEIGHBOURHOODS



A STRONG AND
INCLUSIVE
ECONOMY



A CONNECTED
AND ACCESSIBLE
SANDWELL



Scope & Responsibilities

To provide overall political leadership and strategic policy direction in relation to all executive functions, duties and responsibilities falling within this Portfolio (and all other Portfolios as required/necessary).

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.

Notwithstanding any delegations approved by the Leader of the Council in this Appendix or otherwise, to undertake and discharge all Executive duties and responsibilities, and exercise all Executive powers and authorities in accordance with the Leader and Cabinet Executive form of governance as necessary.

SCOPE

- Setting political and strategic direction of the council
- Corporate Plan
- Strategic partnerships with government, WMCA, Mayor, PCC, NHS
- Combined Authority
- Governance and Democracy
- Town and Neighbourhood Development and Working
 - Town Centre chairs to report
- Equalities, Inclusion and Diversity (including Cabinet effectiveness in promoting the EDI Agenda)
- Public Relations, communications, campaigns and public affairs
- Emergency planning and resilience
- Trade Unions
- Animal Welfare

Cabinet Member for Finance and Resources

Cllr Bob Piper (Statutory Deputy Leader of the Council)

Scope & Responsibilities

Unless otherwise delegated, to exercise all executive powers and authority, including the provision of political leadership and strategic policy direction, in relation to all executive functions, duties, powers and responsibilities falling within the scope and responsibilities of this Portfolio.

To lead on all matters that fall within the scope of this Portfolio.

To act as the Council's principal spokesperson on Council policy and/or matters falling within the scope of this Portfolio affecting the Borough or its citizens at local, regional, national and international level.

To be the Executive lead in relation to all the functions falling within the scope of this Portfolio that relate to (i) Combined Authority functions and matters, including attendance at all relevant WMCA meetings, and (ii) any other relevant body and attendance at their meetings/boards/fora.

SCOPE

- Budget & Financial Planning
 - Council tax setting
 - Council Tax benefits
 - Business rates
- Facilities management
- Procurement
- Pension fund
- Digital inclusion
- ICT
- HR strategic oversight
- Internal and External Audit
- Risk Management and Insurance
- Health and Safety
- Transformation and Change Programmes
- Revenue and Benefits
- Council Graduate Schemes and Apprenticeships
- Complaints and Members Enquiries

Cabinet Member for Health & Adult Social Care

Cllr Suzanne Hartwell (Deputy Leader)

Scope & Responsibilities

Unless otherwise delegated, to exercise all executive powers and authority, including the provision of political leadership and strategic policy direction, in relation to all executive functions, duties, powers and responsibilities falling within the scope and responsibilities of this Portfolio.

To lead on all matters that fall within the scope of this Portfolio.

To act as the Council's principal spokesperson on Council policy and/or matters falling within the scope of this Portfolio affecting the Borough or its citizens at local, regional, national and international level.

To be the Executive lead in relation to all the functions falling within the scope of this Portfolio that relate to (i) Combined Authority functions and matters, including attendance at all relevant WMCA meetings, and (ii) any other relevant body and attendance at their meetings/boards/fora.

SCOPE

- Adult Social Care
- Safeguarding Adults
- Adult and community learning
- Health inequalities and outcomes
- Residents with disabilities and health conditions
- Nursing and care homes
- Liberty Protection Safeguards
- Customer Experience/Services

Cabinet Member for Children, Young People & Education

Cllr Simon Hackett

Scope & Responsibilities

Unless otherwise delegated, to exercise all executive powers and authority, including the provision of political leadership and strategic policy direction, in relation to all executive functions, duties, powers and responsibilities falling within the scope and responsibilities of this Portfolio.

To lead on all matters that fall within the scope of this Portfolio.

To act as the Council's principal spokesperson on Council policy and/or matters falling within the scope of this Portfolio affecting the Borough or its citizens at local, regional, national and international level.

To be the Executive lead in relation to all the functions falling within the scope of this Portfolio that relate to (i) Combined Authority functions and matters, including attendance at all relevant WMCA meetings, and (ii) any other relevant body and attendance at their meetings/boards/fora.

SCOPE

- Children Safeguarding
- Schools and Education
 - Standards and Attainment
 - Schools building programme
 - Pupil placement
 - School meals
- Children's Social Care
- SEND
- Young people support and services
- Employment and skills
- Apprenticeships
- Creating opportunities for young people
- Reducing child poverty
- Early intervention and prevention
- Fostering and adoption
- Corporate Parenting and care leavers
- Play services
- Child and Adolescent Mental Health
- Sandwell Children's Trust

Cabinet Member for Public Health & Communities

Cllr Syeda Khatun

Scope & Responsibilities

Unless otherwise delegated, to exercise all executive powers and authority, including the provision of political leadership and strategic policy direction, in relation to all executive functions, duties, powers and responsibilities falling within the scope and responsibilities of this Portfolio.

To lead on all matters that fall within the scope of this Portfolio.

To act as the Council's principal spokesperson on Council policy and/or matters falling within the scope of this Portfolio affecting the Borough or its citizens at local, regional, national and international level.

To be the Executive lead in relation to all the functions falling within the scope of this Portfolio that relate to (i) Combined Authority functions and matters, including attendance at all relevant WMCA meetings, and (ii) any other relevant body and attendance at their meetings/boards/fora.

SCOPE

- Health inequalities and outcomes
- Public Health and Wellbeing
- Healthy living
- Ageing well
- Mental health
- Food
- Development of strategic relationships with voluntary and community sectors
- Development and building of stronger communities, community cohesion and resilience.
- Libraries
- Promoting resident engagement
- Bereavement and Registrars
- Coroner
- Safer Neighbourhoods
- PCC and Police Liaison
- Reducing violence, including knife crime
- Youth offending and gang intervention
- Violence against Women and Girls (VAWG)
- Domestic Abuse
- Trading Standards
- Environmental Health
- Antisocial behaviour
- Noise nuisance
- Public space protection orders

Cabinet Member for Environment & Highways

Cllr Danny Millard

Scope & Responsibilities

Unless otherwise delegated, to exercise all executive powers and authority, including the provision of political leadership and strategic policy direction, in relation to all executive functions, duties, powers and responsibilities falling within the scope and responsibilities of this Portfolio.

To lead on all matters that fall within the scope of this Portfolio.

To act as the Council's principal spokesperson on Council policy and/or matters falling within the scope of this Portfolio affecting the Borough or its citizens at local, regional, national and international level.

To be the Executive lead in relation to all the functions falling within the scope of this Portfolio that relate to (i) Combined Authority functions and matters, including attendance at all relevant WMCA meetings, and (ii) any other relevant body and attendance at their meetings/boards/fora.

SCOPE

- Highways (excluding Strategic Transport Schemes)
 - Transport Connectivity
 - Highway Network Maintenance
- Street maintenance (including lighting) and cleansing
- Recycling and waste management
- Waste Authority
- Road Safety
- Traffic and Parking Management
- Waste and Recycling
- Clean Air
- Transport
- Transport Environmental Policy
 - Greener/Cleaner Transport
- Strategic Flood Management
- Canals and Watercourses

Cabinet Member for Housing & Built Environment

Cllr Laura Rollins

Scope & Responsibilities

Unless otherwise delegated, to exercise all executive powers and authority, including the provision of political leadership and strategic policy direction, in relation to all executive functions, duties, powers and responsibilities falling within the scope and responsibilities of this Portfolio.

To lead on all matters that fall within the scope of this Portfolio.

To act as the Council's principal spokesperson on Council policy and/or matters falling within the scope of this Portfolio affecting the Borough or its citizens at local, regional, national and international level.

To be the Executive lead in relation to all the functions falling within the scope of this Portfolio that relate to (i) Combined Authority functions and matters, including attendance at all relevant WMCA meetings, and (ii) any other relevant body and attendance at their meetings/boards/fora.

SCOPE

- Housing Strategy and Development
- Council homes and estates
- Housing associations
- Lobbying government
- Health and safety
- Improvement and maintenance
- Private rented sector
- Tenant and leaseholder participation and engagement
- Homelessness & Rough Sleeping
- Adaptations
- Empty homes
- HMOs
- Safer Homes
- Housing Support
- Welfare Rights Buildings in parks

Cabinet Member for Leisure & Tourism

Cllr Charn Singh Padda

Scope & Responsibilities

Unless otherwise delegated, to exercise all executive powers and authority, including the provision of political leadership and strategic policy direction, in relation to all executive functions, duties, powers and responsibilities falling within the scope and responsibilities of this Portfolio.

To lead on all matters that fall within the scope of this Portfolio.

To act as the Council's principal spokesperson on Council policy and/or matters falling within the scope of this Portfolio affecting the Borough or its citizens at local, regional, national and international level.

To be the Executive lead in relation to all the functions falling within the scope of this Portfolio that relate to (i) Combined Authority functions and matters, including attendance at all relevant WMCA meetings, and (ii) any other relevant body and attendance at their meetings/boards/fora.

SCOPE

- Culture, Arts and Events
- Museums
- Parks
- Night time Economy
- Licensing
- Markets
- Leisure
 - Sport
 - Physical activity
 - Recreation

Cabinet Member for Regeneration & WMCA

Cllr Peter Hughes

Scope & Responsibilities

Unless otherwise delegated, to exercise all executive powers and authority, including the provision of political leadership and strategic policy direction, in relation to all executive functions, duties, powers and responsibilities falling within the scope and responsibilities of this Portfolio.

To lead on all matters that fall within the scope of this Portfolio.

To act as the Council's principal spokesperson on Council policy and/or matters falling within the scope of this Portfolio affecting the Borough or its citizens at local, regional, national and international level.

To be the Executive lead in relation to all the functions falling within the scope of this Portfolio that relate to (i) Combined Authority functions and matters, including attendance at all relevant WMCA meetings, and (ii) any other relevant body and attendance at their meetings/boards/fora.

SCOPE

- Economic growth
- Town Centres
- Urban regeneration
- Major Developments
- Strategic and Development Planning
- Strategic Transport Schemes (excluding operational Highways)
- Climate Change
- Business Liaison and Support
- Community Wealth
- Inward Investment and Urban Design
- Strategic Land and Assets
- Acquisitions and disposals
- Digital 5G
- West Midlands Combined Authority

Report to Council

23 May 2023

Subject:	Political Balance, Appointment to Committees, Boards and Other Fora 2023-2024 and Updates to the Council's Constitution
Director:	Director of Law and Governance and Monitoring Officer – Surjit Tour
Contact Officer:	Suky Suthi-Nagra Democratic Services Manager suky_suthinagra@sandwell.gov.uk

1 Recommendations

That Council is invited:-

- 1.1 To approve the political balance of the committees, boards and other fora for 2023-24, as set out in Appendix A.
- 1.2 To approve the committee structure and determine and approve the members and co-opted members to be assigned to the positions, committees, boards and other fora established by the Council, as set out in Appendix B.
- 1.3 In accordance with the provisions of the Localism Act 2011, to invite one nomination 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.









- 1.4 To approve the programme of meetings for the 2023-24 municipal year, as set out in Appendix C.
- 1.5 To approve the extension to the term of office for Mr Michael Ager, Independent Member for the Audit and Risk Assurance Committee, for a four year period expiring at the Annual Meeting of Council in 2027.
- 1.7 To approve changes to the Council's Constitution, as set out in Appendix E, in respect of:-
 - Part 4 - Scrutiny Procedure Rules/Article 2a - Councillor Call for Action
 - Revised Terms of Reference for Corporate Parenting Board and Health and Wellbeing Board
 - Revised job role for the Performance Champion – Cleaner and Greener Communities.

2 Reasons for Recommendations

- 2.1 In accordance with the Council's Constitution, the Annual Meeting is required to consider and approve the appointment of members to Committees, Boards and other fora in accordance with the political balance of the Council. It is also responsible for the appointment of external membership on Council bodies.
- 2.2 This report has been prepared to support members in:-
 - (a) considering and approving the political balance of committees, boards and other fora for the 2023-24 Municipal Year;
 - (b) assigning members to those roles and bodies.
- 2.3 Council is required to consider and approve an annual calendar of meetings.
- 2.4 Constitutional changes, including changes to member roles are a matter for determination by Council.



3 How does this deliver objectives of the Corporate Plan?

		The Council's decision making structures are designed to support the delivery of Sandwell's Corporate Plan/Vision 2030.
		
		

4 Context and Key Issues

Committees, Boards and other fora

Appointment of Members to Committees and Fora of the Council

4.1 The Council is requested to appoint members to the Committees and Fora of the Council, as set out in Appendix B.

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

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

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

4.3 Section 13 of the Local Government and Housing Act 1989 provides that a person co-opted to serve on committees and sub-committees appointed under Subsection (1) of Section 102 of the Local Government Act 1972 and who is not an elected member of the Council, cannot have voting rights. However, nothing in the Act prevents a person who is not an elected member from being appointed to any committee or sub-committee established under those provisions as non-voting members.



4.4 The exceptions to this are the Health and Wellbeing Board, whose members do have voting rights extended to them by Section 194 of the Health and Social Care Act 2012; and faith and parent governor representatives on the relevant overview and scrutiny committee who have the right to vote on education matters in pursuance of the relevant provisions of the Local Government Act 2000.

