

Committee:	Full Council
Report Title	New Model Constitution Programme – Scrutiny Arrangements
Date of Meeting	4 November 2025
Report Author	Mike Jones, Monitoring Officer and Service Director Governance Suky Suthi-Nagra Democratic and Member Services Manager
Lead Officer	Mike Jones, Monitoring Officer and Service Director Governance
Wards Affected	All
Identify exempt information and exemption category	Not applicable
Appendices (if any)	<ol style="list-style-type: none"> 1. Appendix 1: Constitution Review Programme – Section Status 2. Appendix 2: Draft Scrutiny Protocol 3. Appendix 3: Draft Scrutiny Procedure Rules

1. Executive Summary

- 1.1 This report recommends that Council approve the revised arrangements to Scrutiny as part of the 2025/26 Constitutional review programme to deliver a modern Constitution with clear governance structures, agile decision-making, and strengthened accountability. The proposed revisions ensure that scrutiny processes are clear, consistent, and transparent, while also improving oversight effectiveness, fostering constructive engagement with decision-makers, enhancing public confidence, and supporting more robust monitoring of Council performance and outcomes.

2. Recommendations

For the reasons set out in the report, it is recommended that Full Council:

- 2.1 Endorse the continuing approach adopted by the Monitoring Officer for the development and introduction of the new Constitution for the Council and process of continuous review, undertaken in partnership with elected members and officers; and

- 2.2 Approve the adoption of the new Scrutiny Protocol and new Scrutiny Procedure Rules, set out at Appendices 2 and 3 to this report, with immediate effect.

3. Proposals – Reasons for the Recommendations

- 3.1 Following approval by Full Council in May 2025 of various elements of the new Constitution, further work has been undertaken. This includes the development of a revised Scrutiny Protocol and accompanying Scrutiny Procedure Rules. These documents form part of Part 3 – Scrutiny and Open Government within the new model Constitution and were considered by the Governance and Constitution Review Committee at its meeting on 23 October 2025
- 3.2 The revised Scrutiny Protocol and Scrutiny Procedure Rules provide a consolidated and coherent framework for the Council’s overview and scrutiny arrangements. Incorporating both documents into a single, accessible structure brings several advantages:
- 3.2.1 **Clarity and consistency:** clearly defining the purpose, powers, and responsibilities of scrutiny within the Council’s governance framework;
 - 3.2.2 **Improved transparency:** ensuring members, officers, and the public understand how scrutiny functions, how it adds value, and how it contributes to effective decision-making;
 - 3.2.3 **Alignment with the new model Constitution:** embedding scrutiny as a key component of the Council’s modern governance structure; and
 - 3.2.4 **Enhanced accountability and culture of learning:** supporting continuous improvement and reinforcing scrutiny’s role as a constructive and evidence-led mechanism for assurance and challenge.

4. Background

- 4.1 The Council is required to have a Constitution. The main functions of a Constitution are to set out clearly:
- 4.1.1 Who makes decisions;
 - 4.1.2 How those decisions are made;
 - 4.1.3 The checks and balances on decision-making; and
 - 4.1.4 The governance and ethical framework.
- 4.2 The Monitoring Officer submitted proposals earlier this year for a new model Constitution. That proposal set out a review approach based on transparency and agility of decision making, innovation, openness to challenge and involvement of all stakeholders, aligned with the strategic vision of the Council.
- 4.3 Several key components of the Constitution were considered and approved by Full Council in May 2025. The Council has clear stated objectives to be brilliant at the basics and become an outstanding Council. The Constitution and associated governance frameworks provide the foundation on which this

will be assured, and therefore transformation was essential. This report and the accompanying new model Constitution deliver on that objective.

