

# Minutes of Governance and Constitution Review Committee

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

**Present:** Councillor Carmichael (Chair);  
Councillors Akpoteni, W Gill, McVittie, Padda, Piper.

**Also present:** Surjit Tour (Director of Law and Governance and Monitoring Officer), Elaine Newsome (Service Manager – Democracy), Suky Suthi-Nagra (Democratic Services Manager) and Ant Lloyd (Democratic Services Officer).

## **1/22 Apologies for Absence**

Apologies were received from Councillors Hinchliff and Rollins.

## **2/22 Members to declare any interests in matters to be discussed at the meeting**

Councillor McVittie declared an interest in Minute No. 5/22 below (Constitution Review – Review of Cabinet Advisor Roles) in the basis he was a Cabinet Advisor.

## **3/22 Urgent Business**

There were no additional items of business to consider.



## Democratic Governance Review

Consideration was given to proposals to set up a cross party working group with extended membership to review and make recommendations on proposed governance and constitutional related issues.

The external reviews undertaken by Grant Thornton, the LGA and Cipfa had made a number of recommendations relating to the council's governance framework and arrangements. In response, the Council had combined resultant activity into a single action plan.

The governance review was the vehicle on which many of the recommendations would be addressed. The review itself was multi-faceted, with the overarching ambition to deliver an effective and efficient governance infrastructure, that was embedded across the organisation. To support the successful realisation of this ambition, the review would also incorporate a development programme for officers and elected members.

The review programme had been divided into phases with an indicative timescale for each strand.

A programme of wider elected member engagement in relation to review themes would also support the development of recommendations to be considered by the Committee.

Having considered the proposals, the Committee was of the view that:-

- any changes to council procedure rules should encourage engagement with members as well as raising awareness;
- as part of the scrutiny review strand, there had been a positive improvement in communication and work produced by Boards, however, more needed to be done to ensure that committees were aware of the direction of travel and key issues to be considered over the year as part of the work programming process;
- joined up working with other members across committees/boards was key in helping to deliver the governance review;
- consider a more bespoke personal development plan for members to assist them in their roles on committees as

- well as looking at introducing a skills matrix to ensure the right members with an interest in a particular role, was appointed to a committee;
- visiting other local authorities to complement the benchmarking work already undertaken to ensure shared learning and best practice.

Having considered the proposals and terms of reference for the Governance and Constitution Member Working Group, the Committee was minded to approve that the Governance and Constitution Member Working Group, which was cross party, with extended membership, comprise of all members of the Committee and two additional Conservative Group members. This was considered an effective mechanism to provide a range of input from across all political groups and member roles and would lead on review activity with officer support.

**Resolved:-**

- (1) that a cross-party working group comprising of all members of the Governance and Constitution Review Committee and two Conservative Group members (10 in total) be established to progress the democratic governance review;
- (2) that in connection with Resolution (1) above, additional membership of the working group, external to the Committee, be approved;
- (3) that the Director of Law and Governance, in consultation with the Chair of the Governance and Constitution Review Committee, be authorised to appoint additional members to the working group, in line with the review themes;
- (4) that the terms of reference for the Governance and Constitution Member Working Group, as set out in Appendix 1, be approved;
- (5) that the proposed approach, programme and timeline for the Democratic Governance Review, as now submitted, be approved.

The Committee gave consideration to proposals to revise the role descriptions for Cabinet Advisors and for their roles to be renamed Performance Champions.

The purpose of the Cabinet Advisor role was to provide alternative views, opinions and advice on wider, often cross-cutting issues and matters, to the Executive with a view to supporting and enabling more informed policy and strategy development. The roles enabled Cabinet Advisors to share their own experiences, areas of expertise and views/opinions from wider

The Cabinet Advisors did not form part of the Executive. However, the Executive could seek their views and engage them in relation to relevant matters and issues so that important insight, ideas, thoughts and views could be harnessed when executive functions were considered.

In June 2021, the former Leader aligned the Cabinet Advisors to the corporate objectives outlined below:

- Business Ambassadors and Community Wealth
- Clean & Green
- Crime & Community Safety
- Digital Inclusion and 5G
- Wellbeing & Mental Health
- Young People and Skills

However, following a review of the roles of Cabinet Advisors, it was proposed that they be renamed Performance Champions and their responsibilities be reprofiled to support the Council's key objectives.

- Safer Community
- Greener Community
- Cleaner Community
- Our economy
- External partnerships
- Neighbourhoods – Lead Champion

In response to a question raised regarding the titles of the new Performance Champions, the Chair clarified that the titles were now aligned to the performance measures contained within the Improvement Plan and Corporate Plan. The current Cabinet Advisor roles had too much cross over with scrutiny and therefore the role descriptions of the Champions would enable key pieces of work to be produced.

