

CITY OF  
WOLVERHAMPTON  
COUNCIL

# Special Advisory Group

Friday, 24 November 2017

Dear Councillor

## **SPECIAL ADVISORY GROUP - FRIDAY, 24TH NOVEMBER, 2017**

I am now able to enclose, for consideration at next Friday, 24th November, 2017 meeting of the Special Advisory Group, the appendices referred to in the following report.

### **Agenda No    Item**

- |   |   |
|---|---|
| 6 | <b>Changes to the Constitution (Pages 3 - 848)</b><br>[To recommend to Council revisions to the Constitution] |
|---|---|

If you have any queries about this meeting, please contact the democratic support team:

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***CITY OF WOLVERHAMPTON COUNCIL***

***THE CONSTITUTION***

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**Glossary ~~LOSSARY OF~~ Terms used in the ERMS USED IN THE Constitution  
ONSTITUTION**

In the Constitution the words and phrases in the left hand column have the meaning given in the right hand column:

Agenda	These set out the business to be considered at formal meetings of the Council, Cabinet, Scrutiny Board and Panels and Committees. They are public documents and are available for inspection before each meeting at the Council's main offices and on the Council's website: <a href="http://www.wolverhampton.gov.uk/">http://www.wolverhampton.gov.uk/</a>
Annual Meeting	The annual meeting of the Council which elects the Mayor and Deputy Mayor, Leader of the Council and appoints Chairs and Councillors to memberships of Committees. The meeting takes place in May each year.
Audit Committee	The Audit Committee considers the Council's governance arrangements and ensures that the financial affairs of the Council are properly conducted.
Background Papers	Documents relating to the subject matter of a report which in the opinion of the Proper Officer:  (a) disclose any facts or matters on which the report or any important part of the report is based; and  (b) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose <i>Exempt</i> or <i>Confidential Information</i> and in respect of <i>Cabinet</i> reports, the advice of a political advisor.
Budget and Policy Framework	The following plans and strategies comprise the budget and policy framework: <ul style="list-style-type: none"> <li>• Wolverhampton City Strategy</li> <li>• Crime, Community Safety and Drug Reduction Strategy</li> <li>• Statement of Licensing Policy</li> <li>• Statement of Gambling Policy</li> <li>• Local Transport Plan</li> <li>• Plans and alterations which together comprise the Local Plan</li> <li>• Youth Justice Plan</li> <li>• Housing Strategy</li> <li>• Adult Learning Strategy</li> <li>• Sustainability Strategy and Implementation Plan</li> <li>• The Children and Young People's Plan</li> <li>• The Corporate Plan</li> </ul> Medium Term Financial Strategy

Budget Meeting	The Ordinary Meeting of the Council taking place in March each year which considers the Budget.
Cabinet	<p>The Cabinet is a group of Councillors including the Leader who work with Council staff to run the Council and take most decisions except those about major policy issues or setting the annual budget (which only the Full Council Meeting can do) or decisions on regulatory matters such as whether to give planning permissions or licenses which only Committees established for those purposes can take.</p> <p>The Leader of the Council appoints the Cabinet and chairs its meetings. The Cabinet must consist of a minimum of three Councillors including the Leader up to a maximum of 10 Councillors including the Leader. The Councillors in the Cabinet each have responsibility for areas of the Council's work allocated to them by the Leader.</p> <p>The Councillors in the Cabinet can only make decisions within the scope of the overall Budget and Policy Framework set by the Council and the Constitution.</p>
Cabinet Functions	These may be carried out by the Cabinet, a Cabinet Member, a Regulatory or other Committee, of the Cabinet, an officer, another authority, or by joint arrangements.
Cabinet Member Responsibilities	These are areas of responsibility allocated by the Leader to Cabinet Members. Each area of responsibility is known as a Cabinet Member portfolio and each portfolio is given a title.
Call-In	"Call In" is a statutory right for Members of the Council to call in a decision of Cabinet or an individual Cabinet Member or Cabinet Members after it has been made or before it has been implemented.
Chair	The Councillor who presides over a meeting of the Council's Cabinet, Committees, Sub-Committees or Panels.
Director of Finance (Section 151 Officer)	This is a statutory appointment required under S151 of the Local Government Act 1972. Every Council must designate an officer as responsible for the proper administration of the Council's financial affairs. The Director of Finance has been designated as the Section 151 Officer.
Code of Conduct	A model code prepared by the Council to regulate the conduct of Local Authority Members.
Codes, Policies and Protocols	In making decisions and conducting its business, the Council and the bodies and persons exercising functions on its behalf will have regard to the Codes set out in Part 3 of the Constitution.



Common Seal	The Common Seal is the Council's mark of authentication and is attached to documents which are decisions of the Council or any properly constituted body of the Council or to documents which in the opinion of the Monitoring Officer should be sealed or as required by the Contract Procedure Rules. The Common Seal is kept in the safe custody of the Monitoring Officer.
Confidential Information	Information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order. (see also exempt information).
Constitution	Every principal Council must produce a document known as the Constitution which sets out how the Council will conduct its business.
Contract Procedure Rules	These provide a corporate framework for the procurement of all goods, services and works for the Council.
Co-opted Members	Persons, who are not elected, but appointed to a Council Committee, Sub-Committee or Panel and have voting rights.
Council Functions	The local authority functions which by law cannot be carried out by the Cabinet.
Full Council Meeting Procedure Rules	These set out how meetings of the Council, the Cabinet, Scrutiny and Regulatory and other Committees and other bodies will be conducted. These are contained in Part 3 of the Constitution.
Councillor	A Councillor represents his or her Ward on the Council and acts as an advocate and decision-maker for local issues. To find out who your Councillor is please go to the website or ring the Council offices.
Councillor Code of Conduct	A code based on a national model that must be followed by all Councillors, governing their behaviour and responsibilities.
Deputy Leader	The Councillor appointed to the position of Deputy Leader by the Leader of the Council.
Deputy Mayor	A Councillor appointed annually by the Council to act as deputy to the Mayor.
<u>Director of Governance</u>	<u>For the avoidance of doubt the Director of Governance includes the following titles; Monitoring Officer, Director of Legal, Chief Legal Officer and Solicitor to the City Council.</u>
<u>Director of Finance</u>	<u>For the avoidance of doubt the Director of Finance includes the</u>

	<u>following titles; Section 151 Officer and Chief Financial Officer.</u>
Designated Officer	A Designated Officer is the Head of Paid Service, a Strategic Director or other senior employee authorised by him/her for this purpose.
Disciplinary Action	In relation to an employee of the Council, any action occasioned by alleged misconduct which, if proved, would according to the usual practice of the Council, be recorded on the employee's personal file, and includes any proposal for dismissal of an employee for any reason other than redundancy, permanent ill health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the Council has undertaken to renew such a contract.
Employee	Person appointed to or holding a paid office of the authority or employed by the authority.
Exempt Information	Information that the Council may not be required to publish because it falls within specific categories defined in Schedule 12A of the Local Government Act 1972.
Extraordinary Meeting	A Council Meeting called by resolution of the Council, the Mayor, the Head of Paid Service or by requisition of any five Councillors which takes place in addition to an Ordinary Meeting or the Annual Meeting.
Finance Procedure Rules	Control the way the Council manages its finances and safeguards its assets. The rules apply to the Council's Members and officers and anyone acting on its behalf except where separate arrangements are made under the scheme for the Local Management of Schools.
Five Clear Days	A period of five days, excluding the day of the meeting, the day on which the meeting is called, weekends and bank holidays during which copies of the agenda and reports of a meeting must normally be available for inspection under the Access to Information Rules.
Forward Plan	A notice of matters which the Leader of the Council believes will be the subject of a Key Decision to be considered over the next four months. This is published monthly.
Full Council	All 60 Members of the Council meeting together to conduct business.
Group Leaders	Political groups will appoint a person to lead their group who are known as Group Leaders.

