

Report of:	Chief Executive
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Portfolio Leader:	Leader of the Council
Key Decision:	No
Report Track:	Council: 14/01/15

COUNCIL
14 JANUARY, 2015
GREATER BIRMINGHAM & SOLIHULL LOCAL ENTERPRISE PARTNERSHIP
JOINT SCRUTINY COMMITTEE (GBSLEP JSC) –
REVISED TERMS OF REFERENCE AND CALL-IN RULES AND APPOINTMENT
OF ALTERNATE MEMBER

1 Purpose of Report

- 1.1 To consider the appointment of a 'Alternate Member' to the GBSLEP JSC and agree its revised terms of reference and call-in rules

2 Recommendations

- 2.1 That Council determine the appointment of an Alternate Member to the GBSLEP JSC from the list of nominees detailed at detailed in Appendix 1 to this report.
- 2.2 That the revised terms of reference and call-in rules for the GBSLEP JSC, as detailed at Appendices 2 and 3 to this report are approved.

3 Key Issues and Reasons for Recommendation

- 3.1 The Council (along with all other local authorities involved with the GBSLEP JSC) has received a request to appoint an Alternate (substitute) Member to the JSC and approve the JSC's revised terms of reference and call-in rules.
- 3.2 Under normal circumstances, the Chief Executive has delegated authority to make additional appointments to any outside bodies, as necessary, throughout the municipal year, on receiving nominations from the Political Group Leaders. On this occasion, however, as Council is being asked to consider more than one matter in relation to the JSC, it is considered appropriate that Council should determine the appointment of the Alternate Member at the same time.

4 Relationship to Corporate Priorities

- 4.1 The Council, through its democratic process, contributes to the Council's Corporate Priorities and promotes community engagement through the appointment of representatives to outside bodies.

5 Report Detail

- 5.1 At its meeting held on 16 July, 2014, the Council appointed Councillor B. Gamble as its representative on the GBSLEP JSC.
- 5.2 The JSC held its first meeting of the current Municipal Year on 29 October, 2014, where its structure and terms of reference were discussed. As a result of those discussions, the JSC has formally requested all constituent authorities to appoint an Alternate Member to the Committee should the original Member be unable to attend. Accordingly, details of the proposed nominees are detailed at Appendix 1 to this report for consideration.
- 5.3 Furthermore, the JSC has also requested that each constituent authority approves the JSC's revised terms of reference and call-in rules. The relevant changes to both documents are:
- Terms of Reference – provision for appointment of an Alternate Member from each constituent authority.
 - Call-in Rules –
 - (i) Number of constituent authorities required to request a call-in review reduced from 3 to 2.
 - (ii) Removal of provision that signatories to a call-in review would be barred from sitting on the JSC when the call-in was being considered.

Copies of the revised versions of both documents are included at Appendices 2 and 3 for consideration.

- 5.3 Under normal circumstances, the Chief Executive has delegated authority to make additional appointments to any outside bodies, as necessary, throughout the municipal year, on receiving nominations from the Political Group Leaders. However, as Council is being asked to consider more than one matter in relation to the JSC, it is considered appropriate that Council should determine the appointment of the substitute Member at the same time.

6 Implications

6.1 Financial

There are no direct financial implications arising from this report. Any costs which arise from appointments determined as an approved duty, and thereby subject to travel and subsistence claims, will be met from existing Members' budgets.

6.2 Legal

Unless otherwise specified by statute, Section 101 of the Local Government Act 1972 empowers the Council to arrange for the discharge of any of its functions by an officer of the Council.

The Local Government Act 1972, Section 101(1) provides that:

subject to any express provision contained in this act or any act passed after this Act, a local authority may arrange for the discharge of any of their functions –

(a) by a committee, a sub-committee or an officer of the authority...”

Council can therefore delegate the appointment of representatives on outside bodies to the Chief Executive.

Should the appointment relate to executive functions, then the power to delegate the making of such appointments to the Chief Executive rests with Cabinet in accordance with Section 14 of the Local Government Act, 2000.

6.3 Human Resources

None.

6.4 Section 17 (Crime Prevention)

None.

6.5 Human Rights Act

None.

6.6 Data Protection

None.

6.7 Risk Management

None.

6.8 Equality & Diversity

None.

7 Appendices to the Report

Appendix 1	List of proposed 'Alternate Member' nominees for the GBSLEP JSC.
Appendix 2	Revised GBSLEP JSC Terms of Reference.
Appendix 3	Revised GBSLEP JSC Call-in Rules

Previous Considerations

None

Background Papers*Agenda Item –*

Recommendations Referred from Cabinet – Greater Birmingham and Solihull LEP – Supervisory Board – 22 August, 2013	Council	25 September, 2013
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Report -

Representatives on Outside Bodies 2014-15	Council	16 July, 2014
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CANNOCK CHASE COUNCIL
REPRESENTATIVES ON OUTSIDE BODIES 2014-15
APPOINTMENTS BY COUNCIL

Name of Body	No. of Seats	Proposed Appointee	Date of Retirement	Term of Appointment	Notes
Greater Birmingham and Solihull Local Enterprise Partnership (LEP) Joint Scrutiny Committee – <i>Alternate Member</i>	1	Freeman, Miss M.A. (L) Jones, R. (LD)	2015 Annual Meeting	1 Year	Should not be a member of the Council's Executive (Cabinet)

GBSLEP Joint Scrutiny Committee – Draft Terms of Reference

1. Governance

The Joint Scrutiny Committee will act as a Joint Committee under sections 101 and 102 Local Government Act 1972 and s 9F Local Government Act 2000 (as amended).