In response to a further query in relation to the route of accountability for Performance Champions, it was agreed to amend the role description for the Performance Champion – Neighbourhoods and Lead Member so that they produced a bi-annual report to Full Council on the work of all Performance Champions.

**Resolved:** That Full Council be recommended to approve the revised role descriptions for Cabinet Advisors and that they be renamed Performance Champions, as attached at Appendix 2, with the Performance Champion – Neighbourhoods and Lead Member providing a bi-annual report to Full Council on the work of the Performance Champions.

(Councillor McVittie left the room during consideration of this matter)

Meeting ended at 12.20 pm

Contact: Democratic Services  
Democratic\_services@sandwell.gov.uk

# Governance and Constitution Member Working Group

Appendix 1

## Terms of Reference

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### Scope

1. To consider proposals in relation to changes and amendments to the Council's Constitution (including any relating/relevant protocols, appendices, guidance).
2. To engage with Elected Members (including those holding SRA positions and at a Political Group level) and/or relevant Committee (as deemed necessary and appropriate) in respect any changes and amendments proposed in relation to the Council's Constitution (whilst acting consistently with the Terms of Reference of Council Committees, Boards and other Fora).
3. To engage and work with Council officers in the review of the Council's Constitution as deemed appropriate.
4. To engage with the LGA and other external bodies to assist with the review of the Council's Constitution as deemed appropriate.
5. To make recommendations to the Governance and Constitution Committee in respect of proposed changes to the Council's Constitution (including any relating/relevant protocols, appendices, guidance).
6. To make recommendations to the Chairperson of Ethical Standards and Member Development Committee concerning items for consideration in respect of the Member Development Plan.
7. To undertake other such action as necessary to help ensure the effective and efficient review of the Council's Constitution (including any relating/relevant protocols, appendices, guidance) consistent with the above.

### Membership

Subject to the paragraphs below, the working Group shall comprise of the membership of the Governance and Constitution Committee and two additional Conservative Group Members, thereby increasing the working group membership to 10 members.

The additional Group Members referred to above shall be appointed (and removed) by the Conservative Group Leader (or in their absence the Deputy Conservative Group Leader).

Each Political Group Leader shall have the discretion to substitute a member(s) of working group with another member(s) of their respective political group (as may be required from time to time).

### **Chairperson and Vice-Chairperson**

The Chairperson and Vice-Chairperson shall be the same Members as per the Governance and Constitution Committee.

In the event that neither Chairperson or Vice-Person is available, the Chairperson shall have the discretion to appoint another Member for that relevant meeting from amongst the membership of the Working Group.

### **Meetings**

Meetings of the working group shall be convened as deemed necessary by the Chairperson (or Vice-Chairperson in their absence).

The Access to Information Rules do not apply to meetings of the working group. The Chairperson (or the Vice-Chairperson in their absence) shall decide whether the meeting of the working group shall be in person, via MS Teams, or a hybrid meeting.

### **Quorum**

The working group shall be quorate providing at least quarter of the total membership is in attendance at the meeting.

Subject to the meeting being held via MS Teams/Hybrid, attendance via MS Teams shall be deemed attendance for the purposes of determining quorum.

### **Voting**

All members of the working group present and able to vote shall have a vote on any proposal/amendment moved and seconded which shall be any method that clearly confirms to the Chairperson/Vice Chairpersons each member's voting intention.

In the event of a tie, the Chairperson (or in their absence the Vice-Chairperson) shall have a casting vote.

### **Confidentiality and Transparency**

The working group provides a confidential space for members, officers and other contributors to candidly discuss governance and constitutional issues, changes and proposals.

Reports, minutes and other information shared with the working group are confidential (unless already in the public domain).

The council is committed to openness and transparency and that will be achieved through reports and recommendations from the working group being considered by the Governance and Constitution Committee whose meetings shall be in public (unless subject to Sch12A Local Government Act 1972).

## **Support**

The working Group shall be supported by the Director of Law and Governance and Democratic Services.

Other Council officers shall support the work of the working group as appropriate and necessary.

## **Role Description for Lead Performance Champion – Neighbourhoods**

### **Corporate Responsibilities:**

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

### **Duties:**

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



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

# **Role Description for Performance Champion – Safer Communities**

## **Corporate Responsibilities:**

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

## **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.

# **Role Description for Performance Champion – Cleaner Communities**

## **Corporate Responsibilities:**

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

## **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.

# **Role Description for Performance Champion – Greener Communities**

## **Corporate Responsibilities:**

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

## **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.

# **Role Description for Performance Champion – Our economy**

## **Corporate Responsibilities:**

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

## **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.

# **Role Description for Performance Champion – External Partnerships**

## **Corporate Responsibilities:**

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

## **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.