- 4.4 To inform and co-design these revised scrutiny arrangements, two externally facilitated scrutiny development sessions were held with scrutiny members on 2 and 8 October 2025, supported by Frontline Consultancy and Association of Democratic Services Officers (ADSO). These sessions explored what good scrutiny looks like and provided Members with the opportunity to test, discuss, and provide feedback on the proposed Scrutiny Procedure Rules and Scrutiny Protocol.
- 4.5 The sessions were well attended and generated valuable insight and feedback, which has been incorporated into the final drafts. Members contributed actively to focusing on clarity of role, constructive challenge, Member–Officer collaboration, approaches to engaging the public in the scrutiny process and embedding a culture of impactful and outcome-driven scrutiny. The resulting documents reflect both national good practice and local learning, ensuring Sandwell’s scrutiny framework is fit for purpose and aligned with the Council’s governance principles.
- 4.6 Inclusion of the revised Scrutiny Procedure Rules and Scrutiny Protocol within the new Constitution strengthens the Council’s overall governance arrangements and demonstrates the organisation’s continued commitment to openness, transparency, and accountability. The proposals were considered by the Governance and Constitution Review Committee at their meeting on 23 October 2025 who recommended that Full Council approved the new Scrutiny Protocol and Scrutiny Procedure Rules.
- 4.7 Full Council will consider further additions to the Constitution in December 2025 and February 2026, including the revised Officer Scheme of Delegations and Contracts/Procurement Procedure Rules, ensuring that all remaining sections are reviewed, modernised and consistent with the Council’s new governance model. Appendix 1 sets out the Constitution sections that have been approved to date and which require further decision.
- 4.8 The new arrangements will be incorporated into the existing Member Development Programme and reflected in induction arrangements from May 2026. A comprehensive programme of training and awareness will also be developed for officers to improve their awareness of scrutiny.
- 4.9 The Council’s website will also be used to promote awareness of the openness of the Council’s new culture and decision-making processes with a view to greater public engagement and involvement in and oversight of the Council’s decisions.

5. Alternative Options Considered

- 5.1 **Option 1 – Undertake a comprehensive review and refresh of the Constitution.** This option ensures all sections are reviewed and updated to ensure consistency and accuracy allowing greater clarity in structure and content to be applied. This option is delivered through this report.

5.2 **Option 2 - Continue to update individual sections of the Constitution.** This reflects historic practices within the Council over several years and has resulted in a complicated and at times inconsistent Constitution which does not offer clarity or assurance. This option was therefore dismissed.

5.3 **Option 3 - Not to update the Constitution.** The Council is obligated to continuously review its governance and decision-making arrangements in response to ongoing changes to legislation and regulations. This option was therefore dismissed.

6. Consultation

6.1 The approach set out in the report and review programme is founded on continued consultation and engagement with key stakeholders including elected Members and Officers.

6.2 Feedback gathered through internal approval processes and facilitated workshops for key elements of the Constitution review has and will continue to shape content put forward to Members for consideration and approval.

7. Financial Implications

7.1 There are no direct financial implications to this report. Any future training and awareness will be delivered through existing budgets.

8. Legal and Governance Implications

8.1 The Council is required to adopt a Constitution under s.9P of the Local Government Act 2000 (as amended). Best practice is to continuously review arrangements to ensure these are fit for purpose, clear and effective.

9. Risks

9.1 Undertaking a comprehensive review of the Constitution in form, structure and content will ensure governance, decision-making and accountability frameworks are enhanced and subject to regular review.

10. Equality and Diversity Implications (including the public sector equality duty)

10.1 The report sets out how the new Constitution will improve accessibility and transparency. The Constitution's content is determined by statute, as described above. Proposals to amend the Constitution will be made at committee meetings where the public can attend and, subject to committee approval, can participate.

11. Other Relevant Implications

- 11.1 The proposed model for the Constitution is designed to assure effective governance arrangements operate across the Council as an organisation and will impact on the practices, processes and procedures for all aspects of decision-making.

12. How does this deliver the objectives of the Strategic Themes?

- 12.1 This report will support the delivery of all the Council's Strategic Themes, comprising:
- Growing up in Sandwell
 - Living in Sandwell
 - Healthy in Sandwell
 - Thriving Economy in Sandwell
 - One Council One Team Approach.
- 12.2 Effective governance and decision-making provide the foundation from which the Council delivers and commissions all its services, and the processes by which quality, best value and accountability are ensured. An effective, clear Constitutional model will support delivery against all of the strategic themes.