

Meeting of the Council – 10th July, 2023

Report of the Lead for Law and Governance (Monitoring Officer)

Constitution and Related Matters

Purpose of Report

1. To report on required amendments/updates to the [Council's Constitution](#) and several related matters.

Recommendations

2. That the updated Cabinet portfolios, as incorporated in Part 3 of the Constitution, be noted.
3. That the Overview and Scrutiny arrangements be submitted to the Council for approval following further consideration at the next meeting of the Overview and Scrutiny Committee.
4. That the Monitoring Officer undertake a review of Council Procedure Rule 11 (Questions by Members), following consultation with the Group Leaders, and recommendations be presented to the Council as part of the Annual Review of the Constitution.
5. That, in accordance with statutory requirements, the Council establish an Independent Remuneration Panel comprising the three Independent Persons, namely Revd Adam Hadley, Richard Phillips and William Read.
6. That the Cabinet be authorised to consider and determine any matters in connection with West Midlands Combined Authority Devolution Deals and that Part 3 of the Constitution be amended accordingly.
7. That the Council elect a Chair of the Adult Social Care Select Committee for the remainder of the 2023/24 municipal year and consider any other necessary or consequential appointments.

Background

8. At its Annual Meeting on 18th May, 2023, the Council reaffirmed the Constitution and Scheme of Delegation for the 2023/24 municipal year. Several issues have arisen since the Annual Meeting as referred to below.

Cabinet Portfolios

9. In reaffirming the Constitution and Scheme of Delegation for 2023/24, the Council also delegated powers to the Monitoring Officer to make any necessary and consequential amendments to the Constitution arising from decisions made by the Council and to reflect any ongoing restructuring activity, changes in legislative requirements, statutory provisions or associated regulations or guidance.
10. Under Article 7.06 of the Constitution, it is the responsibility of the Leader to maintain a list (in Part 3 of the Constitution) setting out which individual Cabinet Members, officers or joint arrangements are responsible for the exercise of executive functions. Changes to the designation of Cabinet Members were reported at the Annual Council meeting. In line with powers delegated to the Monitoring Officer, and following consultation with the Leader, the Cabinet portfolios have been updated to reflect the Cabinet Member designations for 2023/24. The updated portfolios are incorporated within Part 3 of the Constitution.

Overview and Scrutiny Arrangements 2023/24

11. At the Annual Meeting of the Council on 18th May, 2023, approval was given to the establishment of the Overview and Scrutiny Committee, together with the following Select Committees, for the 2023/24 municipal year.
 - Adult Social Care Select Committee
 - Children's Services Select Committee
 - Climate Change Select Committee
 - Corporate and Economic Strategy Select Committee
 - Highways and Environmental Services Select Committee
 - Housing and Safer Communities Select Committee
 - Public Health Select Committee

12. A report on consequential amendments to the Council's Overview and Scrutiny arrangements, as set out in Article 6 of the Constitution and the associated Overview and Scrutiny Procedure Rules, was submitted to the Overview and Scrutiny Committee on 12th June, 2023.
13. The Overview and Scrutiny Committee raised concerns, particularly regarding the proposed scrutiny 'call in' arrangements, whereby all 'called-in' decisions would be considered by the Overview and Scrutiny Committee rather than the Select Committee that 'called in' the decision. The Overview and Scrutiny Committee resolved that consideration of the proposals be deferred pending the submission of a further report to the Overview and Scrutiny Committee.
14. In line with this decision, a further report will be submitted to the next meeting of the Overview and Scrutiny Committee. Recommendations will then be submitted to the Council for determination as part of the Annual Review of the Constitution.

Council Procedure Rule 11 – Questions by Members

15. Council Procedure Rule 11 sets out the procedure relating to questions asked by Members at Full Council meetings. Informal discussions have taken place between Group Leaders concerning a possible revision of the existing process. This issue will be considered in more detail and proposals will be included in the Annual Review of the Constitution to be reported to the Council later in the year.

