

Sandwell Metropolitan Borough Council

22 May 2018

Subject:	Appointment to the Constitution of Committees, Boards and Other Fora 2018/2019
Director:	Director - Monitoring Officer - Surjit Tour
Contribution towards Vision 2030:	
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DECISION RECOMMENDATIONS

That the Council is invited:-

- 2.1 To establish and determine the constitution and political balance of the committees, boards and other fora for 2018/2019, as set out in Appendix A.
- 2.2 To approve the terms of reference of the Select Committee for Electoral Registration and Participation and the Sandwell Sport and Leisure Built Facilities Strategy Steering Group, as set out in Appendix B.
- 2.3 To approve the terms of reference of the Children's Services and Education Scrutiny Board, as set out in Appendix C.
- 2.4 With the exception of the fora referred to in 2.2 and 2.3 above, to reaffirm the terms of reference of the committees, boards and other fora as set out in the Appendix to Part 3 of the Constitution and otherwise as approved or amended by the Council during the 2017/2018 Municipal Year.

- 2.5 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.
- 2.6 To determine 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 D.

1 PURPOSE OF THE REPORT

- 1.1 The Council's Constitution sets out the executive, scrutiny and constitutional functions and the rules and procedures for how the Council operates, it also prescribes the issues that the Council should address at its Annual Meeting in identifying the person(s) or bodies it wishes to carry out its functions as a local authority and the portfolios and terms of reference for those persons and bodies.
- 1.2 This report has been prepared to support members in
- (a) considering and approving the political balance of committees, boards and other fora for the 2018/2019 Municipal Year;
 - (b) assigning members to those roles and bodies.

2 IMPLICATIONS FOR SANDWELL'S VISION

- 2.1 The Council's decision making structures are designed to support the delivery of Sandwell's Vision 2030.

3. BACKGROUND AND MAIN CONSIDERATIONS

Committees, Boards and other fora

Appointment of Members to Committees and Fora of the Council

- 3.1 The Council is requested to appoint members to the Committees and Fora of the Council. The appointments to seats on those committees will be available at the meeting.
- 3.2 An additional Select Committee has been established in relation to Electoral Registration and Participation.

- 3.3 A steering group has also been established in relation to Sandwell Sport and Leisure Built Facilities.

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

- 3.4 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

- 3.5 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.

- 3.6 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

- 3.7 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.
- 3.8 The regulations provide for a political group to comprise two or more elected members of a local authority.
- 3.9 Pending notification to the Proper Officer regarding the formation of any political group, it is assumed that at the time of production of this report, Sandwell is a single party authority and the proportionality provisions will not apply.
- 3.10 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.

Appointment of Co-opted Members

- 3.11 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

- 3.12 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.

- 3.13 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.

4 STRATEGIC RESOURCE IMPLICATIONS

- 4.1 There are no direct resource implications arising from the approval of the decision-making structures for 2018/2019 or the appointment of members to positions within the structure.

5 LEGAL AND GOVERNANCE CONSIDERATIONS

- 5.1 All legal and governance implications are set out in the main body of the report.

6 APPENDICES

Appendix A – Political Balance

Appendix B – Terms of Reference – Select Committee for Electoral Registration and Participation and the Sandwell Sport and Leisure Built Facilities Strategy Steering Group

Appendix C – Terms of Reference – Children’s Services Scrutiny Board

Appendix D – Appointments

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