Section 15 – Political Balance on Committees

4.5 Section 15 of the Act provides, amongst other things, that where a local authority is divided into different political groups, it will have regard to the allocation to the different political groups on the Council, of all of those seats on any ordinary committee, sub-committee and Joint Authorities established pursuant to Part IV of the Local Government Act 1985.

4.6 The regulations provide for a political group to comprise two or more elected members of a local authority.

4.7 Notification has been received of two groups –

Labour	60
Conservative	12
	—
	72

The seats on committees have been allocated according to proportionality rules (as set out in Appendix A).

4.8 A political group represented on the Council may choose to allocate a proportion of its allocation of seats to an elected member who is not in a political group on the Council, without affecting proportionality.

4.9 Budget and Corporate Scrutiny Management Board has been removed from the calculation of seats as the board is made up of a Chair and Chairs/Vice Chairs of Scrutiny Boards. As previously, approved, there are two opposition members appointed to this body (in total).



Appointment of Co-opted Members

- 4.10 In line with the Council's established practice and with the exceptions detailed below, it is proposed not to appoint co-opted members to scrutiny boards, but rather to secure the involvement of people as independent advisors in specific reviews appropriate to their expertise or area of interest.

Co-opted Representation on Committees dealing with Educational Matters

- 4.11 Guidance in relation to the implementation of the Local Government Act 2000 and Localism Act 2011 advises that Church and Parent Governor representatives must be appointed to the relevant overview and scrutiny committee(s) where education matters are being discussed.

The Council's Constitution therefore provides that the Children's Services and Education Scrutiny Board shall include in its membership the following voting representatives:-

- (a) 1 Church of England diocese representative;
- (b) 1 Roman Catholic Archdiocese representative;
- (c) 2 Parent Governor representatives.

If the scrutiny board deals with matters other than education functions that are the responsibility of the executive, these representatives shall not vote on those matters, although they may stay in the meeting and speak.

- 4.12 In view of the limitation on voting rights and as more schools have moved away from local authority control, which has resulted in difficulties in making appointments because of the diminished benefits for certain of the interest groups and the diminished input in to the work of scrutiny, it is not considered necessary to have a wider range of co-opted members than is required by law.

Programme of Meetings

- 4.13 The programme of meetings for the 2023-2024 Municipal Year has been prepared, based on the constitution of the committees and other bodies established by Council. The programme is attached as Appendix C and is recommended to Council for approval.



Appointment of Independent Member – Audit and Risk Assurance Committee

- 4.14 Mr Michael Ager has confirmed that he is willing to continue in the role for a further term. Due to his relevant financial qualifications and experience in offering an objective and informed critique to the Committee, it is proposed to extend Mr Ager’s term of office as independent member on the Audit and Risk Management Committee for a further four-year term expiring with the Annual Meeting of Council in May 2027.

4.15 Updates to the Council’s Constitution

Scrutiny Procedure Rules and Councillor Call for Action

Article 2(a) – Councillor Call for Action and Part 4 – Scrutiny Procedure Rules have been reviewed, revised and combined (as set out in Appendix E). Subject to approval, the current Article 2(a) – Councillor Call for Action - will be deleted from the Council’s Constitution.

Corporate Parenting Board

In December 2022, the Local Government Association (LGA) delivered training to Corporate Parenting Board members and it was recommended for the terms of reference to be reviewed. In January 2023, the review was started with the LGA and the Chair of Corporate Parenting Board identifying the frequency of meetings, membership, quorum and the pledges and promises as areas for amendment.

The terms of reference have been approved by the Strategic Corporate Parenting Group and Corporate Parenting board and are submitted for approval (as set out in Appendix E).

Health and Wellbeing Board

The terms of reference for the Health and Wellbeing Board have been reviewed and updated and are attached at Appendix E.

Performance Champions

It is proposed to reduce performance champions from six to five with the currently Cleaner Communities and Green Communities merging to a Cleaner and Green Communities Champion. A revised job role is submitted at Appendix E.



5 Alternative Options

5.1 There is no alternative option. Members can only be appointed to committees, boards, panels and other fora by full Council. Only Full Council can approve changes to the Council's Constitution.

6 Implications

Resources:	There are no direct resource implications arising from the approval of the decision-making structures for 2023-24 or the appointment of members to positions within the structure. Where appointments attract a special responsibility allowance, these are met from within existing budgets.
Legal and Governance:	Legal implications are included in the main body of the report.
Risk:	There are no risks arising directly from this report.
Equality:	There are no equality implications arising directly from this report.
Health and Wellbeing:	There are no health and wellbeing implications arising directly from this report.
Social Value	There are no social value implications arising directly from this report.
Climate Change:	There are no climate change implications arising directly from this report.
Corporate Parenting:	There are no corporate parenting implications arising directly from this report.

7. Appendices

Appendix A – Political Balance

Appendix B – Appointments to Committees and Fora of the Council

Appendix C – Programme of Meetings

Appendix D – Revised Scrutiny Procedure Rules/Councillor

Call for Action

– Revised Terms of Reference - Corporate Parenting Board and Health and Wellbeing Board

- Job Role – Performance Champion – Cleaner and Greener Communities



8. Background Papers

Council's Constitution.



**Sandwell Metropolitan Borough Council
Constitution of Boards, Committees and
Other Fora 2023/24**

	Labour	Conservative	Total
Scrutiny Boards			
Health and Adult Social Care	9	2	11
Economy, Skills, Transport and Environment	9	2	11
Safer Neighbourhoods and Active Communities	9	2	11
Children's Services and Education	9	2	11
			44
Constitutional and Quasi-Judicial Committees/Panels			
Audit and Risk Assurance Committee	6	1	7
Planning Committee	13	3	16
Licensing Committee	12	3	15
General Purposes and Arbitration Committee	6	1	7
Governance and Constitution Review Committee	7	1	8
Land and Asset Management Committee	6	1	7
Ethical Standards and Member Development Committee	7	1	8
Chief Officer Terms and Conditions Committee	6	1	7
Emergency Committee	6	1	7
			82
	105	21	126

*Budget and Corporate Scrutiny Board removed from calculation as membership of that body is qualified in accordance with criteria agreed by Council i.e. Chairs and Vice Chairs of Scrutiny Boards plus 2 members of the opposition where they do not hold the position of Chair/Vice Chair

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Committees & Panels

Audit and Risk Assurance Committee (2023/2024)

(7 members) + 3 independent members
(Lab 6) (Cons 1)

Chair	Preece
Vice Chair	Mr Ager (Independent Member)
	Bhullar Dhariwal L Giles Smith Tipper
	Anandou (Trumpeter – Sub) (C)
	(+2 independent members)

Chief Officer Terms and Conditions Committee (2023/2024)

(7 members)
(Lab 6) (Cons 1)

Chair	Leader
Vice-Chair	Deputy Leader
	Fisher (Kalari – Sub) (C)

Plus four members drawn from the following plus one opposition rep:-

Cabinet Members or chairs or vice-chairs of relevant boards/
committees/panels.

Chief Officers Terms and Conditions Appointments Sub-Committee

Leader (Chair), opposition member, plus one member selected by the Chair from Cabinet Members and Scrutiny Chairs to deal with appointments to and the determination of matters relating to posts designated as service manager tier 2.

Emergency Committee (2023/2024)

(7 members)
(Lab 6) (Cons 1)

Chair Leader

Vice-Chair Deputy Leader
Cabinet Member for Health & Adult Social Care
Cabinet Member for Children, Young People & Education
Cabinet Member for Public Health and Communities
Chair – Health and Adult Social Care Scrutiny Board

Fisher (W Gill – Sub) (C)

Ethical Standards and Member Development Committee (2023/24)

(8 **non-executive** members)
(Lab 7) (Cons 1)

Chair K Allcock

Vice-Chair Kaur

Crompton
J Giles
Hemingway
Mufihi
Rahman

Trumpeter (W Gill – Sub) (C)

(+ 3 independent persons as observers)

General Purposes and Arbitration Committee (2023/2024)

(7 non-Executive members)
(Lab 6) (Cons 1)

Chair Melia

Vice-Chair Dhariwal

M Allcock
Fitzgerald
Johnstone
Maycock

Kalari (Trumpeter – Sub) (C)

Governance and Constitution Review Committee (2023/2024)

(8 members)
(Lab 7) (Cons 1)

Chair Leader

Chambers
Kalebe-Nyamongo
Melia
Piper
Rollins
Padda

W Gill (Chapman – Sub) (C)

Land and Asset Management Committee (2023/24)

(7 members)
(Lab 6) (Cons 1)

Chair	Hughes
	Chidley
	Hinchliff
	Randhawa
	Singh
	Taylor
	Williams (Wilkes – Sub) (C)

Licensing Committee (2023/2024)

(15 **non-Executive** members)
(Lab 12) (Cons 3)

Chair	J Giles
Vice-Chairs	Fenton
	Lewis
	Davies
	E M Giles
	Hussain
	Jalil
	Khan
	Loan
	Daya Singh
	Tromans
	Uppal
	Abrahams (C)
	Weston (C)
	Wilkes (C)

Planning Committee (2023/2024)

(16 **non-executive** members to be geographically representative)
(Lab 13) (Cons 3)

Chair Millar

Vice-Chair Chidley

Fenton
S Gill
Kaur
Loan
Pall
Preece
Daya Singh
Tromans
Uppal
Webb
Younis

Chapman (C)
Fisher (C)
Kordala (C)

Scrutiny Boards (2023/2024)

<p>Budget and Corporate Scrutiny Management Board (Up to 11 members) Chair + Chairs/Vice Chairs of Scrutiny Boards (+ 2 opposition if not included above)</p> <p>Chair Moore Vice Chair Fenton</p> <p>Chair & Vice Chair of Children’s Services & Education</p> <p>Chair & Vice Chair of Economy, Skills, Transport & Environment</p> <p>Chair & Vice Chair of Health & Adult Social Care</p> <p>Chair & Vice Chair of Safer Neighbourhoods & Active Communities</p> <p>Anandou (C) Fisher (C)</p>	<p>Children's Services and Education Scrutiny Board (11 members + 4 co-opted members) (Lab 9) (Cons 2)</p> <p>Chair Hinchliff Vice-Chair Chambers</p> <p>K Allcock Ashraf Choudhry Fitzgerald Mayo Pall Uddin</p> <p>W Gill (C) Weston (C)</p> <p>1 Church of England Diocese representative – Barrie Scott</p> <p>1 Roman Catholic Archdiocese representative - Carmel Hinton</p> <p>2 Parent Governor representatives</p>
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Scrutiny Boards (continued) (2023/2024)

<p>Economy, Skills, Transport and Environment Scrutiny Board (11 members) (Lab 9) (Cons 2)</p> <p>Chair Taylor</p> <p>Vice-Chair Owen</p> <p style="margin-left: 100px;">Akpoteni Ashraf Dhatt Hemingway Hussain Rahman J Singh</p> <p style="margin-left: 100px;">Chapman (C) Kordala (C)</p>	<p>Health and Adult Social Care Scrutiny Board (11 members) (Lab 9) (Cons 2)</p> <p>Chair E M Giles</p> <p>Vice-Chair Tipper</p> <p style="margin-left: 100px;">M Allcock S Gill Johnstone Kalebe-Nyamongo Millar Mufihi Uppal</p> <p style="margin-left: 100px;">Dunn (C) Williams (C)</p>
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Scrutiny Boards (continued) (2023/2024)

Safer Neighbourhoods and Active Communities Scrutiny Board

(11 members + 1 co-opted member)
(Lab 9) (Cons 2)

Chair Fenton

Vice-Chair Lewis

Davies

Dhatt

Khan

Maycock

Shaeen

Webb

Younis

Fisher (C)

Trumpeter (C)

Co-opted Member - Chair of Tenant and Leaseholder Scrutiny Group
(Phillippe Brown)

Joint Consultative Panel (2023/2024)

(6 members)
(Lab 6)

Chair Cabinet Member for Finance and Resources

Choudhry
Millard
Randhawa
Shaeen
Smith

Member Roles

Town Chair and Vice Chair Positions (2023/2024)

(Lab 6)

Oldbury

Owen (Vice Chair: Daya Singh)

Rowley Regis

Webb (Vice Chair: Mayo)

Smethwick

Shaeen (Vice Chair: S Gill)

Tipton

A Hussain (Vice Chair: Rahman)

Wednesbury

L Giles (Vice Chair: Chidley)

West Bromwich

Akpoteni (Vice Chair: J Giles)
(Vice Chair: Randhawa)

Performance Champion (2023/24)

(Lab 5)

Cleaner and Greener Community – Bhullar
Safer Community – Uddin
Our Economy – Randhawa
External Partnerships – Smith
Neighbourhoods – Crompton (lead champion)

Other Roles (2023/24)

(Lab)

Heritage Champion – Cabinet Member for Regeneration and Growth
Armed Forces Champion - S Melia

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Programme of Meetings 2023 – 2024