Head of Paid Service	This is a statutory appointment under Section 4 of the Local Government and Housing Act 1989. Every Council has to have a Head of Paid Service, who is ultimately responsible for the Councils' delivery of good services and is responsible for reporting to the Council on how employees are organised and deployed. The Managing Director has been designated as the Head of Paid Service.
Independent Person	A person who is not an elected Councillor of the authority, but appointed by the full Council as a member of the Standards Committee of the authority and who is entitled to vote on any question falling to be decided at any of the meetings of that body.
Joint Arrangements	Services provided in partnership with other Councils or by or on behalf of those Councils.
Key Decision	<p>A key decision is a Cabinet decision which is likely:</p> <p>to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates or</p> <p>to be significant in terms of its effects on communities living or working in an area comprising two or more Wards in the area of the local authority.</p> <p>Note: The Council has determined that expenditure or savings in excess of £250,000 will be deemed significant. This figure will be reviewed by the Council from time to time.</p>
Leader of the Council	The Leader of the Council is the political Head of the Council, elected by the Council.
Local Choice Functions	By law, these are responsibilities which the Council can choose to make the function of the Council or Cabinet.
Local Partnership	A single body that brings together at a local level the different parts of the public sector as well as the private, business, community and voluntary sectors so that different initiatives and services support each other and work together.
Managing Director	The Managing Director is the Head of the Council's Paid Service (see the glossary for the definition of the Head of Paid Service) and together with the Strategic Directors are the senior management team that runs the day to day work of the Council working with the Leader of the Council and Cabinet and supported by the Council's employees.

	<u>For the avoidance of doubt the Managing Director includes the following titles; Chief Executive or Head of Paid Service.</u>
Member Champions	These are individual Councillors or other individuals who are appointed by the Council to champion a particular issue within the Council, with its partners, in communities, across the Council, regionally or nationally.
Monitoring Officer	This is a statutory appointment under Section 5 of the Local Government and Housing Act 1989. The Monitoring Officer is responsible for reporting the actual or potential breach of a legal requirement to the Council Meeting or Cabinet and for dealing with complaints of breaches of the code of conduct by Councillors, reporting as necessary to the Standards Committee. The Director of Governance is the designated 'Monitoring Officer'.
Ombudsman	A person independent of the Council who has power to investigate maladministration by the Council.
Ordinary Meeting	Council Meetings held in accordance with a programme of meetings decided by the Council.
Overview and Scrutiny	The action of overseeing and scrutinising decisions made by the Cabinet undertaken by the Scrutiny Board and Scrutiny Panels.
Petition	A written or electronic communication signed or sent to the Council on behalf of at least 10 signatories from at least 5 identifiable households and including a clear and concise statement indicating what action the petitioners wish the Council to take and the name, identifiable address and signature of any person supporting the petition. Petitions will be received by the Council in accordance with the Petitions Scheme. <a href="http://www.wolverhampton.gov.uk/article/2915/Petitions">http://www.wolverhampton.gov.uk/article/2915/Petitions</a>
Planning Committee	The Planning Committee is comprised of Councillors and is responsible for the Council's statutory town and country planning and development control functions.
Political Assistant	An officer appointed specifically to assist a Political Group on the Council.
Political Group	Two or more Councillors who belong to the same political party or have some other common interest may form a Political Group. Such Groups are recognised by law and in the Council's Constitution.
Procurement	Procurement is the identification and acquisition from third parties and in house providers, of goods, services and works.

Proper Officer	A person designated as being responsible for a particular function or range of functions.
Protected Officers	The Protected Officers are the Head of Paid Service, the Monitoring Officer and the s.151 Officer.
Quasi judicial	Powers resembling those of a court of law or judge.
Quorum	This is the required number of Councillors which need to be present at a meeting to enable the business of that meeting to be transacted.
Regulatory Committees	Regulatory Committees are comprised of Councillors and are responsible for the overseeing and regulation of certain legislation and legislative processes including all types of licence, street trading, some highways matters and appeals relating to them.
Reports	Written items prepared by Officers for consideration by Councillors.
Scrutiny	<p>Scrutiny is a role fulfilled by all Councillors who are not Members of the Cabinet. It is a statutory function under the Local Government Act 2000.</p> <p>The role of the Scrutiny Committees is to help develop policy, to carry out reviews of Council and other local services and to hold Cabinet and Cabinet Members to account for their actions and decisions.</p>
Section 106 Agreement	A Section 106 Agreement, sometimes known as a planning obligation, is a legally binding agreement entered into between a local authority and a developer and is an established and valuable way of bringing development in line with the objectives of sustainable development as articulated through relevant local, regional and national planning policies.
Standards Committee	A statutory Committee of the Council comprised of Councillors and independent persons which has responsibility for helping Councillors follow the Councillor Code of Conduct and assessing and determining complaints that they may have failed to do so.
Sustainable Community Strategy	This Strategy is the overarching long term vision and plan for a local area.
The Council	City of Wolverhampton Council.
The Mayor	A Councillor who is elected annually by the Council to Chair full Council meetings and to be the first citizen of the City.

The 1989 Act	The Local Government and Housing Act 1989.
The 2000 Act	The Local Government Act 2000.
Vice-Chair	The Councillor who deputises for the Chair.
Ward	A geographical area of the County represented by one or more Councillors.

**PART 1 — Summary and UMMARY and AND Explanation XPLANATION**

**1.1 The Council's Constitution HE COUNCIL'S CONSTITUTION – SUMMARY AND EXPLANATION**

The City of Wolverhampton Council (“the Council”) has agreed a constitution which sets out how the Council operates, how decisions are made and the procedures which are to be followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose. ~~is the democratically elected authority for Wolverhampton.~~

1. ~~The Constitution sets out the basic rules governing the Council's business. More detailed procedures, and policies and codes of practice are provided in a separate rules and protocols at the end of the document.~~

~~2~~

~~2. The Council's Its overarching role is to improve the quality of life of the people of Wolverhampton by:~~

- ~~• arranging delivery of services driven by the sole purpose of serving all Wolverhampton residents, Council Tax payers and businesses within the City~~
- ~~• providing clear and accountable community leadership and promoting equality of opportunity~~
- ~~• championing the City's interests, supporting the local economy and enhancing the environment~~
- ~~• consulting and involving the citizens of Wolverhampton in planning ahead and making decisions on their behalf~~
- ~~• influencing and working in partnership with other organisations.~~
- ~~— Safeguarding and protecting vulnerable children and adults.~~
- ~~• Promoting and improving the social, economic and environmental well-being of the area.~~

~~It has the broad power under the Local Government Act 2000 and Localism Act 2011 to promote and improve the social, economic and environmental well-being of the area and has statutory responsibility for the provision of a range of services. The City Council sees one of its most significant roles as championing the interests of the people of Wolverhampton.~~

**1.2 How The Council Operates HOW THE COUNCIL OPERATES**

The Council is comprised of 60 Councillors with one-third elected three years in four. Councillors are democratically accountable to residents of their ~~Ww~~ward. The overriding duty of Councillors is to the whole community, but they have a special

duty to their constituents, including those who did not vote for them. ~~The balance of power within the Council depends upon the number of Councillors elected for each political party. Other than through the Cabinet structure, the composition of meetings reflects the political make up of the Council proportionately.~~

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties.

