

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.