May 2023		June 2023		July 2023	
1	Bank Holiday	1		1	
2		2		2	
3		3		3	Licensing Sub Committee Children's Services & Education Scrutiny Board
4		4		4	
5		5	Audit & Risk Assurance Committee	5	Safer Neighbourhoods and Active Communities
6		6	Budget & Corporate Scrutiny Management Board	6	
7		7	Cabinet	7	
8	Bank Holiday	8		8	
9		9		9	
10		10		10	General Purposes and Arbitration Committee
11		11		11	
12		12		12	The Cabinet
13		13	Chief Officers Terms & Conditions Committee; Full Council	13	Economy Skills Transport & Environment Scrutiny Board
14		14	Licensing Committee	14	
15		15		15	
16		16		16	
17		17		17	Licensing Sub Committee Health and Adult Social Care Scrutiny Board
18		18		18	
19		19	Joint Consultative Panel	19	
20		20	Ethical Standards & Member Development Committee	20	Audit and Risk Assurance Committee
21		21	Cabinet; Health & Wellbeing Board	21	
22		22	Corporate Parenting Board	22	
23	Annual Meeting of Council	23		23	
24		24		24	
25	Joint Consultative Panel	25		25	Full Council
26		26		26	Planning Committee
27		27		27	Chief Officers Terms & Conditions Sub Committee; Budget & Corporate Scrutiny Management Board
28		28	Planning Committee	28	
29	Bank Holiday	29	Budget & Corporate Scrutiny Management Board	29	
30		30		30	
31				31	Licensing Sub Committee

August 2023		September 2023		October 2023	
1		1		1	
2		2		2	Licensing Sub Committee
3		3		3	
4		4	Licensing Sub Committee Health and Adult Social Care Scrutiny Board	4	
5		5		5	Budget & Corporate Scrutiny Management Board
6		6	Planning Committee	6	
7		7	Corporate Parenting Board	7	
8		8		8	
9		9		9	
10		10		10	Ethical Standards and Member Development Committee
11		11	Children's Services & Education Scrutiny Board	11	
12		12	Safer Neighbourhoods and Active Communities;	12	
13		13	The Cabinet; Health and Wellbeing Board	13	
14		14	Budget and Corporate Scrutiny Management Board	14	
15		15		15	
16		16		16	Licensing Sub Committee
17		17		17	
18		18	Licensing Sub Committee	18	The Cabinet
19		19		19	
20		20		20	
21		21	Audit and Risk Assurance Committee	21	
22		22		22	
23		23		23	
24		24		24	Full Council
25		25	Joint Consultative Panel	25	Planning Committee
26		26		26	
27		27		27	
28	Bank Holiday	28	Economy Skills Transport & Environment Scrutiny Board	28	
29		29		29	
30		30		30	Licensing Sub Committee
31				31	

November 2023		December 2023		January 2024	
1		1		1	Bank Holiday
2	Budget & Corporate Scrutiny Management Board	2		2	
3		3		3	
4		4	Licensing Sub Committee; General Purposes and Arbitration Committee	4	Budget & Corporate Scrutiny Management Board
5		5	Ethical Standards and Member Development Committee;	5	
6	Licensing Sub Committee	6	The Cabinet; Health and Wellbeing Board	6	
7		7	Safer Neighbourhoods & Active Communities Scrutiny Board	7	
8	Economy Skills Transport and Environment Scrutiny Board	8		8	Children's Services & Education Scrutiny Board;
9		9		9	
10		10		10	Planning Committee
11		11		11	Safer Neighbourhoods & Active Communities Scrutiny Board
12		12	Full Council	12	
13	Children's Services & Education Scrutiny Board	13		13	
14		14		14	
15	The Cabinet;	15		15	Licensing Sub Committee
16	Corporate Parenting Board	16		16	
17		17		17	The Cabinet
18		18	Joint Consultative Panel Licensing Sub Committee	18	Audit and Risk Assurance Committee
19		19		19	
20	Licensing Sub Committee	20		20	
21	Health and Adult Social Care Scrutiny Board	21		21	
22		22		22	Health and Adult Social Care Scrutiny Board;
23	Audit and Risk Assurance Committee	23		23	
24		24		24	
25		25	OFFICE CLOSED	25	Corporate Parenting Board
26		26	OFFICE CLOSED	26	
27		27	OFFICE CLOSED	27	
28		28	OFFICE CLOSED	28	
29	Planning Committee	29	OFFICE CLOSED	29	Licensing Sub Committee
30	Budget & Corporate Scrutiny Management Board	30		30	Full Council
		31		31	

February 2024		March 2024		April 2024	
1	Budget & Corporate Scrutiny Management Board;	1		1	Bank Holiday
2		2		2	
3		3		3	
4		4	General Purposes and Arbitration Committee	4	
5	Licensing Committee;	5	Ethical Standards and Member Development Committee	5	
6		6		6	
7	The Cabinet (Provisional Budget Proposals)	7	Economy, Skills, Transport and Environment Scrutiny Board	7	
8	Economy Skills Transport & Environment Scrutiny Board	8		8	
9		9		9	
10		10		10	
11		11	Licensing Sub Committee Health and Adult Social Care Scrutiny Board;	11	
12	Licensing Sub Committee	12		12	
13		13	The Cabinet; Health & Wellbeing Board	13	
14	The Cabinet (Provisional Budget Proposals);	14	Safer Neighbourhoods & Active Communities Scrutiny Board	14	
15		15		15	
16		16		16	
17		17		17	
18		18		18	
19	Joint Consultative Panel	19	Full Council	19	
20	Full Council (Budget)	20	Budget & Corporate Scrutiny Management Board;	20	
21	Planning Committee	21		21	
22	Audit and Risk Assurance Committee	22		22	
23		23		23	
24		24		24	
25		25	Licensing Sub Committee; Children's Services & Education Scrutiny Board;	25	
26	Licensing Sub Committee	26		26	
27	Full Council (Budget Reserve Date)	27		27	
28		28	Corporate Parenting Board	28	
29		29	Bank Holiday	29	
		30		30	
		31			

May 2024		June 2024		July 2024	
		1		1	
1		2		2	
2		3		3	
3		4		4	
4		5		5	
5		6		6	
6	Bank Holiday	7		7	
7		8		8	
8		9		9	
9		10		10	
10		11		11	
11		12		12	
12		13		13	
13		14		14	
14		15		15	
15	Planning Committee	16		16	
16		17		17	
17		18		18	
18		19		19	
19		20		20	
20		21		21	
21	Annual Meeting of Council	22		22	
22		23		23	
23		24		24	
24		25		25	
25		26		26	
26		27		27	
27	Bank Holiday	28		28	
28		29		29	
29		30		30	
30				31	
31					

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Part 4 - Scrutiny Procedure Rules

1. What will be the Arrangements for Scrutiny?

A scrutiny body is one appointed to discharge the functions conferred by Section 21 (Overview and Scrutiny Committees) of the Local Government Act 2000 and any regulations made under that Section.

The Council will establish scrutiny boards set out in Article 6 of this Constitution and will appoint members to them as it considers appropriate from time to time.

2. Who May Sit on Scrutiny Boards?

All councillors, except members of the Cabinet, may be members of a scrutiny board. However, no member may be involved in scrutinising a decision that they have been involved in making, or they have declared an interest in, except where the Council was the decision making body.

3. Who Chairs Scrutiny Board Meetings?

- (a) The Chair and Vice-Chairs of each scrutiny board will be appointed by the Council at its annual meeting. Where a vacancy arises mid-year, these will be appointed to at a meeting of the Council.
- (b) In the absence of both the Chair and Vice-Chair of a scrutiny board, or their inability to act, the board shall appoint a person to preside at that meeting or part of a meeting, from amongst those elected members present.

4. Co-opted Members – Scrutiny Boards

- (a) The Children’s Services and Education Scrutiny Board, will include in its membership, the following non-elected co-opted members:-

- (i) 1 non-elected person representing the Church of England dioceses of Birmingham and Lichfield;
- (ii) 1 non-elected person representing the Roman Catholic archdiocese of Birmingham;
- (iii) 2 Parent Governor representatives.

Those members may be appointed to any sub-groups of the Board, but shall only have voting rights on education matters, whether in respect of schools or wider educational issues.

- (b) The Safer Neighbourhoods and Active Communities Scrutiny Board will include in its membership a non-elected co-opted member, without voting rights, from the Tenant and Leaseholder Scrutiny Panel.

5. **Meetings of Scrutiny Boards**

Each scrutiny board will normally meet once in each cycle of meetings in a municipal year. Extra meetings may be called:-

- (a) by the chair of the relevant scrutiny board;
- (b) by any four members of a scrutiny board;
- (c) by the Statutory Scrutiny Officer if they consider it necessary or appropriate.

6. **Quorum**

The quorum for a scrutiny body will be in line with the Council's Procedure Rules (Standing Orders) in Part 4 of this Constitution. Provision is made within those Rules to enable a meeting to proceed in the event of it being or becoming inquorate. In the event of a quorum not being obtained at the commencement of, or at any point during the meeting, at the discretion of the Chair or the person presiding, the meeting may continue for the purpose of examining the business before it. However:-

- (a) any recommendation, comment or advice by the members present to the Council, the Cabinet, a Cabinet Member, other committees or other persons or bodies shall be qualified by a statement clearly indicating that the recommendation, comment or

advice is not that of the full Board due to the meeting having been inquorate;

- (b) any minutes of the meeting shall clearly record that the meeting was inquorate or the point in the record of events at which the meeting became inquorate.

7. Work Programme

- (a) Scrutiny boards will be responsible for their own work programmes, which shall be approved at the first meeting of each board in the municipal year.
- (b) In developing their work programmes, Scrutiny Boards will have regard to:-
 - (i) the Council's strategic priorities and policies, including the policy framework and budget and spending plans and their impact on service delivery and outcomes for the people of Sandwell;
 - (ii) the Cabinet Forward Plan and Executive Work Programme;
 - (iii) suggested items/topics arising from annual engagement activities, involving partners and the public;
 - (iv) any necessary engagement with other scrutiny boards on cross-cutting issues.
- (c) Each suggested item/topic shall be assessed using the Scrutiny Prioritisation Tool to determine the appropriateness and the level of priority to be applied to it, before being placed on the Board's work programme.

8. Scrutiny Reviews

- (a) Each scrutiny board may include on its work programme, one or more in-depth review of a particular

topic, and in determining that topic, shall have regard to: -

- (i) the Council's strategic priorities and policies, including the policy framework and budget and spending plans and their impact on service delivery and outcomes for the people of Sandwell;
 - (ii) the Cabinet Forward Plan and Executive Work Programme;
 - (iii) suggested items/topics arising from annual engagement activities, involving partners and the public;
 - (iv) any previous scrutiny activity on the topic;
 - (v) guidance from the relevant director on the appropriateness and timeliness of the review
- (b) No boards shall have more than one active scrutiny review taking place at any one time.
- (c) Each suggested review shall be assessed using the Scrutiny Prioritisation Tool.
- (d) subject to (a) to (c) (above) each agreed review shall be scoped using the [Scrutiny Review Scoping Document](#) to ascertain how the review will operate and which can include (but not limited to):-
- Establishing a working group
 - Co-opted members on working groups
 - Expert witnesses
 - Enquiry days
 - Spotlight sessions
 - Focus groups
 - Visits
 - Call for evidence (e.g. press)
 - Surveys
 - Desktop research

- (e) upon the completion of a review, a scrutiny board shall prepare a report, setting out its findings and any recommendations, for submission to the Cabinet/Council at its next available meeting;
- (f) the Cabinet/Council shall respond to the scrutiny board at the meeting to which the report is submitted, if this is not possible, it shall respond no later than two months;
- (g) the scrutiny board shall monitor progress on implementation of approved recommendations.

9. **Agenda Item Requests**

9.1 Requests from members for items to be included on the agenda for a scrutiny body:

- (a) Any member of the Council may make a request for an additional item to be placed on any scrutiny board's work programme, or the agenda for the board's next meeting.
- (b) In making such a request, the member shall have regard to:-
 - (i) the Council's strategic priorities and policies, including the policy framework and budget and spending plans and their impact on service delivery and outcomes for the people of Sandwell;
 - (ii) the Cabinet Forward Plan and Executive Work Programme;
 - (iii) any necessary engagement with other scrutiny boards on cross-cutting issues.
- (c) Such requests shall be made in writing, to the Statutory Scrutiny Officer, using the [Scrutiny Agenda Item Request Form](#).
- (d) Upon receipt of such a request, the Statutory Scrutiny Officer shall consult with the relevant scrutiny chair. If

they decline to add the item to the board's work programme/agenda, the requesting member may refer the request to the Chair of the Scrutiny Management Board, who may:-

- (i) confirm the decision to NOT place the item on the relevant board's work programme;
 - (ii) direct the relevant chair/board to consider the item;
 - (iii) place the item on the work programme of the Scrutiny Management Board
- (e) If the chair deems it necessary, they may call an additional meeting of the Board to consider the item.
- (f) The member requesting the item shall be expected to attend the meeting at which the item is to be considered and speak on the item.
- (g) A matter will not be included on a scrutiny board's work programme, or an agenda for a particular meeting, where the Statutory Scrutiny Officer considers it to be:-
- (i) frivolous, of mischievous intent, in breach of any statute, regulation or directive or of personal gain to the requestor;
 - (ii) relating to a matter outside those functions set out in the Local Government Act 2000 as amended;
 - (iii) relating to a licensing or planning decision;
 - (iv) relating to an individual body to which there is already a statutory right to a review or appeal (other than to the Local Government Ombudsman);
 - (v) where it has been the subject of scrutiny within the previous 12 months.

9.2 Requests from the Council or the Executive to place an item on the agenda of a scrutiny body:

- (a) A scrutiny board shall respond, as soon as its work programme permits, to requests from the Council and,

if it considers it appropriate, the Cabinet or a Cabinet Member, to review particular areas of Council activity.