~~All Councillors meet together as the Full Council. The Full Council is chaired by the Mayor. Meetings of the Full Council are normally open to the public. Full Council is the main forum for holding to account the Executive. The role of the Full Council is set out in ..... There are certain matters which the law states only the Full Council can decide. These are described in Article 4 of the Constitution.~~

All councillors meet together as the Council. Meetings of the Council are normally open to the public. Here councillors decide the Council's overall policies and set the budget each year. The Full Council is the main forum for holding to account the executive (Cabinet). It sets the main policy framework within which the Council operates. The role of Full Council is set out in Part 2 of this constitution (chapter 4).

### 1.3 How Decisions Are Made OW DECISIONS ARE MADE

~~The Council has adopted the "Leader and Cabinet" model of political management. The Leader has overall responsibility for Executive decision-making powers and the delivery of the Council services and is elected by the Council for a four -year term at the Council's annual meeting after elections. - The Leader appoints annually Councillors to the Cabinet and the Cabinet Panels. -described in Article [X] – one of whom is to be his or her deputy leader – and decide on the scope of their respective functions/portfolios.~~

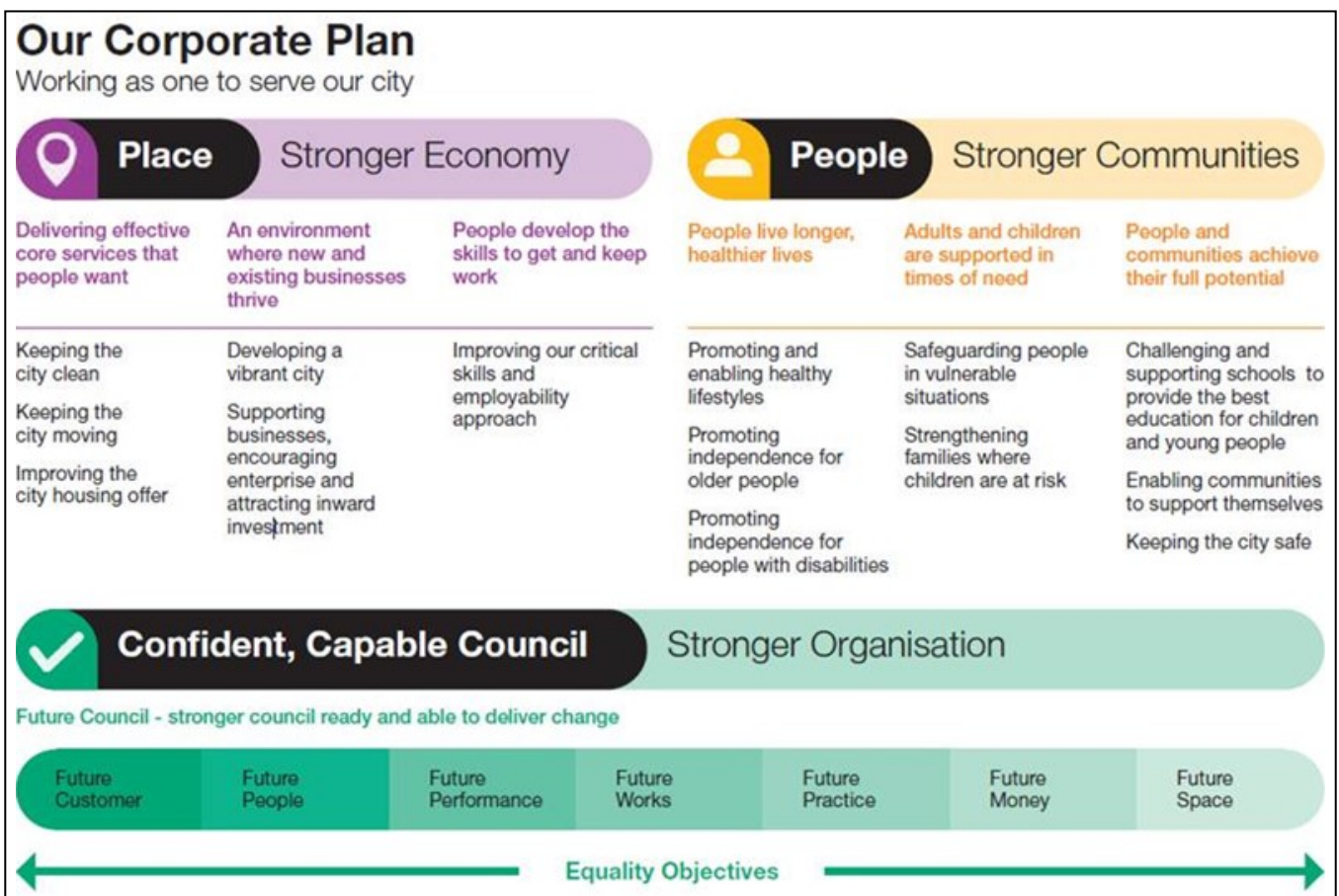
~~The Constitution identifies which decisions the Council will make and which decisions the Cabinet will make. The Cabinet is the part of the Council which is responsible for most day-to-day decisions. When Kkey DdecisionsDecisions are to be discussed or made, these are published in the list of Key Decisions Leader's Forward Plan insofar as they can be anticipated. referred to in Part 3. If these Kkey Ddecisions are to be discussed at a meeting of the Cabinet, this will generally be open for the public to attend except where personal or confidential matters are being discussed.~~

The Cabinet has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Full Council to decide. ~~The Cabinet will also formulate policy within that Policy Framework for the Full Council to consider. The Cabinet can decide on other policies that do not form part of the Policy Framework.~~

3. —



~~4 The purpose of the Constitution is set out in Article 1.3. This sits within the context of the Council's corporate plan. Our mission is 'to work as one to serve our city' and the Corporate Plan sets our three clear priorities – a Stronger Economy, Stronger Communities and a Confident, Capable Council. The Corporate Plan sets out the outcomes we are seeking to achieve for the city, and is supported by specific objectives which are led by an accountable senior officer.~~



~~5 How the Council operates~~

~~The Council is comprised of 60 Councillors with one-third elected three years in four. Councillors are democratically accountable to residents of their Ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them. The balance of power within the Council depends upon the number of Councillors elected for each political party. Other than through the Cabinet structure, the composition of meetings reflects the political make up of the Council proportionately.~~

~~All Councillors meet together as the Full Council. The Full Council is chaired by the Mayor. Meetings of the Full Council are normally open to the public. There are certain matters which the law states only the Full Council can decide. These are described in Article 4 of the Constitution.~~

~~At Full Council meetings, Councillors decide the Council's overall policies and in March each year set the budget each year. The Council appoints the Leader of the Council, as the political head of the Council. The Council can dismiss the Leader if there is a vote of no confidence in him/her. The Leader is appointed for a 4 year term (or until the expiry of the Leader's term of office as a Councillor) and Full Council also appoints Councillors to the Scrutiny, Regulatory Committees and other bodies described in Articles 6, 8, 9 and 10.~~

~~Meetings of the Full Council, the Cabinet, Scrutiny, Regulatory Committees and other bodies usually take place at the Civic Centre, Wolverhampton. Notice of when these meetings are held and what decisions will be made is available from Democratic Services at the Civic Centre and are contained on the Council's website.~~

~~The Leader of the Council appoints annually Councillors to the Cabinet and the Cabinet Panels, described in Article 6.~~

## 6 1.4 -Regulatory Committees

The law gives the Council powers to grant approvals, licences, consents, permissions and registration in matters such as planning, licensing, health and safety, rights of way. These are not allowed to be dealt with by the Cabinet and these powers are exercised by Committees of the Council. A list of these Committees and their respective responsibilities is contained in Part 2.