1.2 Access to Meetings

Normal rules apply as to public access i.e. as a Joint Committee the public has access except for exempt business.

1.3 Host Authority

1.3.1 The Joint Scrutiny Committee will be hosted under local government arrangements by Solihull Metropolitan Borough Council and the Chief Executive of Solihull Metropolitan Borough Council shall be Secretary to the Joint Scrutiny Committee.

1.3.2 Solihull Metropolitan Borough Standing Orders will apply to the Joint Scrutiny Committee (save for section 5 below).

1.3.3 The Host Authority will also provide s151 and Monitoring Officer roles to the Joint Scrutiny Committee.

2. Objects of Joint Scrutiny Committee

2.1 To review and/or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the Supervisory Board

2.2 To make reports or recommendations to the Supervisory Board with respect to the discharge of any functions which are the responsibility of the Supervisory Board.

3. Membership

3.1 One member from each constituent authority. Each authority will also appoint an Alternate Member.

3.2 Power for the committee to co-opt other members as it sees fit [this can include further councillors but also covers ability to co-opt members from the private sector etc.]

4. Voting

- 4.1 One member one vote for local authority members i.e. nine in total.
- 4.2 No ability to vote for non-local authority members or Members co-opted under (3.2).
- 4.3 Conflicts of Interest will be dealt with in accordance with the Members Code of Conduct of the Host authority.

5 Quorum

- 5.1 Four members present (one from Birmingham City Council, one from Solihull MBC, one District from Staffordshire and one District from Worcestershire).

6 Meetings

- 6.1 The Chair of the Meeting will be elected at the first meeting of the Committee at the start of each municipal year. A Vice Chair shall also be elected at the same meeting.
- 6.2 Meetings are to take place when there is a valid call-in of a decision and also when the Committee considers it expedient to have an overview of the overall expressed purpose and intended outcomes of the GBSLEP provided that a minimum of one meeting of the Joint Scrutiny Committee shall be held in each municipal year.

APPENDIX 3

1. Call-In

a) When a decision is made by the GBSLEP Supervisory Board (whether or not a key decision), the decision shall be published, including where possible by electronic means, and shall be available at Greater Birmingham & Solihull LEP Executive, Baskerville House, Centenary Square, Birmingham B1 2ND normally within 3 working days of being the decision being made.

(b) Each Local Authority represented on the GBSLEP Supervisory Board and the Members serving on the GBSLEP Joint Scrutiny Committee will be sent in electronic form copies of the record of all such decisions within the same timescale, by the person responsible for publishing the decision.

(c) That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless any 2 Local Authorities object to it and request that the decision be called in for review.

(d) Any Call-In request should be made on the agreed form (Call-In Notice), signed by a Joint Scrutiny Committee representative for each of the Local Authorities requiring the Call-In. The grounds contained in the Notice should related either to one or more of the principles of good decision making or be in conflict with one or more of the GBSLEP Policies. The principles of good decision making are: -

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for the European Convention of Human Rights as applied by the Human Rights Act 1998;
- a presumption in favour of openness;
- clarity of aims and desired outcomes;
- explaining what options were considered and giving the reasons for the decision, and
- having regard to statutory duties in relation to equalities and diversity.

(e) Initially the validity of a Call-In request will be judged by the Solihull MBC Monitoring Officer. This process will not consider the merits of the Call-In simply whether it is properly made and that it reflects one or more grounds referred to in (d) above. If the Call-In is deemed invalid the Call-In request falls.

(f) Subject to (e), the Solihull MBC Chief Executive shall call-in a decision for scrutiny by the Joint Scrutiny Committee and shall notify the GBSLEP Supervisory Board of the Call-In. He/she shall convene a meeting of the Joint Scrutiny Committee to consider the decision.

(g) If, having considered the decision, the Joint Scrutiny Committee is still concerned about it, then it may refer it back to the GBSLEP Supervisory Board setting out in writing the nature of its concerns. If referred back, the GBSLEP Supervisory Board shall reconsider the decision at its next meeting, or before if required, amending the decision or not, before adopting a final decision.

(h) The decision subject to Call-In shall not take effect until either the Joint Scrutiny Committee has met to consider the Call-In and does not refer the matter back to the GBSLEP Supervisory Board or upon the reference back following re-consideration by the GBSLEP Supervisory Board who may amend or adhere to the original decision.

2. Call-In and urgency

(a) The Call-In procedure set out above shall not apply where the decision being taken by the GBSLEP Supervisory Board is urgent. A decision will be urgent if any delay likely to be caused by the Call-In process would seriously prejudice the GBSLEP or the public's interests. The record of the decision and notice by which it is made public shall state whether in the opinion of the GBSLEP Supervisory Board, the decision is an urgent one, and therefore not subject to Call-In.

(b) The Chairman of the Joint Scrutiny Committee must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chairman, the Vice-Chairman's consent shall be required. In the absence of both, the consent of one other member of the Joint Scrutiny Committee. Decisions taken as a matter of urgency must be reported to each of the GBSLEP constituent Councils with the reasons for urgency.

(c) The operation of the provisions relating to Call-In and urgency shall be monitored annually, and a report submitted to constituent Councils with proposals for review if necessary.