- (b) The findings of the work shall be reported back to the Cabinet, and/or Council as appropriate.
 - (i) If it is not able to respond at the meeting to which the scrutiny board's report is presented, Council and/or the Executive must respond to the report of the scrutiny body within two months of receiving it, or at the nearest available programmed meeting.
 - (ii) If the Cabinet does not accept the recommendations of the scrutiny board it shall set out clearly the reasons why and the Cabinet Member shall attend a meeting of the scrutiny board to discuss their reasons, if requested to do so.

10 Recommendations from Scrutiny Bodies

10.1 Arising from Scrutiny Reviews - see paragraph 8 above.

10.2 Arising from Single Agenda Items

- (a) If, upon consideration of an agenda item at a formal board meeting, a scrutiny board wishes to make recommendations to the Cabinet/ Council, those recommendations shall be submitted by way of a formal report to the next available meeting;
- (b) the Cabinet/Council shall respond to the scrutiny board at the meeting to which the report is submitted, if this is not possible, it shall respond no later than two months.
- (c) If the Cabinet does not accept the recommendations of the scrutiny board it shall set out clearly the reasons why and the Cabinet Member shall attend a meeting of the scrutiny board to discuss their reasons, if requested to do so.

10.3 Tracking and Monitoring

Scrutiny boards will monitor progress on the implementation of recommendations approved by the Cabinet/a Cabinet Member by way of regular reporting to board meetings.

11 **Matters Within the Remit of More Than One Scrutiny Board**

Where a matter for consideration by a scrutiny board also falls within the remit of one or more other scrutiny boards, the decision as to which scrutiny board will consider it will be resolved by the Chair of the Budget and Corporate Scrutiny Management Board and in their absence or inability to act, the Vice-Chair.

12 **Order of Business and Procedure at Meetings**

As a general rule the order of business and procedure at scrutiny bodies shall be:-

- (i) to receive declarations of interest, including declarations in relation to the application of any political whip;
- (ii) to confirm the minutes of the last meeting;
- (iii) consideration of call-in;
- (iv) response of the Executive to reports from scrutiny;
- (v) programmed items as per the board's work programme;
- (vi) additional items requested by the Executive/Council not listed in the work programme.

13 Rights of Scrutiny Members to Documents

In addition to their rights as councillors, members of scrutiny bodies have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.

14 Members and Officers Giving Account

- (a) As well as reviewing documentation, in fulfilling its scrutiny role, a scrutiny body may require any member of the Executive, Committee Chair or Vice-Chair, and any officer of the Council, to attend before it to assist in its understanding of the matter it is scrutinising, and in the case of chief officers and executive members, hold them to account for their performance;
- (b) Where a member or officer is required to attend a scrutiny body under this provision, at least 10 working days' notice of the meeting at which they are required to attend must be given, unless the individual agrees to a shorter period of time.
- (c) Where the member or officer is unable to attend on the required date, they shall, in liaison with the Statutory Scrutiny Officer and the Chair, make arrangements for a suitably knowledgeable person to attend in their place. If this is not possible the Chair of the scrutiny body may defer the matter until another meeting.

15 Attendance by Others

- (a) A scrutiny body may invite people other than those people referred to in paragraph 14 above to address it, to discuss issues of local concern and/or answer questions.
- (b) The attendance of a citizen or member of the public at a meeting of a scrutiny body, other than by direct invitation as a participant, does not grant the individual an automatic right to address the meeting or submit representations.

16 Call-In

- (a) Any three members of a scrutiny board (including co-opted members with voting rights relevant to the subject matter), or six members of the Council, may refer for scrutiny any key decision made under Part 4 of the Executive Procedure Rules.
- (b) The referral shall be made in writing, using the [Notice of Call-In](#) which shall be submitted to the Statutory Scrutiny Officer no later than the fifth working day (beginning the day after the decision is published).
- (c) Nothing in (b) (above) shall prevent the member/members from declaring their intention to call the matter in at the meeting during which the decision is made.
- (d) The Monitoring Officer, in consultation with the Statutory Scrutiny Officer and the Chief Executive, may reject a [Notice of Call-In](#) if it fails to meet the grounds listed below, and the reasons for rejection will be reported to the next scheduled ordinary meeting of the Budget and Corporate Scrutiny Management Board:-
 - (i) the cited grounds bear no relevance to the decision that is identified for call-in;
 - (ii) the requisition cites grounds for which no relevant evidence is produced in support;
 - (iii) those requisitioning the call-in signed the requisition before it was complete (e.g. signed a blank [Notice of Call-In form](#) in advance);
 - (iv) the call-in includes material which could be defamatory;
 - (v) the requisition is being used for improper purposes (e.g. to admonish an officer); or
 - (vi) the terms of the call-in are substantially the same as for one previously considered within the preceding 6 months.
- (d) The Statutory Scrutiny Officer, in consultation with the Chair of the Budget and Corporate Scrutiny Management Board will determine which board will

consider the referral, however, matters relating to crime and disorder issues must be referred to the Safer Neighbourhoods and Active Communities Scrutiny Board.

- (e) The scrutiny board will meet within 15 working days of the receipt of the [Notice of Call-In](#), to consider the matter, unless the relevant Director agrees to a longer period that would avoid the need to call an additional meeting of the Board.
- (g) Subject to (f) (above), if the board does not meet within 15 days, the decision of the cabinet member will automatically take effect at the end of the five-day call-in period.
- (h) At least one referring member will be expected to attend the meeting of the scrutiny board at which the item will be considered. The relevant Cabinet Member and officers shall also be expected to attend the meeting.
- (i) In the event of all of the referring members failing to attend the meeting, at the discretion of the Chair, the item will be withdrawn from the agenda without discussion and the decision will automatically take effect.
- (j) If the scrutiny board does not refer the matter back to the Cabinet Member/Cabinet for further consideration the decision will take effect at the close of the scrutiny meeting.
- (k) If, having considered the decision, the scrutiny board has concerns about it, then it may refer it back to the decision maker, for reconsideration, setting out in writing, the nature of the concerns. Within a further 10 working days, the decision maker must reconsider, amending the decision or not, before adopting a final decision.

- (l) If the matter is a strategic matter that requires the consent of the Cabinet or Council, and the Cabinet member elects not to amend their recommendation to that body, one of the referring members may reserve the right to address the Cabinet or Council.
- (l) If the matter was referred to the Cabinet and subsequently Council and neither the Cabinet nor Council objects to a decision which has been made, then no further action is necessary, and the decision will be effective at the close of the relevant meeting.
- (m) However, if Council does object, (it has no locus to make or overturn decisions in respect of an Executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget), it will refer any decision to which it objects back to the Cabinet/Cabinet Member making the decision, together with the Council's views on the decision.

The Cabinet Member shall reconsider the matter, within 10 working days of the Council request and choose whether to amend the decision or not before reaching a final decision and implementing it.

17 Exceptions to Call-In

- (a) Decisions taken in accordance with the Council's urgency provisions/procedures may not be called in.

With the exception of items considered urgent under Part 4 - Budget and Policy Framework Procedure Rules 4(a), the declaration of a decision as urgent is subject to the written agreement of the Chair of the relevant scrutiny board or in their absence the Vice-Chair of the relevant scrutiny board.

Decisions taken in this way, as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for the urgency.

- (b) Where the Leader has exercised their right to review the decision of an individual Cabinet Member or an

Executive body, the call-in procedure referred to above will automatically lapse.

Following the Leader's review, his/her decision will be subject to the call-in procedure.

- (c) Once a particular decision has been called in for scrutiny and that decision has been considered and a final decision made under any of the call-in principles, it shall not be called in again.

18 Councillor Call for Action

- (a) Before considering whether to invoke the Councillor Call for Action process, members should read the [Call for Action Protocol](#), and seek advice from the Statutory Scrutiny Officer.
- (b) Any member of the Council who wishes to refer a matter that is of concern in their ward for scrutiny under the [Councillor Call for Action Protocol](#), may do so by submitting a completed [Call for Action Referral form](#) to the Statutory Scrutiny Officer.

The Statutory Scrutiny Officer will then review the request and determine:-

- (i) whether the Call for Action meets the relevant criteria;
- (ii) in consultation with the Chair of the Budget and Corporate Scrutiny Management Board, which board will consider the Call for Action. However, matters relating to crime and disorder issues must be referred to the Safer Neighbourhoods and Active Communities Scrutiny Board.

The Statutory Scrutiny Officer will notify the Chair of the relevant board, the relevant cabinet member(s) and chief officer(s) and, where appropriate, partner organisation(s) of the referral and of the identity of the person making the referral.

- (c) Matters referred by a Call for Action during the period between a Notice of Election being issued and the date of that election will not be considered until after that election.
- (d) Where a Call for Action is referred under (a) above, the scrutiny board will consider the matter at its next scheduled meeting, unless the matter is deemed to be of a time-critical nature or its consideration at that meeting would be detrimental to the board or board's established work programme. In these instances, with the agreement of the Chair of the board, an additional meeting of the board may be called to consider the matter.
- (e) The member who has referred the Councillor Call for Action for scrutiny will be expected to attend the meeting. If they are unable to attend, they must appoint another member of their ward to act as their representative and should notify the Statutory Scrutiny Officer of the name of that member prior to the meeting.

In the event of the member or their representative failing to attend the meeting, the Chair may withdraw the item from the agenda without discussion.

- (f) If, having considered the Councillor Call for Action, the scrutiny board feels it necessary, it shall make recommendations to the relevant chief officer/cabinet member/ body.
- (g) The relevant chief officer/cabinet member/body shall respond to the scrutiny board within two calendar months starting from the date on which they receive the recommendations.
- (h) In respect of any recommendations made to an NHS body, that body shall be expected to respond to the scrutiny body within 30 days starting from the date on which they receive the recommendations

- (i) The Statutory Scrutiny Officer shall keep the referring ward member/members informed on developments throughout the process when dealing with the Councillor Call for Action.
- (j) The referring ward member/members shall keep relevant residents/the community up to date on the process and the outcome.

19 **Petitions**

Petitions will be dealt with in accordance with the Council's petitions scheme.

20 **The Party Whip**

When considering any matter in respect of which a member of a scrutiny board is subject to a party whip, the member must declare the existence of the whip and the nature of it before the commencement of the board's deliberations on the matter. The declaration and the detail of the application of the whip arrangements shall be recorded in the minutes of the meeting.

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To: Full Council Members

My Ref: RDS/SH

Date: 23rd May 2023

Dear Members

Ref: Amendments to Terms of Reference – Corporate Parenting Board

Between October and December 2022, the Local Government Association (LGA) and Sandwell Metropolitan Borough Council worked in partnership to deliver Corporate Parenting training to Cabinet members, Elected members, and the Corporate Parenting Board members.

As a result, the LGA recommended that the Corporate Parenting Board review its terms of reference to raise awareness and ensure the right partners are present and the right decisions are made for Sandwell children in care and care leavers.

In January 2023, as Chair of the Corporate Parenting Board together with the LGA, we identified the key areas for amendment:

- The frequency of meetings
- Membership
- The pledges and promises
- Quorum

The changes and redrafted terms of reference have been reviewed and agreed by the Strategic Corporate Parenting Group and Corporate Parenting Board.

I'd like to confirm that they are ready to be presented to the Annual Council on Tuesday 23rd May 2023.

Yours sincerely

Cllr Simon Hackett

Elected Cabinet Member for Children, Young People and Education

Corporate Parenting Board Terms of Reference

1. Purpose and Role

1.1 The Corporate Parenting Board assists the Council in fulfilling its legal obligations and responsibilities towards children in care and children leaving care, under the Children Act 1989 and Children (Leaving Care) Act 2000. The role of local authorities and seven key corporate parenting principles are set out in section 1 of the Children and Social Work Act 2017.

1.2 The seven key corporate parenting principles are:

- To act in the best interests, and promote physical and mental health and well-being, of those children and young people
- to encourage those children and young people to express their views, wishes and feelings -
- to take into account the views, wishes and feelings of those children and young people
- to help those children and young people gain access to, and make the best use of, services provided by the local authority and its relevant partners
- to promote high aspirations, and seek to secure the best outcomes, for those children and young people
- for those children and young people to be safe, and for stability in their home lives, relationships and education or work; and
- to prepare those children and young people for adulthood and independent living.

1.3 The Council will through the Corporate Parenting Board ensure that relevant partners understand how they can assist it to apply the principles in relation to the services those partners may provide.

1.4 The key aims of the Corporate Parenting Board are therefore to:

- Ensure the Council effectively discharges its role as Corporate Parent for all the children and young people in its care.
- Scrutinise the work of the SCPG to ensure it is effectively delivering the CPB's priorities.
- Develop and embed a strong corporate parenting ethos in Sandwell, which means that everyone from elected council members and the Chief Executive down to front line staff in the Council and in partner agencies are concerned about those children and care leavers as if they were their own.
- Act strategically to ensure that looked after children and care leavers are effectively supported to reach their potential through the provision of excellent parenting, high quality education, opportunities to develop their talents and skills, and effective support for their transition to adulthood.
- Set high expectations and promote stable relationships for all children in care and care leavers.
- Celebrate the achievements of children in care, their carers and care leavers.
- Make recommendations to the relevant committees and forums regarding key decisions for the benefit of children in care and care leavers.