7 **1.5 Overview and Scrutiny**

The Scrutiny Board and six Scrutiny Panels support the work of the Cabinet and the Council as a whole. They allow citizens to have a greater say in Council matters by enquiring into matters of local concern. These lead to reports and recommendations which advise the Cabinet and the Council as a whole on its policies, budget and service delivery. The Board and Panels also monitor the decisions of the Cabinet. ~~They can 'call-in' a decision which has been made by the Cabinet but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Cabinet reconsider the decision.~~ They may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

~~The Health Scrutiny Panel also has delegated powers to scrutinise the local health economy, health commissioners and providers, and respond to health service consultations relating to substantial configurations in service delivery. It also has a responsibility to work in partnership with Wolverhampton HealthWatch and ensure arrangements are in place for referrals made from HealthWatch to the Health Scrutiny Panel.~~

8 ~~Area Structures – The Local Partnership and Local Neighbourhood Partnerships~~

~~In order to give local citizens a greater say in Council affairs the Council has created Local Neighbourhood Partnerships. The areas covered and the membership, powers and responsibilities of these are described in Article 10.~~

9 **1.6 Employees**

The Council ~~have employees~~has -employees working for it who perform a number of different roles, ranging from delivering services to giving advice, implementing decisions and managing the work of the Council. Employees operate in a politically neutral way, which Councillors must respect. Some employees have a specific duty to ensure that the Council acts within the law and uses its resources wisely. These employees are the Monitoring Officer and the Section 151 Officer. There is a protocol that governs the relationships between Councillors and employees which is set out in Part 53 of this Constitution.

**-1.7 Citizens' Rights**

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Part 2, Chapter 3. Some of these are legal rights, whilst others depend on the Council's own processes.

Where members of the public use specific Council services, for example, as a parent of a school pupil or as a Council tenant, they have additional rights. These are not covered in this Constitution.

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~~Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3.~~

Citizens have the right to:

- vote at local elections if they are included in the Electoral Register;
- contact their local councillor about any matters of concern to them. Contact details are available on request at the Civic Centre and from the Council's website;
- obtain a copy of the Constitution;
- attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed;
- contribute to investigations by the Scrutiny Board or Panel;
- find out, from the Council's Key Decision List, what major decisions are to be discussed by the Cabinet or decided by the Cabinet or officers, and when;
- attend meetings of the Cabinet where key decisions are being discussed or decided;
- ~~attend meetings of the Council, the Cabinet, the Scrutiny Board and Panels and Regulatory Committees except where, for example, personal or confidential matters are being discussed;~~
- petition to request a referendum on an elected mayor;
- petition the Council and receive a response

- establish, from the [Leader's Forward Plan Key Decision list](#), what major decisions are to be discussed by the Cabinet or decided by the Cabinet or employees, and when;
- view reports and background papers and any record of decisions made by the Council and Cabinet;
- use the Complaints and Compliments Procedure if they have a complaint about Council Services;
- complain to the Ombudsman if they think the Council has not followed its procedures properly. [However, they should only do this after using the Council's own complaints process;](#)
- complain to the Standards Committee if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct.
- inspect the Council's accounts and make their views known to the Council's ~~e~~External Auditor.

Set out in Part 4, are the public's right of access to certain Council documents and information.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Director of Governance at the Civic Centre, St Peter's Square, Wolverhampton WV1 1SH.



**Article 1 – ~~The HE~~ Constitution ~~ONSTITUTION~~**

**1.1 Powers of the Council**

The Council will exercise all of its powers and duties in accordance with the law and this Constitution.

**The Constitution**

This Constitution, and its appendices, is the Constitution of City of Wolverhampton Council.

**1.2 Purpose of the Constitution**

The purpose of the Constitution is to:

- a. enable the Council to provide clear leadership to the community in partnership with citizens, business and other organisations;
- b. support the active involvement and participation of citizens in the process of ~~local authority~~ Council decision-making;
- c. help Councillors represent their constituents effectively;
- d. enable decisions to be taken efficiently and effectively;
- e. provide for more streamlined, efficient and effective decision-making in an open, transparent and accountable way; create a powerful and effective means of holding decision-makers to public account;
- f. ensure that no one will review or scrutinise a decision in which they were directly involved;
- g. ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
- h. provide a means of improving the delivery of services to the community.

**~~4.4~~ 1.3 Interpretation and Review of the Constitution**

Where the Constitution permits the Council to choose between different courses of action, the Council will be guided by that option which it thinks is closest to the purposes ~~set out~~ outlined above.

The Council will monitor and evaluate the operation of the Constitution as set out in Article 15. Any amendments, including those made by the Monitoring Officer, will form part of the Constitution.

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## Article 2 – Councillors ~~OUNCILLORS~~

### 2.1 Membership of the Council

~~The Council consists of~~ The Membership of the Council comprises 60 Councillors representing 20 wards, ~~who are elected by the voters of the City of Wolverhampton. There are 20 Wards within the City and 3~~ Three Councillors are elected by the voters of each ward in accordance. ~~This is in line with the~~ thea scheme ~~which was~~ drawn up by the Electoral Commission and approved by the Secretary of State.

Only ~~those~~ eligible persons, as defined by electoral law, will be permitted to hold the office of Councillor.

### 2.2 Elections and Term of Office

There will be an ordinary election of one third of all councillors held on the first Thursday in May each year, except that in 2013 and every fourth year following, there will be no local elections. The terms of office of councillors will be four years starting on the fourth day after being elected and will finish on the fourth day after the date of the regular election four years later.

~~Local Elections are usually held on the first Thursday in May each year. The date may, on occasions, be changed by Parliament. In 2013 and every fourth year following, there will be no local elections, unless there are changes to election law. A third of all Councillors normally stand for election and the term of office of Councillors will, normally, be four years starting on the fourth day after being elected.~~

### 2.3 Key Roles and functions of all Councillors

All Councillors will:

- a. collectively be the ultimate policy-makers and carry out a number of strategic and corporate functions for the ~~City~~ Council;
- b. represent their communities and bring their views into the Council's decision-making process;
- c. contribute to good governance of the area and actively encourage community participation and citizen involvement in decision-making;

df. be available to represent the Council on other bodies; and

eg. maintain the highest standards of conduct and ethics.

f. deal with individual casework, respond to Constituents' enquiries and representations ~~them~~ fairly, promptly and impartially and act as an advocate for constituents in resolving particular concerns or grievances;

~~dg.~~ Effectively represent the balance different interests of their within the Ward and of individual constituents; represent the Ward as a whole;

~~e.~~ be involved in decision-making;

~~f.~~ be available to represent the Council on other bodies; and

~~g.~~ maintain the highest standards of conduct and ethics.

h. be aware of their responsibilities regarding corporate parenting

~~2.4 The overriding duty of Councillors is to the whole community, but they have a special duty to residents of their Ward.~~

## **2.45 Rights and Duties**

a. Councillors will have such rights of access to those documents, information, land and buildings of the Council as ~~is~~are necessary for the proper discharge of their functions ~~m to be able to carry out their role properly~~ and in accordance with the law.

b. Councillors will not make any information public if it is confidential or exempt, without the consent of the Council, or divulge information given in confidence to anyone other than a Councillor or employee entitled to know it.

c. For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules contained in Part 43 of this Constitution.