Independent Remuneration Panel

16. In line with Article 4.02 of the Constitution, it is a function of the Full Council to appoint an Independent Remuneration Panel in connection with the Members' Allowances Scheme. It is a legal requirement under the Local Authorities (Members' Allowances) (England) Regulations 2003 for the Council to have regard to the recommendations of an Independent Remuneration Panel before making or amending its Members' Allowances Scheme.
17. At the Annual Meeting of the Council on 18th May, 2023, the Council approved the appointment of Revd Adam Hadley, Richard Phillips and William Read as Independent Persons in connection with standards matters for the period ending with the annual meeting of the Council in May, 2027.

18. It is proposed that the three independent persons be appointed to form the Independent Remuneration Panel in connection with any future reviews of the Members' Allowances Scheme.

West Midlands Combined Authority Devolution Deals

19. On 9th June, 2023, the West Midlands Combined Authority Board considered a report on the [Deeper Devolution Deal – Statutory Processes](#)
20. The West Midlands Combined Authority (WMCA) Board noted plans for the ratification of the Deeper Devolution Deal at the programmed meeting of the WMCA Board on 13th October, 2023. Provision has been made, at the discretion of each constituent Council, for discussion and endorsement of the governance review and scheme by a deadline of 30th September, 2023.
21. The Council's Constitution does not make specific provision for the discussion and endorsement of West Midlands Combined Authority Devolution Deals. In the circumstances, and in view of the deadlines involved, it is considered appropriate that the function to determine any matters in connection with West Midlands Combined Authority Devolution Deals be delegated to the Cabinet.

Chair of the Adult Social Care Select Committee

22. At the Annual Meeting of the Council on 18th May, 2023, Councillor M Rogers was elected as the Chair of the Adult Social Care Select Committee for 2023/24.
23. On 21st June, 2023, in line with powers delegated to the Leader under Article 7 of the Constitution, Councillor M Rogers was appointed to serve as the Cabinet Member for Adult Social Care. In view of his appointment as a Cabinet Member, Councillor M Rogers immediately became ineligible to serve on any of the Council's Scrutiny or Select Committees.
24. The Council is therefore recommended to consider the election of the Chair of the Adult Social Care Scrutiny Committee, together with any other necessary changes, for the remainder of the 2023/24 municipal year.

25. The filling of any vacancies on Committees will be dealt with under the powers referred to in Article 4.02 of the Constitution. The Monitoring Officer is authorised to make any necessary changes to the composition of Committees that might arise from time to time in accordance with the requirements of the Leaders of political groups.

Finance

26. The financial implications arising from the adoption and maintenance of the Council's Constitution are met from within existing resources.

Law

27. Relevant statutory provisions regarding the Council's Constitution and the appointment of Committees are contained in the Local Government Acts 1972 and 2000, together with any Regulations, Orders and Statutory Guidance issued by the Secretary of State.
28. The appointment of an Independent Remuneration Panel in connection with the Members' Allowances Scheme is required under the Local Authorities (Members' Allowances) (England) Regulations 2003.

Risk Management

29. This report deals with the Council's Constitution and governance arrangements, which will ensure that the Council considers any ongoing material risks as part of the Council's Risk Management Framework.

Equality Impact

30. The Council's Constitution sets out the arrangements made by the Council for the proper discharge of all its powers, duties and functions, including those relating to equality and diversity and in respect of children and young people.

Human Resources/Organisational Development

31. There are no direct implications arising from this report.

Commercial/Procurement

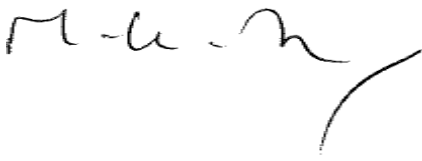
32. The Constitution includes the Council's Contract Standing Orders and Financial Regulations.

Environment/Climate Change

33. The Council's Constitution and governance arrangements provide for the assessment of the environmental impact of specific proposals and to address the impact on the Council's work to address Climate Change and achieve the Net Zero target.

Council Priorities and Projects

34. This report deals with the Council's Constitution, which underpins the delivery of key Council priorities including the Borough Vision, Council Plan and Future Council Programme.



Mohammed Farooq
Lead for Law and Governance
(Monitoring Officer)