1.5 It will achieve this by:

- Raising awareness of the Council's corporate parenting responsibilities and developing expertise and knowledge among elected members, officers and partners.
- Monitoring and reviewing the quality and effectiveness of services for children in care and care leavers delivered by corporate parents: the Council, partner agencies and commissioned services.
- Engaging with partner agencies, confirming expectations and scrutinising the quality of all services delivered to children in care and care leavers.

- Challenging and holding all partners to account for their role in the delivery of services to looked after children and care leavers.
- Overseeing the implementation of the Pledge, Corporate Parenting Strategy and Corporate Parenting Action Plan.
- Maintaining an overview of the needs of children in care and care leavers.
- Receiving reports on the outcomes of regulatory visits and inspections of provision for children in care and care leavers.
- Listening to the voices of children in care and care leavers in order to understand their experience of the services provided to them.
- Facilitating children and young people's participation and co-production within the decision-making process.

2. Status of the Board

2.1 The Corporate Parenting Board is accountable to the Full Council of Sandwell Metropolitan Borough Council and will make an Annual Report to the Council that will be presented by Children in Care and Care Experienced young people, with the support of the Corporate Parenting Board Chair and Sandwell Children's Trust's Participation team.

2.2 A number of groups which contribute to the delivery of the Corporate Parenting principles and strategy will report into the Board. These include the Strategic Health Group, the Virtual School Management Committee and the Strategic Corporate Parenting Group.

3. Chair

3.1 The Corporate Parenting Board will be co-chaired by the Council's Cabinet Member for Children, Young People and Education and the Chair of the Care Leavers' Forum. If either Chair is absent, their Vice/Co-Chairs, will chair in their place.

1. Membership

4.1 The Board will be made up of:

- i. Chair and Co-Chair of the Voices of Sandwell Board plus the Chair and Co-Chair of the Care Leavers' Forum;
- ii. Eight elected Members of Sandwell Metropolitan Borough Council (SMBC), including the Cabinet Member for Children, Young People and Education, and the leader or deputy leader of the opposition.
- iii. Leader or the deputy leader of the Council.
- iv. Chair of the Children's Services Scrutiny Board and Vice Chair of the Children's Services Scrutiny Board
- v. Chair of Sandwell Children's Trust Board.

4.2 The Board will call on the professional advice and assistance of **Advisors to the Board**, as follows:

Sandwell Council Officers:

- Director of Children's Services and Education (DCS);
- Assistant Director – Children's Commissioning, Partnerships and Improvement.
- Head of Virtual School.
- Director of Housing.

Sandwell Children's Trust Officers:

- Chief Executive of the Sandwell Children's Trust
- Director of Sandwell Children's Trust
- Head of Service Children in Care and Care Leavers
- Engagement Manager and/or Children's Participation Officer

Relevant Partner Agencies:

- Associate Director of Safeguarding and Partnerships - Black Country Integrated Care Board
- Designated Doctor for Looked After Children
- Designated Nurse for Looked After Children
- West Midlands Police
- Black Country Foundation Partnership Trust CAMHS Service
- Representative of Sandwell Foster Care Association

Other relevant agencies (to attend as appropriate):

- West Midlands Fire Service
- Adoption@Heart
- Department for Work and Pensions

4.3 Other staff from the Council, Sandwell Children's Trust, relevant partner agencies and other partner organisations will attend and report to the Board as required, for example Director of Adult services, Senior Commissioning Manager for Statutory Services Service Manager, 16- 19 and Connexions & Sandwell Adult Family Learning and Service Manager, CIC 14+ and Care leavers service from Sandwell Children's Trust.

5 Pledge and promises

5.1 All board members and officers are to sign 5 pledges and 25 promises developed by the young people from the forums for Children in Care (VOS) and Care Leavers (FIYA).

6. Meeting Frequency

6.1 The Board will meet every 10 weeks, in accordance with a programme of meetings agreed annually at the start of each calendar year.

- 6.2 Additional meetings may be called at the discretion of the Co-Chairs at times to be determined by the Secretary in consultation with the Co-Chairs.

7. Quorum

- 7.1 At least four elected members, one senior officer from The Trust, one representative partner, one young person from Voices of Sandwell Forum (VOS) or the Forum for Independent Young Adults Forum (FIYA) and one senior officer from the council.

8. Ways of Working

- 8.1 To ensure that the principles are delivered, the Corporate Parenting Board will work with Children in Care and Care Experienced young people to create and keep under review a Corporate Parenting Strategy which identifies priorities that will drive the work of the Board, and a dynamic action plan which implements the strategy.
- 8.2 Leads will be identified to take forward the priorities within the action plan. Where appropriate, task and finish groups will be established to take forward specific priorities or actions. There will be regular updates on the delivery of the strategy and the action plan to Corporate Parenting Board. These updates will be underpinned by review of a data dashboard, which will be used to understand where outcomes are improving or where there are gaps or issues which need to be addressed.
- 8.3 In addition, each Corporate Parenting Board meeting will receive a review report on a specific issue relating to the corporate parenting principles to enable Board members to gain an in-depth understanding of the issue and direct further action where appropriate. An annual programme of reviews will be agreed at the first meeting of each Municipal Year.

9. Administration

- 9.1 Meetings will be arranged by and a note of the proceedings will be taken by a representative of the SMBC Governance Team.
- 9.2 Agenda and supporting papers will be circulated 1 week before any meeting.

10. Decision Making

- 10.1 Decision are reached by consensus. If a vote on any matter is necessary, in the event of an equality of votes, the person presiding shall have a second and casting vote.

11. Reporting

- 11.1 The Board may make reports and recommendations on the work of the Board directly to any relevant council body, officer, partnership or partner body, and will report to the full Council on an annual basis.

12. Confidentiality

- 12.1 Meetings of the Board are not open to the public.

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Sandwell Health and Wellbeing Board –Terms of Reference

Sandwell's Health and Wellbeing Board is a statutory Board and the Council's main forum to enable key stakeholders including councillors, local GPs, council officers and members from the faith and voluntary sectors to help improve the health and wellbeing of the local community and work towards reducing health inequalities in Sandwell.

1.1 Key Aims

In line with proposals in the Health and Social Care Act 2012, to:-

- i) Secure better health and wellbeing outcomes, promoting independence, choice and control for the whole population;
- ii) ensure a joined-up approach on commissioning priorities across NHS, public health, social care for adults and children and related services;
- iii) encourage greater integration across health, social care and related services to improve health and wellbeing outcomes;
- iv) stimulate delivery of health and wellbeing priorities, focusing on 'People' and 'Place' and promoting a sense of Civic pride;
- v) monitor progress on delivery of agreed joint strategic priorities, holding individual partners to account.

2. Objectives

2.1 Policy and Strategy Development

2.1.1 Ensure that local plans are in place to comply with legislation and national policy guidance, whilst adopting a lobbying role on any specific issues of concern.

2.1.2 Comply with the statutory requirements in relation to:-

- development of the Joint Strategic Needs Assessment (by the local authority and clinical commissioning groups) and determining how identified needs will be addressed;
- development of the Joint Health and Wellbeing Strategy (by the local authority and clinical commissioning groups) that spans NHS, social care and public health priorities and the wider determinants of health, taking a key role in overseeing delivery;

- development of Sandwell's Pharmaceutical Needs Assessment
- considering the extent to which needs can be met more effectively by the further development of arrangements under Section 75 National Health Service Act 2006 (flexibilities – lead commissioning, pooled budgets, integrated provision); including potential for the Board to be the vehicle for lead commissioning of particular services;
- encouraging those who arrange the provision of health and social care services in Sandwell to work in an integrated manner; also adopting a similar approach with other health-related services e.g. transport and housing where appropriate;
- undertaking any additional functions that have been, or may be, delegated to the Board by the local authority itself, or at the request of NHS England or the Black Country Integrated Care Board (ICB).
- involving people, partners and providers of the Board in engagement, communications and listening exercises to ensure they are able to influence Board work. This will be reflected in the development of the Joint Strategic Needs Assessment and the Joint Health and Wellbeing Strategy.
- providing views on clinical commissioning groups as part of NHS England's authorisation and annual assessment processes (e.g. how boundaries support joint working with the local authority; and their contribution towards delivery of the Joint Health and Wellbeing Strategy).

2.1.3 Progress cross-cutting priorities through the existing joint working arrangements, to influence policy on healthy urban development, economic position and community safety issues.

2.1.4 Establishing relationships with health and wellbeing boards and other relevant strategic boards in neighbouring areas. This will be to support wider approaches to improving health, reducing inequalities and the integration of services. This will include the West Midlands Combined Authority.

2.1.5 Develop an annual work programme tied into budget planning cycles that focuses on outcomes and shared goals, including:-

- Joint Strategic Needs Assessment (including the pharmaceutical needs assessment);

- Joint Health and Wellbeing Strategy;
- Black Country ICB commissioning plans, including joint commissioning priorities with the local authority (Board to be involved throughout the process of development);
- SMBC commissioning plans for adult social care, children and families and associated service areas;
- Annual Public Health Report;
- Key documents relating to children and families' agenda e.g. Children, Young People and Families' Plan;
- Other major cross-cutting national strategies;

2.1.6 Adopt a learning and organisational development approach by considering partner contributions to key health issues and areas of importance to the local authority;

2.1.7 To establish sub groups as required undertaking work for the Board.

2.2 Service Delivery

2.2.1 Ensure an integrated approach is taken on implementing the Joint Health and Wellbeing Strategy and other key strategic plans, as determined by the Board.

2.2.2 Schedule time within the annual work programme for focused discussion to take place on individual strategic priorities, enabling key decisions to be reached and progress to be monitored.

2.2.3 Ensure that mechanisms are in place for information on delivery plan priorities and progress reporting to be included within the Council's information management system (Performance+) and the Black Country ICB performance and reporting mechanisms.

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Role Description for Performance Champion – Cleaner and 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 cleaner and 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.

Duties:

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.

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Report to Council

23 May 2023

Subject:	Appointment of Representatives to Other Bodies
Director:	Surjit Tour – Director of Law and Governance and Monitoring Officer
Contact Officer:	Suky Suthi-Nagra suky_suthinagra@sandwell.gov.uk

1 Recommendations







- 1.1 That approval be given to the appointments to outside/other bodies detailed in Appendix 1.

2 Reasons for Recommendations

- 2.1 The Council is invited to appoint and nominate representatives to a wide range of bodies not directly associated with the Council. These other bodies include national, regional and local organisations. Appointment to the organisations listed are a matter for Council to determine.



3 How does this deliver objectives of the Corporate Plan?

		The involvement of Council appointed representatives in the decision making process of other bodies, at local, regional and national levels, might encourage better understanding of local and wider needs and viewpoints and will help support the priorities as set out in the Corporate Plan.
		
		

4 Context and Key Issues

- 4.1 The Council's continued involvement with outside bodies can help to support the Council's Vision and encourage better understanding of local needs and viewpoints.
- 4.2 The attached appendix sets out the nominations to organisations.
- 4.3 In some cases, the Council is asked only for nominations for persons from whom a selection will be made later. Most of the appointments are for one year only, but where the appointments or nominations are for a longer period, that period is shown. The names of the previous representatives are given together with explanatory notes where appropriate.

5 Alternative Options

- 5.1 Appointment of elected members to other/outside bodies can only be made by full Council/the Executive.



6 Implications

Resources:	Attendance at meetings of other bodies qualifies as an approved duty for the payment of travelling and subsistence allowances.
Legal and Governance/ Risk:	The current policy adopted by the Council is that members should not take up a post on another body without sufficient personal liability insurance being taken out by that body and, if necessary, an indemnity being granted by the Authority to cover potential claims against them.
Equality:	There are no equality implications arising from this report.
Health and Wellbeing:	There are no health and wellbeing implications arising from this report.
Social Value	There are no implications arising directly from this report.
Climate Change	There are no implications arising directly from this report.

7. Appendices

Appendix 1 – nominations to other/outside bodies.