## **2.56 Conduct**

~~\_\_\_\_\_~~Councillors will at all times observe ~~abide by~~ the Council's Code of Conduct for Councillors, Councillor/Employee Relations Protocol and other general guidance set out in Part 53. Councillors are required to register interests in certain matters, including their employment or businesses and certain financial interests in local companies, contracts and land. The register is open to inspection by members of the public.

## **2.67 Councillors' Allowances**

Councillors will be entitled to receive allowances in accordance with the Councillors' Allowances Scheme set out in Part 6 of this Constitution~~3~~.

| 2.87 To ensure accountability, compliance with the Councillor Code of Conduct, arrangements relating to liability and indemnification, and to secure representation of the Council's interests, only Councillors may be appointed to outside bodies by Council or Cabinet (as appropriate), except in the case of certain charitable trust organisations that may be determined by Council/Cabinet from time to time.



**Article 3 – Citizens and the ~~ITIZENS AND THE~~ Council ~~COUNCIL~~**

**3.1 3.1 Citizens' Rights**

Citizens have the following rights. Their rights to information and to participate in Council business are explained in more detail in the Access to Information Procedure Rules in Part 4 of this Constitution;

Voting and Petitions. Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected mayor form of Constitution and other matters under Localism Act.

**Information. Citizens have the right to:**

- a. attend meetings of the Council and its, ~~the Cabinet, the Scrutiny Board, Scrutiny Panels, and Regulatory and other~~ Committees (including Cabinet) except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- b. attend meetings of the Cabinet when key decisions are being considered;
- c. find out from the Forward Plan what key decisions will be taken by the Cabinet and when;
- d. make representations to the Executive that decisions which it intends to take in private should instead be taken in public, and to receive a response;
- ed. see reports and background papers, and any records of decisions made by the Council and the Cabinet, subject to certain exemptions and restrictions;
- fe. inspect the Council's accounts and make their views known to the external auditor;
- gf. contact their local councillor about any matters of concern to them;
- hg. obtain a copy of the Constitution.

**Participation. Citizens have the right to contribute to the work of Scrutiny.**

**3.4 Complaints. Citizens have the right to complain to:**

- a. the Council under its complaints scheme;
- b. the Ombudsman after using the Council's own complaints scheme;
- c. the Standards Committee about a breach of the Councillors' Code of Conduct.

**3.22 3.22 Citizens' Responsibilities**

### ***Article 3 – Citizens and The Council***

In pursuing these rights Citizens must not be violent, abusing or threatening to Councillors or employees and must not wilfully harm things owned by the Council, Councillors or employees or be disruptive at meetings.



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**Article 4 – ~~The HE FullULL Council OUNCIL~~**

~~4.1—The Full Council comprises all 60 elected Councillors of City of Wolverhampton Council. By law, there are some things that only the Full Council has the power to do. The person who chairs the Full Council meeting is the Mayor (whose role and function is set out in Article 5).~~

**4.1 Purpose of the Council**

~~Only t~~**The Full Council will:**

- ~~• Exercise the functions reserved to it under Article 4.3 and as required under the Council's Financial Procedure Rules;~~
- ~~• Decide the Council's policy framework;~~

~~(b) The Council will have the ultimate power to hold the Cabinet to account. The Council's key functions will be to:~~

- ~~• make decisions required by statute;~~
- ~~• consider and debate budget, policy and major service proposals;~~
- ~~• scrutinise the performance of the Cabinet with the assistance of the Scrutiny Board and Scrutiny Panels;~~
- ~~• provide community leadership on issues of public interest outside the remit of the Council.~~

**4.2 Conduct of Business**

~~All Council meetings will be open to the public.~~

~~4.34 The Policy Framework comprises the following plans and strategies:~~

~~a. those required by the Local Government Act 2000 and Regulations:~~

- ~~• Sustainable Community Strategy;~~
- ~~• Crime, Community Safety and Drug Reduction Strategy; **Community Safety and Harm Reduction Strategy**~~
- ~~• Licensing Authority Policy Statement~~
- ~~• Statement of Gambling Policy~~
- ~~• Local Transport Plan;~~
- ~~• Plans and alterations which together comprise the Local Development Framework;~~
- ~~• Youth Justice Plan~~
- ~~• Sufficiency Strategy;~~
- ~~• Careleavers Strategy~~
- ~~• Health and Wellbeing Strategy.~~

~~b. those recommended by the Government:~~

- The Plan and Strategy which comprise the Housing Investment Programme including housing finance and rents;
- Adult Learning and Skills Strategy;
- Environment Strategy;

c. those which the Council may decide as a matter of local choice from time to time. These are:-

- The Children and Young People’s Plan
- The Corporate Plan
- Corporate Parenting Strategy
- Children and Young Persons Participation Strategy

#### 4.45 Budget setting

The Budget includes the allocation of financial resources to different services and projects, including contingency funds, setting the Council Tax and decisions relating to the Council’s borrowing requirements, its investments and the control of its capital expenditure and the setting of virement limits. It includes the Medium Term Financial Strategy and the Capital Management Strategy. The Council sets its budget in March each year.

The activities delegated to the Pensions Committee are not part of the Council’s budget, but subject to comparable arrangements controlled and managed by the Pensions Committee.

#### 4.5 Function of the Full Council

4.24.6 Only the Council will exercise the following functions:

- a. Adopting and changing the Constitution.
- b. Approving and adopting the Budget and the Policy Framework, the budget and any application to the Secretary of State in respect of any Housing Land Transfer.
- c. Subject to the urgency procedure, contained in the Access to Information Procedure Rules in Part 3, making decisions about any matter in the discharge of a Cabinet function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget.
- d. Electing the Leader of the Council at the Annual Council Meeting in accordance with Article 6.3.
- e. Receiving the Leader’s nominations to serve on the Cabinet and Cabinet Panels.

- f. Approving and/or amending the terms of reference for all Committees, Panels and Boards (not being Committees Panels or Boards of the Cabinet), deciding on their composition and making appointments to them.
- g. Appointing representatives to outside bodies unless the appointment is a Cabinet function or has been delegated by the Council.
- h. Adopting and approving, annually, a Councillors' Allowances Scheme.
- i. Changing the name of the area, conferring the honour of Honorary Alderman or Freedom of the City.
- j. Confirming the appointment of the Head of Paid Service, Strategic Directors (as defined by the Local Government and Housing Act 1989), the Monitoring Officer and the s.151 Officer.

By way of a vote confirming the dismissal of the Head of Paid Service, the Monitoring Officer and the s.151 Officer after taking into account:

- any advice, views or recommendations of a Special Committee constituted for this purpose under 29.9 of the Employee Employment Procedure Rules (including the two independent members from the Standards Committee);
- the conclusions of any investigation into the proposed dismissal;
- any representations from the protected officer concerned.

Confirming the dismissal of the Strategic Directors (as defined by the Local Government and Housing Act 1989).

- k. Making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation or personal Acts.
- l. All local choice functions which the Council decides should be undertaken by itself rather than the Cabinet.
- m. Approval of the Annual Pay Policy.
- n. Dealing with any petition containing 5000+ signatures received by the Council in accordance with the Protocol for dealing with Petitions at Full Council Meetings set out in Part 3.
- o. A Resolution not to issue a casino premises licence under section 166 of the Gambling Act 2005.
- p. All other matters which by law must be reserved to the Council and Strategic Directors.