8. Background Papers

None



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Sandwell Metropolitan Borough Council

Appointments to Other Bodies – Nominations

Appointments to Other Bodies

Organisation	Term of Office	Current Representative(s)	Nomination(s)
Bus Lane Adjudication Service Joint Committee	1 year expiring annual meeting	Cabinet Member for Environment Deputy: Service Manager – Highways	Cabinet Member for Environment & Highways Deputy: Service Manager – Highways
Local Government Association – General Assembly	1 year expiring annual meeting	Leader of the Council (voting) Non-voting members:- Deputy Leader of the Council Director - Regeneration and Growth	Leader of the Council (voting) Non-voting members:- Statutory Deputy Leader of the Council Director - Regeneration and Growth
Local Government Information Unit – General Assembly	1 year expiring annual meeting	Deputy Leader of the Council or their nominee	Statutory Deputy Leader of the Council or their nominee

Organisation	Term of Office	Current Representative(s)	Nomination(s)
PATROL Adjudication Joint Committee (Parking and Traffic Regulations Outside London)	1 year expiring annual meeting	Cabinet Member for Environment Substitute member – Councillor Hughes	Cabinet Member for Environment & Highways Substitute member – Councillor Hughes
SIGOMA (Special Interest Group of Municipal Authorities within the LGA)	1 year expiring annual meeting	Leader of the Council or their nominee	Leader of the Council or their nominee
Active Black Country Board	1 year expiring annual meeting	Cabinet Member for Adults, Social Care and Health Substitute: Councillor Padda	Cabinet Member for Health & Adult Social Care Substitute: Councillor E M Giles
Association of Black Country Authorities	1 year expiring annual meeting	Leader of the Council (substitute: Cabinet Member for Regeneration and Growth)	Leader of the Council (substitute: Statutory Deputy Leader)
HS2 Regional Enterprise Board	1 year expiring annual meeting	Cabinet Member for Regeneration and Growth Director – Regeneration and Growth	Cabinet Member for Environment & Highways Director – Regeneration and Growth

Organisation	Term of Office	Current Representative(s)	Nomination(s)
Midlands Joint Advisory Council for Clean Air and Noise Control	1 year expiring annual meeting	Cabinet Member for Adults, Social Care and Health Chair – Economy, Skills, Transport and Environment Scrutiny Board Director – Public Health	Cabinet Member for Health & Adult Social Care Chair – Economy, Skills, Transport and Environment Scrutiny Board Director – Public Health
Midlands Joint Advisory Council for Environmental Protection	1 year expiring annual meeting	Cabinet Member for Adults, Social Care and Health Chair – Economy, Skills, Transport and Environment Scrutiny Board Director – Public Health	Cabinet Member for Health & Adult Social Care Chair – Economy, Skills, Transport and Environment Scrutiny Board Director – Public Health
West Midlands Fire and Rescue Authority	1 year expiring annual meeting	Councillor Jalil vacant	Councillor Jalil* Councillor Kaur
Transport Delivery Overview and Scrutiny Committee	1 year expiring annual meeting	Councillor Webb Councillor Gavan	Councillor Choudhry* Councillor Melia

Organisation	Term of Office	Current Representative(s)	Nomination(s)
West Midlands Rail Ltd	Expiring annual meeting	Leader of the Council Substitute: Cabinet Member for Regeneration and Growth	Leader of the Council Substitute: Cabinet Member for Environment & Highways
West Midlands Police and Crime Panel	1 year expiring annual meeting	Cabinet Member for Communities Substitute: vacant Named ABCA alternate: vacant	Cabinet Member for Public Health & Communities Substitute: Councillor Uddin Named ABCA alternate: Smith
West Midlands Regional Health Scrutiny Chairs Group	1 year expiring annual meeting	Chair of Health and Adult Social Care Scrutiny	Chair of Health and Adult Social Care Scrutiny
West Midlands Scrutiny Network	1 year expiring annual meeting	Councillor Moore	Councillor Moore
West Midlands Strategic Migration Partnership Board	1 year expiring annual meeting	Deputy Leader of the Council	Statutory Deputy Leader of the Council

Organisation	Term of Office	Current Representative(s)	Nomination(s)
Pensions Committee and Investment Advisory Sub-Committee	1 year expiring annual meeting	Vacant	Councillor Davies
West Midlands Shareholders Airport Committee	1 year expiring	Leader of the Council Observer: Deputy Leader of the Council	Leader of the Council Observer: Statutory Deputy Leader of the Council
Birmingham Airport - Airport Consultative Committee	1 year expiring annual meeting	Leader of the Council	Statutory Deputy Leader of the Council
Black Country Executive Joint Committee	1 year expiring annual meeting	Leader of the Council Substitute: Cabinet Member for Regeneration and Growth	Leader of the Council Substitute: Cabinet Member for Regeneration & WMCA
Black Country Partnership NHS Foundation Trust – Assembly of Governors	1 year expiring annual meeting	Councillor K Allcock	Councillor Tipper
Clinical Governance Committee	1 year expiring annual meeting	Chair of Health and Adult Social Care Scrutiny Board	Chair of Health and Adult Social Care Scrutiny Board

Organisation	Term of Office	Current Representative(s)	Nomination(s)
Contest Board	1 year expiring annual meeting	Leader of the Council Cabinet Member for Communities	Leader of the Council Cabinet Member for Public Health & Communities
Corporate Parenting Board	1 year expiring annual meeting	Cabinet Member for Children and Education Hinchliff E A Giles Mayo Choudhry	Cabinet Member for Children, Young People and Education Chair/Vice Chair – Children and Education Scrutiny Board Leader or Deputy Leader of the Council Leader or Deputy Leader of the Opposition Councillor Chidley Councillor J Giles Councillor S Gill Councillor Mayo Councillor Rahman Councillor Daya Singh
Fostering Panel	1 year expiring annual meeting	Councillor Randhawa	Councillor Randhawa

Organisation	Term of Office	Current Representative(s)	Nomination(s)
Inclusive Economy and Community Wealth Board	1 year expiring annual meeting	Cabinet Member for Regeneration and Growth Lead Member for Community Wealth Director – Regeneration and Growth	Cabinet Member for Regeneration & WMCA Lead Member for Community Wealth Director – Regeneration and Growth
Local Improvement Finance Trust (LIFT) – Strategic Partnership Board	1 year expiring annual meeting	Director – Regeneration and Growth	Director – Regeneration and Growth
River Trent Regional Flood and Coastal Committee	1 year expiring annual meeting	Councillor Jalil	Councillor Jalil
Sandwell Local Access Forum	1 year expiring annual meeting	Councillor Gavan Councillor M Gill Councillor Taylor	Councillor K Allcock Councillor Chidley Councillor Millar
Sandwell Children’s Social Care Trust – Council appointed non-executive Director		Vacant Director	Councillor Randhawa Director – Gillian Douglas

Organisation	Term of Office	Current Representative(s)	Nomination(s)
SIPS Education Board	3 years expiring 2027	Vacant Director – Business Strategy and Change	Councillor Hinchliff Director
Standing Advisory Council on Religious Education (SACRE)	1 year expiring annual meeting	Cabinet Member for Children and Education Councillor Chidley Nominated representatives: Vacant	Cabinet Member for Children, Young People and Education Councillor Chidley Nominated representatives: Councillor Lewis and Melia respectively
Town Deal Local Board West Bromwich	1 year expiring annual meeting	Cabinet Member Cabinet Member Cabinet Member Town Lead Member	Cabinet Member (Councillor Rollins) Cabinet Member (Councillor Hartwell) Cabinet Member (Councillor Hughes) Town Lead Member

Organisation	Term of Office	Current Representative(s)	Nomination(s)
Town Lead Local Board Rowley Regis	1 year expiring annual meeting	Cabinet Member Cabinet Member Town Lead Member	Cabinet Member (Councillor Carmichael) Cabinet Member (Councillor Millard) Town Lead Member
Town Lead Local Board Smethwick	1 year expiring annual meeting	Cabinet Member Cabinet Member Town Lead Member	Cabinet Member (Councillor Piper) Cabinet Member (Councillor Padda) Town Lead Member
W2R Contract Management Board	1 year expiring annual meeting	Councillor Piper Director	Councillor Piper Director – Borough Economy
West Midlands Combined Authority Board	1 year expiring annual meeting	Leader of the Council Deputy Leader of the Council Substitutes: Cabinet Member for Regeneration and Growth Cabinet Member for Leisure and Tourism	Leader of the Council Statutory Deputy Leader of the Council Substitutes: Cabinet Member for Regeneration & WMCA Cabinet Member for Health & Adult Social

Organisation	Term of Office	Current Representative(s)	Nomination(s)
West Midlands Combined Authority Overview and Scrutiny Committee	1 year expiring annual meeting	Councillor Simms Substitute: Councillor Taylor ABCA nomination: Councillor Fenton	Councillor Moore Substitute: Councillor Owen ABCA nomination: Councillor Fenton
West Midlands Combined Authority Audit and Risk Assurance Committee	1 year expiring annual meeting	Councillor Substitute: Councillor Padda	Councillor Preece Substitute: Councillor L Giles
West Midlands Combined Authority Environment & Energy Board	1 year expiring annual meeting	Cabinet Member for Regeneration and Growth	Cabinet Member for Regeneration & WMCA
West Midlands Combined Authority Investment Board	1 year expiring annual meeting	Cabinet Member for Finance and Resources	Cabinet Member for Regeneration & WMCA
West Midlands Combined Authority Economic Growth Board	1 year expiring annual meeting	Cabinet Member for Regeneration and Growth	Cabinet Member for Finance and Resources
West Midlands Combined Authority Growth Company	1 year expiring annual meeting	Leader of the Council	Leader of the Council

Organisation	Term of Office	Current Representative(s)	Nomination(s)
West Midlands Combined Authority Housing and Land Delivery Board	1 year expiring annual meeting	Cabinet Member for Housing	Cabinet Member for Housing & Built Environment
West Midlands Combined Authority Energy Capital Board	1 year expiring annual meeting	Cabinet Member for Regeneration and Growth	Cabinet Member for Regeneration & WMCA
West Midlands Combined Authority Wellbeing Board	1 year expiring annual meeting	Cabinet Member for Adults, Social Care and Health	Cabinet Member for Health & Adult Social Care
West Midlands Employers	1 year expiring annual meeting	Deputy Leader	Statutory Deputy Leader
Safer Sandwell Partnership	1 year expiring annual meeting	Cabinet Member for Communities Chair of Licensing Committee Councillor Fenton	Cabinet Member for Public Health & Communities Chair of Licensing Committee Councillor Lewis
Akrill Trust	4 years expiring February 2027	Councillor Randhawa	Councillor Preece Councillor Melia Councillor Dhatt

Organisation	Term of Office	Current Representative(s)	Nomination(s)
Barlow Homes Committee of Management	1 year expiring annual meeting	Councillor Owen Councillor Fenton Councillor Kausar Councillor Bhullar Councillor Dhariwal	Councillor Owen Councillor Fenton Councillor Gavan Councillor Dhariwal Councillor Johnstone
Climate Change Working Group	1 year expiring annual meeting	Cabinet Member for Regeneration and Growth Councillor Piper Councillor R Jones Councillor McVittie Councillor Randhawa Councillor Millar Councillor Allcock Councillor Taylor Councillor Rollins Councillor Smith Councillor Anandou	Cabinet Member for Regeneration & WMCA Councillor Piper Councillor Chidley Councillor Mayo Councillor S Gill Councillor Daya Singh Councillor Rahman Councillor Bhullar Councillor Rollins Councillor Smith Councillor Anandou
George and Thomas Henry Salter Trust	1 year expiring annual meeting	The Mayor	The Mayor
Harborne Parish Lands Charity	4 years expiring July 2025 4 years expiring annual council 2027	Councillor Hinchliff Vacant	Councillor Hinchliff Councillor Hemingway

Organisation	Term of Office	Current Representative(s)	Nomination(s)
Leonard Andrews Poole Trust	1 year expiring annual meeting	Members of the General Purposes and Arbitration Committee	Members of the General Purposes and Arbitration Committee
Margaret Westwood Memorial Charity	4 years expiring annual meeting 2027		Councillor Gavan
Rowley Quarry Residents Liaison Group	1 year expiring annual meeting	Ward Blackheath Councillor Millard Rowley Councillor Akhtar Tividale Councillor Crompton	Ward Blackheath Councillor Millard Rowley Councillor Mayo Tividale Councillor Crompton
Sandwell Twinning Association	1 year expiring annual meeting	The Mayor Vacant Vacant	The Mayor Councillor Hackett Councillor Khatun

Organisation	Term of Office	Current Representative(s)	Nomination(s)
West Midlands Arts Trust	1 year expiring annual meeting	Vacant	Councillor Tipper

Report to Council

23 May 2023

Subject:	Independent Remuneration Panel Review on Members' Allowances Scheme
Director:	Director of Law and Governance and Monitoring Officer – Surjit Tour
Contact Officer:	Elaine Newsome Service Manager Democracy Elaine_newsome@sandwell.gov.uk

1 Recommendations







- 1.1 That consideration be given to the report and recommendations of the Independent Remuneration Panel in respect of the Members Allowance Scheme 2023-27 (as set out in appendix A to this report).
- 1.2 That following consideration of the recommendations of the IRP, Council approve a scheme of Member Allowances for 2023.

2 Reasons for Recommendations

- 2.1 The Council is required to determine a Scheme for Members' Allowances following consideration of a report of an Independent Remuneration Panel convened in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003.



3 How does this deliver objectives of the Corporate Plan?

		The Member Allowance Scheme supports all Councillors in the achievement of all objectives in the corporate plan
		
		

4 Context and Key Issues

4.1 Report of the Independent Remuneration Panel (IRP)

The Council is required by the Local Authorities (Members' Allowances) (England) Regulations 2003 to undertake periodic reviews of its Scheme of Members' Allowances.

4.2 The Independent Remuneration Panel (IRP) must comprise a minimum of three members, none of whom is also a member of the Council or of a committee or sub-committee of the Council; or is disqualified from being a member of the Council by virtue of s80 of the Local Government Act 1972 and s79 and 83(11) of the Local Government Act 2000.

4.3 The IRP was convened under the Local Authorities (Members' Allowances) (England) Regulations 2003. These regulations provide for the requirement for all local authorities to maintain an independent remuneration panel to review and provide advice on the Council's members' allowances. The Council, in accordance with the regulations, retains decision making powers and responsibilities to determine the scope and levels of allowances. All Councils are required to convene and seek advice from the IRP before they make any changes to their scheme of allowances and must do so having considered any recommendations from the IRP.

4.4 The IRP met on 18th November 2022 to consider its approach to review activity. In accordance with its terms of reference, the Panel were required to conduct a comprehensive review of the Council's current scheme. The Panel concluded that, due to the holistic nature of the review, the views of all elected members should be sought and a series



of meetings took place with individual and groups of councillors at the end of November 2022. A survey was also circulated to all members so that they were all able to participate in review activity.

The report and recommendations of the IRP is attached at Appendix A.

Full Council is asked to consider the report of the Panel and approve a Members' Allowance Scheme for 2023-2027.

5 Implications

Resources:	Budgetary provision for the Scheme of Member Allowances is included
Legal and Governance:	The Council has a statutory duty to support and independent review of its members allowance scheme
Risk:	Risk implications, including any mitigating measures planned/taken, health and safety, insurance implications
Equality:	There are no equality impacts arising from this report. The Member allowance scheme aims to support all who undertake the role of councillor.
Health and Wellbeing:	None associated with this report
Social Value:	None associated with this report
Climate Change:	None associated with this report
Corporate Parenting:	None associated with this report

6 Appendices

Appendix A – Report and recommendations of the Independent Remuneration Panel

7. Background Papers

None



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A Review of Member' Allowances for Sandwell Metropolitan Borough Council

By

The Independent Remuneration
Pane

Stewart Towe (Chair)

Ashley Savell-Boss

Sylvia Parkin

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Foreword

The Panels review activity for 2022/23 has sought to provide a comprehensive analysis and series of recommendations in relation to the existing scheme of Members allowances. In recognition that in recent years, the panel has focused on addressing key issues within the scheme, the panel this year has sought to review and rebalance the Members Allowance Scheme, recognising the changes that have taken place and associated impact this has had on some roles and responsibilities since our last full review.

On behalf of the panel, I would like to thank the Councillors and Officers who contributed to the review. Their time and considered views and evidence have been of significant value to the work of the panel, particularly in contextualising the strategic direction and objectives of the Council and the varied roles of elected members in supporting the realisation of these ambitions.

Stewart Towe

Chair of the Independent Remuneration Panel

February 2023

Executive Summary Recommendations

Sandwell MBC Review 2022/23 Note LA= Leaders Allowance			
Position	No's Paid	Basic Allowance	Total £ per allowance category
Current basic allowance	72	£11552	£831744
Basic allowance	72	£11608	£835776
Special Responsibility Allowances		SRA 2023/24	
Leader of the Council (2.5x basic)	1	£29020	£29020
Deputy Leader of the Council (75% LA)	1	£21765	£21795
Leader of the Main Opposition Group (5-9 Members 20% LA) (10+ members 33% LA)	1	£5804 or £9663.66	£5804 or £9663.66 dependent upon group size
Cabinet Member (60% LA)	8	£17412	£139296
Chair of the Budget and Corporate Management Scrutiny Board (40%LA)	1	£11608	£11608
Scrutiny Board Chairs (33.3% LA)	4	£9663.66	£38654.64
Scrutiny Board Vice Chairs (20%LA)	4	£5804	£23,216
Planning Committee Chair (40%LA)	1	£11608	£11608
Planning Committee Vice Chair (20% LA)	1	£5804	£5804
Licensing Committee Chair (40%LA)	1	£11608	£11608
Licensing Committee Vice Chair (20%LA)	2	£5804	£11608
Chair General Purposes &	1	£2902	£2902

Arbitration Committee (10% LA)			
Vice Chair General Purposes & Arbitration Committee (5% LA)	1	£1451	£1451
Chair Audit & Risk Assurance Committee (33.3% LA)	1	£9663.66	£9663.66
Town Chair (33.3%LA)	6	£9663.66	£57982
Town Vice Chair	6	Recommend remove allowance	0
Ethical Standards & Member Development Committee chair (33% LA)	1	9663.66	£9663.66
Ethical Standards & Member Development Committee Vice Chair (10% LA)	1	£2902	£2902
Chair of Select Committee		Remove as Committee has been disestablished	0
Chair Land & Asset Management Committee (10% LA)	1	£2902	£2902
Adoption/Fostering Panel Councillor (20%LA)	1	£5804	£5804
Performance Champion (20% LA)	6	£5804	£34824
Joint Consultative Panel Chair	1	Recommend remove and qualify appointment to relevant cabinet portfolio holder	0
Total allowances			£1,279665.92

Recommended Changes to the Scheme

Basic Allowance: The Panel recommends that the level of Basic allowance be set at £11608. This is aligned to average gross pay across full time employees in Sandwell.

Leader SRA: The Panel recommends retention of the formula for calculating the Leaders SRA which is 2.5X Basic Allowance.

Deputy Leader SRA: the panel recommends a reduction in the Deputy Leaders allowance from 90% to 75% of the Leaders allowance. This accords with the benchmarking

Leader of the Main Opposition Group: The Panel recommends a revised and simplified calculation for the Leader of the Main Opposition Group. This is dependent upon the size of the membership of the group at 20% of the Leaders allowance for a group size of 5 to 9 Members or 33.3% of the Leaders allowance for a group size of 10 or more.

Chair Budget & Corporate Management Scrutiny Board: The Panel recommends an increase in the allowance to 40% of the Leaders allowance.

Chair of General Purpose & Arbitration Committee: The Panel recommends a reduction in the allowance to 10% of the Leaders allowance

Vice Chair of General Purposes & Arbitration Committee: The Panel recommends a reduction in the allowance to 5% of the Leaders allowance.

Town Board Vice Chair/Deputy lead Member: The Panel recommends removal of the allowance for Deputy Town Leads/Vice Chairs

Performance Champion: The Panel recommends a reduction in the allowance to 20% of the Leaders allowance.

Should the Council be minded to formally recognise Shadow Cabinet roles, that an allowance of 10% of the Leaders allowance be included within the scheme for all shadow cabinet members.

The IRP also recommends for consideration by Council:

Maintaining the 1 SRA rule only, so that a Member cannot receive more than one special responsibility allowance

Removal from within the scheme of allowances, separate allowances relating to paperless working and broadband.

The Panel recommends that an amount for DBS checks for Members is not incorporated into the Members Allowance Scheme. This is beyond the scope of the regulations. The Council may wish to consider whether this is a cost associated with being an elected member, for which the basic allowance applies. Alternatively, the Council may wish to consider establishing internal arrangements for the payment of DBS related fees.

A future review, by the Council of the operation of its policy applied to elected member mobile phones.

Background

This report contains the recommendations of the Independent Remuneration Panel (IRP), following its review of the scheme of Members' Allowances for Sandwell Metropolitan Borough Council. The report also sets out the approach taken by the panel, and any rationale for its recommendations.

The IRP was convened under The Local Authorities (Members' Allowances) (England) Regulations 2003. These regulations provide for the requirement for all local authorities to maintain an independent remuneration panel to review and provide advice on the Councils Members allowances. The Council, in accordance with the regulations, retains decision making powers and responsibilities to determine the scope and levels of allowances.

All Councils are required to convene and seek advice from the IRP before they make any changes to their scheme of allowances and must do so having considered any recommendations from the IRP.

Terms of Reference

In accordance with the Regulations, the Panel makes recommendations to be considered by the Council, for the purpose of recommending a Members Allowance Scheme that establishes:

- a) The amount of the Basic Allowance that should be payable to elected Members;
- b) The responsibilities or duties for which should lead to the payment of a Special Responsibility Allowance (SRA) and as to the amount of such an allowance;
- c) The responsibilities or duties for which a travelling and subsistence allowances can be paid and as to the amount of such allowances;
- d) whether a Co-optees' Allowance should be paid and as to the amount of such an allowance;
- e) Whether Dependants' Carers' Allowance should be payable to elected Members, and as to the amount of such an allowance;
- f) Whether, in the event that the scheme is amended at any time so as to affect an allowance payable for the year in which the amendment is made, payment of allowances may be backdated in accordance with regulation 10(6);
- g) Whether adjustments to the level of allowances may be determined according to an index and if so which index and how long that index should apply, subject to a maximum of four years, before its application is reviewed;

Membership of the Panel

- Mr Stewart Towe (Chair). Stewart is the former Chairman of the Black Country Local Enterprise Partnership Board and remains Chairman and Managing Director of Hadley Group, an Engineering Group, with its Head Office and fourth manufacturing site in the borough of Sandwell. Stewart is a Deputy Lieutenant.
- Ashley Savell-Boss. Ashley Savell-Boss has over 30 years of experience in Funeral Directing, has served as a school Governor for over 30 years and now chairs the multi academy trust 'Shireland Collegiate Academy Trust' based in Smethwick.
- Ms Sylvia Parkin. Sylvia is a Lieutenancy ambassador for Sandwell. She had a career in public sector employment and was the Regional Employer Engagement Officer for the Wm RFCA and negotiated with Employers on the terms and conditions for Employment of Reserve Military Personnel. As a member of 2 Independent Remuneration Panels for other West Midland authorities, Sylvia brings significant direct experience to the panel.

Methodology and Considerations

The IRP met at the Council Offices Oldbury on the 18th November to consider its approach to review activity. The panel concluded that, due to the comprehensive nature of the review, the views of all elected members should be sought, and co-ordinated a series of meetings with individual and groups of Councillors that were held on 28th and 29th November 2022. The meetings were in private session to enable the panel to meet with Members, the Managing Director/Commissioner and Officers and to conduct its deliberations and develop recommendations in confidence. In addition, a short survey was circulated to all members so that all were able to participate in review activity. The IRP received 19 responses to the survey.

The IRP met with relevant officers for factual briefings on the Council, governance structures and current and future priorities for the council. As part of the review, the panel also reviewed a series of relevant documents including the current member allowance scheme, role descriptions for members in positions with responsibility and benchmarking information on allowance schemes in comparable councils.

A final meeting of the panel was held on 14th December 2022 where the recommendations to Council were confirmed.

Considerations:

Members allowances should not be viewed in the same way as a salaried role, and instead, in accordance with the statutory guidance on allowances, should recognise the time commitment of all councillors, including meetings with officers and

constituents and should further provide for any incidental costs incurred or associated with the roles of the elected member.

In reviewing the basic allowance, the panel gave consideration to the public service principle. This principle recognises that not all time associated with the role of an elected member should be remunerated and that there is an element of *pro bono publico* in being a Member. On average across English councils, 30-40% of the time involved is discounted for the basis of calculating the basic allowance.

A number of local authorities have introduced a formula to assist in setting the recommended basic allowance. This is often based on the average hours required to be an effective “ordinary” member, with no additional areas of responsibility, discounted by a percentage to allow for the public service principle and multiplied, in most cases, by the average gross hourly earnings for full time employees resident in the Borough.

In recommending SRA and posts that merit an additional allowance, the IRP has been mindful of the 2006 statutory guidance (para 72) that states:

“If the majority of Members of a Council receive a special responsibility allowance, the electorate may rightly question whether this was justified. Local Authorities will wish to consider very carefully the additional roles of Members and the significance of these roles, both in terms of responsibility and real time commitment before deciding which will warrant the payment of a Special Responsibility Allowance”

The IRP has been mindful of its guiding principle that it has sought to reduce financial barriers to being an elected Member while ensuring that the remuneration and expenses received by Members represents value for money. The Panel also considered the financial implications arising from any changes to the Members Allowance Scheme and, recognising the current economic climate, have considered and made recommendations that, in the panel’s view, do not have a compounding effect on the Councils budgetary position.

Key messages arising from the review

1. Some changes to the scheme are desired.

The representations from Members in relation to the scheme provided for a variety of opinions on the current provisions. In the majority of responses, members were satisfied that the arrangements for the basic allowance to all members remained at a proportionate rate. This was measured against benchmarking data that included Black Country authorities, the wider West Midlands footprint and Cipfa nearest neighbours group of Councils and the IRP concur with this view. The panel in considering the application of a formula to aid in the calculation of the basic allowance, maintain that a formulaic approach remains appropriate.

However, Special Responsibility Allowances were not viewed through that same lens. Members were clear, in both the interviews conducted and survey data collated, that they view a number of disparities between the comparable workloads of some roles attracting a SRA and the allowances currently contained within the scheme. The IRP sought to explore this with Members and there was a general consensus from both interviews and the survey, that a number of roles attracting a

special responsibility payment, when compared with other roles with the same value SRA, had significantly higher or lower demands on the individuals in those roles including business planning and co-ordination, frequency and the demands of meetings, requirements of individual positions and contributions made by members in those roles. In exploring this further, the IRP has accepted this message and has made recommendations on changes to some levels of the scheme of special responsibilities to reflect the different levels of demand on different roles.

2. The current economic context cannot be ignored.

The IRP heard and accepted key messages from Members around the economically and financially challenging climate that many in Sandwell are experiencing. The vast majority of members were explicit in that, despite the costs attributable to the elected member role increasing in line with the economic climate, the Council would be unlikely to approve an overall increase in the total spend on Members allowances. The IRP has taken this view into account when deliberating and presenting its recommendations, however maintains that ultimately, the role of the panel is not to pre-empt decisions properly reserved to Council or seek to make savings, but rather to offer balanced recommendations to the Council on its scheme of allowances.

3. The political membership of the Council has changed since the last review

This position is accepted by the IRP. Since the last comprehensive review of the scheme, the membership of the Council has changed. The scheme currently provides for a Special Responsibility Allowance for the Leader of the main opposition group, that must, by regulation, be retained. However, having reviewed the formula for the apportionment of this allowance, and upon consideration of the role, have made recommendations that simplify the current basis for calculation.