#### **4.73 Full Council Meetings**

There are three types of Full Council meeting and their purpose is set out in the Full Council Meetings Procedure Rules in Part 3:

- a. The Annual Meeting ~~–This is held in May each year and its main purpose is to elect the Mayor;~~
- b. Ordinary Meetings ~~–These take place approximately every six weeks and include the meeting in March each year at which the Council sets the Budget including the level of Council Tax for the following financial year;~~
- c. ExtraOrdinary Meetings ~~–held whenever an additional meeting is required to discuss a specific issue such as the conferment of the honour of Freeman or Freedom of the City or Honorary Alderman.~~

~~and t~~They will be conducted in accordance with the Full Council Meetings Procedure Rules set out in Part ~~43~~.

~~4.4 The Policy Framework comprises the following plans and strategies:~~

~~a. those required by the Local Government Act 2000 and Regulations:~~

- ~~• Sustainable Community Strategy;~~
- ~~• Crime, Community Safety and Drug Reduction Strategy;~~
- ~~• Licensing Authority Policy Statement~~
- ~~• Statement of Gambling Policy~~
- ~~• Local Transport Plan;~~
- ~~• Plans and alterations which together comprise the Local Development Framework;~~
- ~~• Youth Justice Plan~~
- ~~• Sufficiency Strategy;~~
- ~~• Careleavers Strategy~~
- ~~• Health and Wellbeing Strategy.~~

~~b. those recommended by the Government:~~

- ~~• The Plan and Strategy which comprise the Housing Investment Programme including housing finance and rents;~~
- ~~• Adult Learning and Skills Strategy;~~
- ~~• Environment Strategy;~~

~~c. those which the Council may decide as a matter of local choice from time to time. These are:-~~

- ~~• The Children and Young People's Plan~~
- ~~• The Corporate Plan~~
- ~~• Corporate Parenting Strategy~~
- ~~• Children and Young Persons Participation Strategy~~

~~4.5 Budget setting~~

~~The Budget includes the allocation of financial resources to different services and projects, including contingency funds, setting the Council Tax and decisions relating to the Council's borrowing requirements, its investments and the control of its capital expenditure and the setting of virement limits. It includes the Medium Term Financial Strategy and the Capital Management Strategy. The Council sets its budget in March each year.~~

~~The activities delegated to the Pensions Committee are not part of the Council's budget, but subject to comparable arrangements controlled and managed by the Pensions Committee.~~

#### **4.8 Responsibility for Functions**

The Council will set out within this Constitution the responsibilities for the Council's functions which are not the responsibility of the executive - see Part 3 of this Constitution.

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**Article 5 – ~~The HE Mayor AYOR AND Deputy EPUTY Mayor AYOR~~**

**5.1 Role and Function of the Mayor**

- a. The Mayor will be elected and the Deputy Mayor will be appointed at the Annual Council meeting. The methodology for the rotation of the office of Mayor and Deputy Mayor is contained in Part ~~43~~ to this Constitution.
- b. The Council's Code of Conduct for Councillors applies to the Mayor and Deputy Mayor.
- c. Neither the Mayor nor the Deputy Mayor may be a Cabinet Member during their respective term of office. The Mayor, during his/her respective term of office, will not serve on any Regulatory Committee of the Council including the Planning and Licensing Committees.
- d. The Mayor and in his/her absence, the Deputy Mayor, have the following roles and functions:

**5.2 Ceremonial Role**

The Mayor and the Deputy Mayor will represent the City at local, regional, national and international civic and ceremonial events.

**5.3 Chairing the Full Council Meeting**

The Mayor has the following responsibilities:

- a. to uphold and promote Wolverhampton and the purposes of the Constitution, and to interpret and give rulings on the Constitution where necessary and following appropriate advice from the Monitoring Officer;
- b. to preside over meetings of the Full Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
- c. to ensure that the Full Council meeting is a forum for the debate of matters of concern to the local community and the place at which Councillors who are not on the Cabinet are able to hold the Cabinet to account;
- d. to promote public involvement in the Council's activities;
- e. to be the conscience of the Council;
- f. ~~\_\_\_\_\_~~ The protocol governing the use of the Mayor's casting vote at meetings of the Full Council is set out in Part ~~43~~ to this Constitution.

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## **Article 6 – ~~The HE Cabinet~~ ~~ABINET~~**

### **6.1 Role**

The Cabinet is the political leadership of the local authority. It has a key role in delivering services, proposing the budget and policy framework to the Council and in promoting and complying with the Council's aims and strategic priorities. The Leader can appoint up to nine Members to the Cabinet, one of whom must be a Deputy Leader and the Leader decides whether particular decision-making powers will be undertaken collectively or by individual Members within Cabinet.

The Cabinet will carry out all the Council's functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution. ~~The Cabinet will also formulate policy listed in the Policy Framework and the Budget for to consideration by Full Council.~~

### 6.2 Form and Composition

The Cabinet will comprise the Leader of the Council together with at least 2, and up to a maximum of 9, Councillors appointed by the Leader.

### **6.23 Leader of the Council**

~~In accordance with the decision of the Council on 16 December 2009 and the Local Government and Public Involvement in Health Act 2007, T~~the Leader must be elected by the Council at its Annual Meeting following the Local Government Elections for a period of 4 years or up to the end of his/her term of office as a Councillor whichever is shorter. The Leader will hold office until:-

- a. he/she resigns from the office; or
- b. he/she is suspended from being a Councillor under Part 3 of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
- c. he/she is no longer a Councillor; or
- d. by resolution of the Council, in which case a new Leader will be elected either at the meeting approving the resolution or at a subsequent meeting.

(**Note:** Upon any change in the political control of the Council, the Leader will resign from office without the need for 6.3(d) above to be invoked.)

### **6.34 Other Cabinet Members**

~~Other~~Cabinet Members shall be appointed annually by the Leader and will hold office until:

- a. they resign from office; or
- b. they are suspended from being a Councillor under Part 3 of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
- c. they are no longer a Councillor; or
- d. they are removed from office by the Leader who must give notice in writing of any removal to the Managing Director ~~Proper Officer~~. The removal will take effect two working days after the receipt of the notice by the Managing Director ~~Proper Officer~~.

#### **6.45 Responsibility for Functions**

The Leader notifies the Cabinet and Full Council which of the individual Cabinet Members, Committees of the Cabinet and employees or joint arrangements are responsible for the exercise of particular Cabinet functions.

#### **6.56 Responsibilities of Cabinet Members**

The current responsibilities of Cabinet Members are shown in Part 2.

#### **6.67** The purpose of the ~~roles and functions of the~~ Cabinet ~~are as follows:~~

- a. Responsibility for proposing, consulting on, developing, monitoring, reviewing and advising the Full Council on the budget and the policy framework.
- b. To be responsible for all decisions relating to the implementation of Council policy.
- c. Making decisions on expenditure provided they are within the budget set by the Full Council and in accordance with the Financial Regulations and may vary budgets within limits as decided from time to time.

The Cabinet is responsible for:

- d. Monitoring the lawful, proper and efficient conduct of the Council's financial affairs, including the extent to which budgets and financial policies are being and will be met, requiring or approving any remedial action to be taken where it considers it to be necessary and appropriate.
- e. Approving, monitoring and reviewing the Council's human resources policies.
- f. Approving, monitoring and reviewing the provision of services to the Council delivered by external or internal suppliers.
- g. Advising the Council on strategic matters in relation to corporate governance, community governance and community strategy.