The IRP's recommendations - the Basic allowance

To test the robustness of the current (2022/23) Basic Allowance the IRP has recalibrated the Basic Allowance by replicating the original methodology that forms the basis of the current Basic Allowance but with updated variables.

This methodology is laid out in the 2006 Statutory Guidance (paragraph 67) which states:

Having established what local councillors do, and the hours which are devoted to these tasks the local authorities will need to take a view on the rate at which, and the number of hours for which, councillors ought to be remunerated.

The Statutory Guidance (paragraphs 68-69) expands on the above statement by breaking it down to three variables for IRPs to consider in arriving at a recommended Basic Allowance. Firstly, a time assessment for the roles associated with the Basic Allowance; secondly, an element of public service to be recognised in the Basic Allowance; and thirdly a rate of remuneration upon which to base the Basic Allowance. The IRP has recalibrated the Basic Allowance by bringing the three operative variables up to date as set out below.

Time required in carrying out duties associated with the Basic Allowance

The Basic Allowance is primarily a time-based payment (see 2006 Statutory Guidance paragraph 10). Obviously, Members work in different ways and have varying commitments and the time spent on council duties similarly varies. Yet, the Basic Allowance is a flat rate allowance that must be paid equally to all Members so the time assessment is typically taken to be that which is deemed necessary at a minimum to carry out all those duties for which the Basic Allowance is paid. These duties include but are not limited to preparing for and attending meetings of the Council and its committees/panels (formal and informal), addressing constituents' concerns, representing and engaging with local communities, external appointments and other associated work including telephone calls, emails and meetings with Officers.

The IRP notes that the 2022 LGA Census of Councillors shows that Members who hold "no positions" of responsibility reported that on average they put in 22.4 hours per week plus on average a further 5.1 hours per week on group or political activities, totalling 27.5 hours on average per week. 48% of respondents to the Member survey identified as those without a position of responsibility. The results of the survey highlighted that some members allocated more hours and some less, however, on average, most reported that their roles required up to 30 hours per week, including ward and political duties, decision making responsibilities including preparing for meetings, and community or external body responsibilities. For recalibration purposes, the IRP has opted for a figure mid-way between the original assessment of 30 hours per week and the LGA Councillors Census average of Council related activities (22.4%), which equates to 26 hours per week.

The IRP has a strong sense that the time demands on Members have increased since the original time assessment of 2003 simply through increased demands placed on Members, particularly arising throughout the pandemic. The IRP is assured that 26 hours per week is a more accurate reflection of the average minimum time required to fulfil mainstream duties. The IRP has translated this as 169 days per year (on a 52-week year with an 8-hour working day), the equivalent to 3 full time working days per week.

The Public Service Discount (PSD)

The 2006 Statutory Guidance advises that to recognise there is a public service element to being an elected Member that not all the time expected from Members should be remunerated. To recognise the public service principle an element should be unpaid, known as the Public Service Discount (PSD). The normal range for this public service discount is between 35% and 40%, largely on the basis this is broadly in line with the proportion of time backbenchers nationally spend dealing with constituents and ward issues and local and community matters. The IRP has taken a view that a median PSD should be applied of 37.5%. With the application of the PSD, the expected time input of 169 days per year one third of that time, or 63.375 days per year, are deemed as public service and not paid, leaving 105.625 remunerated days per year.

The rate for remuneration

There are a number of options for the panel to consider in establishing the worth of a councillor's time. For some, a percentage of the median council staff earnings is used as the basis for calculation. The IRP has, for the purposes of the review,

based the rate for remuneration on the average earnings of the full time employed residents of the borough, as this is a robust mechanism for measure. The most recent data available through the Office of National Statistics shows that the median hourly earnings of borough residents who are in full time employment is £13.70 per hour, equating to £549.8 gross earnings per week or £109.90 per day.

Following the methodology established in the statutory guidance, the basic allowance has been recalibrated as follows:

169 days per year minus 37.5%PSD (63.375 days)
= 105.625 days multiplied by £109.9
= £11,608.19

The recommended Basic Allowance for 2023/24 is £11608 (rounded down)

Levels of Special Responsibility Allowance

Leader of the Council

A number of representations were received in relation to the SRA attached to the role of the Leader, with most offering the view that it did not appropriately reflect the almost, if not, full time requirements of the role. The IRP has, for a number of years, used the formula of 2.5 times the basic allowance in calculating the Leaders SRA. Other SRAs are then based as a percentage of the Leaders allowance. On balance, the IRP have considered that this should remain the basis for the Leaders SRA.

The recommended Leaders SRA for 2023/24 is £29020

Deputy Leader of the Council

The Deputy Leader considered, and this was supported by benchmarking activity, that the threshold for this allowance, at 90% of the Leaders SRA was higher than most within the region and comparable “nearest neighbour” authorities. This was accepted by the panel and it is recommended that the revised calculation for the Deputy Leader SRA be set at 75% of the Leaders SRA

The recommended Deputy Leaders SRA for 2023/24 is £21,765

Cabinet Portfolio Holder

There are no changes recommended to the formula for Cabinet members. It is recommended that this remains at 60% of the Leaders SRA. Should the recommendation on the basic allowance be approved, this would be set at £17412.

Leader of the Main Opposition Group

The IRP, in recognising the political changes within the Council, explored the current calculation for the Leader of the Main opposition group. The formula was complicated and could be subject to in-year changes, dependent upon political group membership. It was further considered that the current allocation this did not appropriately reflect the additional workload of the main opposition group leader.

The IRP recommends that this approach is streamlined and set a 20% of the

Leaders allowance where group membership is between 5 and 9 members, or 33.3% where membership of the main opposition group is 10 or above.

Chair of the Budget and Corporate Management Scrutiny Board

The panel were presented with considerable detail on the scrutiny review and the positive impact that member led improvements were demonstrating. A number of Councillors reflected the significant role and demands on the Chair of the Budget and Corporate Management Scrutiny Board in co-ordinating and management of all scrutiny activity, with the support of other Scrutiny Board Chairs and Vice Chairs. The increase in programmed scrutiny activity for this board was also highlighted and the IRP are satisfied that this is now in line with the Chairs of Planning and Licensing Committee respectively. On this basis, the panel recommends an increase in the allowance to 40% of the Leaders allowance

General Purposes & Arbitration Committee Chair and Vice Chair/ Chair of the Land and Asset Management Committee

Significant disparities in the workloads and frequency of meetings for some committees and Board was a repeated theme in member contributions. It was recognised that the work of the General Purposes & Arbitration and Land & Asset Management Committees were not proportionate with that of other formal Committees in that they met less frequently and had a reduced workload. It was noted, however, that changes to the Council's constitution had required the Chair of the Land & Asset Committee to work differently.

It is recommended that the SRA for the Chair and Vice Chair of the General Purposes & Arbitration Committee are set at 10% and 5% LA respectively and that the SRA for the Chair of the Land & Asset Management Committee is set at 10% of the Leaders SRA

Town Vice Chair/Deputy Town Lead

Following the above recommendation, there was an overwhelming view from elected members that the role of Deputy Town Lead/Town Board Vice Chair added very little, if any value, and that it should be considered as an option to be discontinued within the scheme. The Panel considered and formed the view that the roles could be developed further, however, since implementation had remained relatively static in comparison with other evolving roles within the council.

The panel recommends that the allowances for Deputy Town Lead/Town Vice Chair be removed from the scheme for 2023/24.

Performance Champion

The role of the performance champion, again, featured significantly in members' written and verbal submissions to the role. Appreciating that there have been changes in the role since early in the current municipal year, there was a strong view that this was a developing role, the value added was not yet measurable and therefore should not be afforded the same parity within the Members allowance scheme as a Committee or Board Chair. The panel accepts the view that the role of the performance champion is not clearly defined, and whilst able to gauge an

understanding of the role from one of the champions who met with us, we were unable to corroborate their experience with colleagues holding other performance champion roles. The panel accepts the wider views expressed and recommends that the Council keep the performance champion roles under review in 2024. In addition, the panel recommends a reduction in the allowance for Performance Champions to 20% of the Leaders SRA.

Select Committee Chair

It was noted by the IRP that Select Committees have been disestablished, therefore the panel recommends removal of associated allowance from the scheme.

Chair of the Joint Consultative Panel

The panel accepts that this position has, in recent years, been undertaken by the Cabinet Member with associated portfolio holder responsibilities. In practice, this means that the SRA has not been payable.

The panel recommends to Council that this allowance is removed from the scheme, should Council be minded to formalise the arrangement by way of a “by qualification” appointment of the relevant cabinet member to this role in future years.

All other SRA’s

The panel were satisfied that the existing formulas for all other special responsibilities provides for an appropriate reflection of the roles, remits and requirements for those positions.

The IRP recommends that all other SRA formulas within the scheme of members allowances should be retained at existing rates.

Other Recommendations

Shadow Cabinet Portfolios

This issue of formally recognising shadow cabinet roles was raised with the panel and associated benchmarking data was provided and considered by the IRP. It is a matter for Council as to whether it would wish to recognise these roles and attach a special responsibility allowance. Should the Council wish to progress this issue, it would be the panel’s recommendation that the roles should be afforded an allowance equivalent to 10% of the Leaders allowance.

Discontinuing the Paperless and Broadband allowances

The existing scheme has retained arrangements for the separate payment of allowances to facilitate paperless, electronic working. The panel considers that these working methods are well established within the Council and are now considered a normal method for conducting business. It is the view of the panel that household broadband is, for most, if not all Members, considered in a similar vein to a telephone line or mobile phone, in that it is a standard utility cost. Similarly, paperless working is an embedded working practice that supports the Council’s objectives relating to climate change. **In considering these factors, the panel are recommending the discontinuation of both allowances.**

Dependent Carers Allowance

The Local Government Act 2000 explicitly clarifies the right of local authorities to pay a Dependant Carers' Allowance (DCA), which Members can claim to assist in meeting costs for care of their dependants while on approved Council duties. It is an allowance explicitly designed to enable a wider range of candidates to stand for and remain on the Council. Sandwell's current scheme addresses only those members with childcare responsibilities and does not reflect the wider dependent carer provisions within the legislation. Similarly, the proviso that child care costs may only be accessed for use of the Council house workplace nursery may be prohibitive.

These factors may potentially dissuade many from considering candidacy or continued membership of the Council. The IRP notes that the vast majority of councils now pay a DCA. Although it is rarely claimed in Sandwell, in the representations received there was overwhelming support to maintain the DCA largely on the grounds that it helps to reduce barriers to public service for traditionally underrepresented groups.

It is recommended that the dependent carers allowance be extended to include wider dependent carer responsibilities, and the existing rates and arrangements applied (i.e. actual costs up to a maximum of 10% of the annual basic allowance can be reimbursed for approved council duties).

It is further recommended that the requirement for childcare provision solely via the Council House Workplace Nursery be removed from the scheme.

Indexation

Under the regulations, the Council is able to maintain arrangements for the indexing of the members allowance scheme for a maximum period of 4 years. The current scheme is indexed to any annual national staff pay award which, until 2022 has been a percentage increase. From April 2022, the pay award was a blanket figure of £1925. This was with the aim of providing those staff in with lower paid roles with an uplift of 10.5% with an average uplift across the workforce of 7% and 4% for the highest paid roles. As a percentage of the Members basic allowance, to accept the entirety of the uplift would be to accept a 16.66% increase, which may be viewed as disproportionate. From the panels understanding, the uplift has not been automatically applied, as it sits outside the indexing "norm", nor has it been considered or accepted by Councillors. **It is recommended that should the Council be minded to consider accepting all or part of the 2022 pay award, it should be mindful of these comparators and it would be a recommendation that any uplift should equate to a maximum of 4% of the current basic allowance or £462.08 per member.**

It is further recommended that the scheme from 2023/24 onward be continued to be automatically indexed to any future staff pay award, however, where a blanket financial amount is agreed nationally, any associated uplift to the basic allowance should be capped at a maximum of 4% per annum.

DBS checks for Members

The Ethical Standards and Member Development Committee are considering the potential introduction of Disclosure Barring Service(DBS) checks for elected members. If agreed for introduction by Council, Members would be required to make a personal payment as part of the application process. The Committee requested that the IRP consider and form a view on whether the basic or special responsibility allowances should be adjusted to reflect any associated costs. Having given consideration, it is the view of the panel that any adjustment to the allowance scheme would fall outside of the scope of the regulations, as it is a local arrangement not captured in the provisions. The Ethical Standards & Member Development Committee should therefore form a view on whether the recommended basic or special responsibility allowances should incorporate this cost as part of Sandwell's normal Councillor activities, or determine alternative Council arrangements for payment of any fees associated with DBS checks.

It is recommended that all other elements of the Scheme of Member Allowances remain unchanged.

Implementation of recommendations

It is recommended that should the recommendations be approved, the basic allowance for all members be payable with effect from the 1st April 2023.

Future Activity

The panel are aware that work continues to progress in relation to the Council's review of its governance infrastructure and that a review of decision making bodies is to commence shortly. It is proposed that the panel will, following completion of that review, undertake a light touch review to assess any impacts arising from changes in the decision making structure.

Member Mobile Phones

The IRP recommends that the policy in relation to the provision of mobile phones to elected members should be reviewed by the Council. From an initial assessment, the current policy and associated management and administration of the scheme seem burdensome, and there is the potential that a review may offer some efficiencies.