- h. Monitoring and reviewing issues relating to area working.
- i. Carrying out all functions in respect of the organisation of schools under the Education and Inspections Act 2006 or any subsequent amending legislation.
- j. Exercising the Council's emergency functions in the event of a major emergency incident in the area, or in a neighbouring area, if it affects or might affect the residents, business or economy of the area, subject to the urgent action provisions being used as necessary.
- k. Making recommendations to the Full Council on any topic when directed by the Council.
- l. Discharge all operational functions of the Council except so far as specifically allocated to Full Council or any other Committee or Sub-Committee.

**6.87** The Council delegates its powers and duties to the Cabinet so far as it is necessary to discharge these responsibilities set out in Part 2.

~~6.9 — The Cabinet will conduct its meetings in accordance with the Cabinet Procedure Rules set out in Part 3.~~

**6.810** The Cabinet may carry out the functions set out in Article 6.67:

- a. Itself;
- b. Through a Committee of the Cabinet, which may co-opt other Councillors or persons who if so co-opted will not be voting members.
- c. By delegating its power to an individual Cabinet Member (subject to rules to be approved by Council from time to time - see Procedure for decision-Making by Individual Cabinet Members in Part 3).
- d. By delegating its power to an employee, who shall exercise that power in accordance with the scheme of delegation to employees set out in Part 2.
- e. For the purposes of this Constitution, decisions made by the Cabinet itself or by a Committee of the Cabinet are called Amber Decisions
- f. For the purposes of this Constitution, decisions made by an Individual Cabinet Member are called Green Decisions.

**6.419** a. From time to time, Full Council may appoint time limited cross party Steering —Groups whose role and remit will be to oversee a specific emerging subject —matter including consideration of policy, strategy and detail including regular — monitoring and scrutiny in accordance with approved Terms of Reference to ensure relevant targets and key milestones are met. The consideration of any recommendations of Steering Groups, including options appraisal,

must be formally reported to and approved by the Cabinet or appropriate Cabinet Panel.

- b. Steering Groups will discharge their responsibility for functions in accordance with the Full Council Meetings Procedure Rules set out in Part 3.

NB: Certain functions listed in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and any subsequent amendments of these Regulations cannot be exercised by the Cabinet.

### **6.1012 Urgent Decisions outside the Budget or Policy Framework**

An urgent decision which is contrary to the Policy Framework or budget adopted by the Council may be taken by the Cabinet if the Chair of the Scrutiny Board agrees that the decision is urgent. If no such Chair is available (or willing) then the Mayor or in his/her absence the Deputy Mayor may agree that it is urgent before a decision is taken.

### **6.113 Urgent Business**

Where an urgent decision on a matter delegated to the Cabinet is required but it is not feasible to arrange a meeting of the Cabinet, the appropriate Strategic Director in conjunction with the Head of Paid Service is authorised to take the appropriate urgent action provided that the action shall have first been discussed with and approved in writing by the Leader (or in the Leader's absence, the Deputy Leader) and two other Cabinet Members and the Chair and Vice-Chair of the Scrutiny Board or their nominees.

The written authorisation must include details of the proposal and the justification for the course of action. Expenditure must be within existing budgets. Any action taken under this rule must be reported to the next available meeting of the Cabinet for information. Such decisions will not be subject to the usual Call In procedures set out in Part 3, although they may be examined after implementation to determine whether the justification for the course of action was appropriate.

**Article 7 – Overview and ~~VERVIEW AND~~ Scrutiny ~~CRUTINY~~ Arrangements  
RRANGEMENTS**

7.1 Purpose ~~Terms of Reference~~

The Council will appoint a Scrutiny Board and Scrutiny Panels as set out below to discharge the functions conferred by section 21 of the Local Government Act 2000 and subsequent legislation, or regulations under Section 32 of the Local Government Act 2000, in relation to the matters indicated.

The Overview and Scrutiny Board is required to take an independent leadership role in the Council's aim of continuous improvement in the performance of its functions and to hold decision-makers to account.

**7.21.0 Scrutiny Board (Corporate)**

The leadership and co-ordination of the Council's scrutiny function will be the responsibility of the Overview and Scrutiny Board. The Board's terms of reference will be:

**1.1 — Scope**

~~The co-ordination of the work of the Scrutiny Panels, Scrutiny Review Groups, Member Champions and Scrutiny Inquiries. Scrutiny of the work of the Cabinet. To consider any call-ins received under the Council's call-in procedures. To consider petitions containing 2,500-4,999 signatures.~~

**1.2 Terms of reference**

- a When scrutinising the work of the Cabinet the Board will have the same terms of reference as the six Panels set out in paragraph 1.4 below.
- b To arrange for the consideration of forthcoming Executive Decisions published in accordance with the Access to Information Procedure Rules with a view to identifying issues for early discussion with the Cabinet and/or scrutiny prior to decisions being made.
- c The Board will oversee the operation of the [call-in mechanisms](#) with the Panels being responsible for hearing those call-ins related to their terms of reference. When the call-in relates to an overarching policy framework / budget issue or a matter that falls within the remit of more than one scrutiny panel it will default to the Scrutiny Board. Further, if the issue is considered to be of particular significance, either the Chair or Vice Chair of the Scrutiny Board can ask for it to come to the Board.
- d The Board will oversee the work programmes of Scrutiny Panels to avoid duplication of work and to ensure coherence of approach to cross-cutting policy themes. The Board may determine that one named Panel shall take lead responsibility for a cross-cutting policy theme or may determine that the work be shared between one or more named Panels.

## **Article 7 – Overview and Scrutiny Arrangements**

- e The Board will ensure coherence between the policy development work of the named Panels and their role in the consideration of reports received from external auditors and external regulatory Inspectors.
- f The Board will make recommendations to the Cabinet on the allocation of budgetary and employee resources held centrally for the purpose of supporting scrutiny work.
- g The Board will ensure that good practices and methods of working are shared between Panels and in particular will seek to optimise the inclusion of citizens, partners and stakeholders in the work of Scrutiny.
- h The Board will review or scrutinise non-Cabinet business and may make reports or recommendations to the Council. The Board will consider policy and due process and will not scrutinise individual decisions made by Regulatory or other Committees particularly those quasi-judicial decisions relating to development control, licensing etc which have been delegated by the Council. The Board will not act as an appeal body in respect of non-Cabinet functions.
- i The Board will consider and determine arrangements for the review and scrutiny of such Area Structures as the Council may establish under [Article 10](#) of the Constitution.
- j The Board will oversee the work of any Councillors appointed to act as lead members or ‘champions’ in respect of any specific priority tasks or areas of policy development identified by the Council.
- k The Board or another relevant scrutiny panel will consider any petition that contains 2,500-4,999 signatures with a view to making recommendations for action by employees or review by the Executive as appropriate.
- l The Board will undertake the tracking and monitoring of scrutiny review recommendations.
- m The Board will oversee the coordination of the budget scrutiny process.

### **1.3 Specific responsibilities**

The Board will have responsibility for scrutiny functions as they relate to:

- Combined Authority
- Future Customer
- Future Performance
- Communications

## **1.4 Corporate priorities**

All corporate priorities from:

- Place – Stronger economy
- People - Stronger communities
- Confident Capable Council

### **~~Cabinet Member(s)~~**

~~Leader of the Council  
Cabinet Member for Resources~~

### **~~Lead Officer(s)~~**

~~Managing Director  
Or Director of Governance~~

## **2.0 Confident Capable Council Scrutiny Panel (Corporate)**

### **2.1 Scope**

The scrutiny of organisation and performance of the human, financial, technical and material resources to support the delivery of Council services.

### **2.2 General responsibilities**

Constitution paragraph 26. Scrutiny procedural rules.

### **2.3 Specific responsibilities**

The Panel will have responsibility for scrutiny functions as they relate to:

- Strategic Financial Services
- Revenues and Benefits
- Strategic Procurement
- The HUB
- Audit
- Human Resources
- Corporate Administration
- Democracy
- Corporate Landlord
- Transformation
- ICT

### **2.4 Corporate priorities**

Future Council – Stronger Council ready and able to deliver change.

- Future People
- Future Works
- Future Practice
- Future Money
- Future Space

**~~Cabinet Member(s)~~**

~~Cabinet Member for Resources~~  
~~Cabinet Member for Governance~~  
~~Cabinet Member for City Assets~~

**~~Lead Officer(s)~~**

~~Director of Finance~~  
~~Director of Governance~~  
~~Service Director City Assets~~

**3.0 Adults and Safer City Scrutiny Panel (People)**

**3.1 Scope**

The scrutiny of:

- Services for older and vulnerable adults
- Local safeguarding arrangements for adults
- Crime and disorder in the city

**3.2 General responsibilities**

Constitution paragraph 26. Scrutiny procedural rules.

**3.3 Specific responsibilities**

The Panel will have responsibility for scrutiny functions as they relate to:

- Older people assessment and care management
- Financial support services
- Libraries and community hubs
- Independent living centre
- Commissioning older people
- Carers support
- All age disabilities (disabilities)
- All age disability (provision)
- Safeguarding and quality
- Community safety

**3.4 Corporate priorities**



## Article 7 – Overview and Scrutiny Arrangements

- Adults and children are supported in times of need  
Safeguarding people in vulnerable situations
- People and communities achieve their full potential  
Enabling communities to support themselves  
Keeping the city safe
- People live longer, healthier lives  
Promoting independence for older people  
Promoting independence for people with disabilities

### ~~Cabinet Member(s)~~

~~Cabinet Member for Adults~~

~~Cabinet Member for Public Health and Wellbeing~~

### ~~Lead Officer(s)~~

~~Service Director Older People~~

~~Service Director Disability and Health~~

## 4.0 Children, Young People and Families Scrutiny Panel (People)

### 4.1 Scope

The scrutiny of:

- Provision of all local authority services for children and young people including education, social care, special needs and play provision.
- Children's safeguarding
- Child sexual exploitation

### 4.2 General responsibilities

Constitution paragraph 26. Scrutiny procedural rules.

### 4.3 Specific responsibilities

The Panel will have responsibility for scrutiny functions as they relate to:

- Children in need/child protection
- Looked after children
- Early help 0-5
- Early help 5-18
- Youth offending
- Children's commissioning
- School planning and resources
- Standards and vulnerable pupils

#### **4.4 Corporate priorities**

- Adults and children are supported in times of need  
Strengthening families where children are at risk
- People and communities achieve their full potential  
Challenging and supporting schools to provide the best education for children and young people

#### **~~Cabinet Member(s)~~**

~~Cabinet Member for Children and Young People  
Cabinet Member for Education~~

#### **~~Lead Officer(s)~~**

~~Director of Education  
Service Director Children and Young People~~

#### **5.0 Health Scrutiny Panel (People)**

##### **5.1 Scope**

The scrutiny of health provision in accordance with the Health and Social Care Act 2001 and subsequent relevant legislation and Government guidance.

##### **5.2 General responsibilities**

Constitution paragraph 26. Scrutiny procedural rules.

##### **5.3 Specific responsibilities**

The Panel will have responsibility for scrutiny functions as they relate to:

- All health related issues, including liaison with NHS Trusts, Clinical Commissioning Groups, Health and Wellbeing Board and HealthWatch.
- All functions of the Council contained in the National Health Service Act 2006, to all regulations and directions made under the Health and Social Care Act 2001, the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002, the Health and Social Care Act 2012 and related regulations.
- Reports and recommendations to relevant NHS bodies, relevant health service providers, the Secretary of State or Regulators.
- Initiating the response to any formal consultation undertaken by relevant NHS Trusts and Clinical Commissioning Groups or other health providers or commissioners on any substantial development or variation in services.
- Participating with other relevant neighbouring local authorities in any joint scrutiny arrangements of NHS Trusts providing cross-border services.
- Decisions made by or actions of the Health and Wellbeing Board.
- Public Health – Intelligence and Evidence

## Article 7 – Overview and Scrutiny Arrangements

- Public Health – Health Protection and NHS Facing
- Public Health - Transformation
- Public Health – Commissioning
- Healthier City
- Mental Health
- Commissioning Mental Health and Disability
- Headstart Programme

### 5.4 Corporate priorities

- People live longer, healthier lives  
Promoting physical activity and healthier lifestyles  
Promoting Independence for older people  
Promoting independence for people with disabilities
- People and communities achieve their full potential  
Enabling communities to support themselves (Disability and Mental Health)

### ~~Cabinet Member(s)~~

~~Cabinet Member for Public Health and Wellbeing~~

### ~~Lead Officer(s)~~

~~Service Director Public Health and Wellbeing~~

~~Service Director Disability and Mental Health~~

## 6.0 Stronger City Economy Scrutiny Panel (Place)

### 6.1 Scope

The scrutiny of policies to attract and retain new businesses and employment in the context of sustainable economic and environmental regeneration.

### 6.2 General responsibilities

Constitution paragraph 26. Scrutiny procedural rules.

### 6.3 Specific responsibilities

The Panel will have responsibility for scrutiny functions as they relate to:

- Enterprise and skills
- City Development
- Visitor Economy
- Adult and Cultural Learning
- Economic Inclusion
- Service Development

### 6.4 Corporate priorities

## Article 7 – Overview and Scrutiny Arrangements

- An environment where new and existing businesses thrive  
Developing a vibrant city  
Supporting businesses, encouraging enterprise and attracting inward investment
- People develop the skills to get and keep work  
Improving our critical skills and employability approach

### ~~Cabinet Member(s)~~

~~Cabinet Member for City Economy~~

### ~~Lead Officer(s)~~

~~Service Director City Economy~~

## 7.0 Vibrant and Sustainable City Scrutiny Panel (Place)

### 7.1 Scope

The scrutiny of:

- Vibrant sustainable communities where people feel proud to live
- Keeping neighbourhoods, city infrastructure and the environment clean
- Improving city housing
- Cultural and leisure services

### 7.2 General responsibilities

Constitution paragraph 26. Scrutiny procedural rules.

### 7.3 Specific responsibilities

The Panel will have responsibility for scrutiny functions as they relate to:

- Operational Services
- Public Realm
- Commercial Services
- Regulatory Services (policy)
- City Housing
- Planning (policy)
- Strategic Transport
- Keeping the city clean
- Keeping the city moving
- Improving the city housing offer
- Strategic asset management

### 7.4 Corporate priorities

## Article 7 – Overview and Scrutiny Arrangements

- An environment where new and exciting businesses thrive:  
Developing a vibrant city
- People live longer, healthier lives:  
Promoting physical activity and healthier lifestyles

### **Cabinet Member(s)**

~~Cabinet Member for City Environment~~  
~~Cabinet Member for City Assets~~

### **Lead Officer(s)**

~~Service Director City Environment~~  
~~Service Director City Assets~~

## 7.2 General Role of the Scrutiny Board and Scrutiny Panels

Within the terms of reference set out in the Overview and Scrutiny Procedure Rules in Part 3 the Scrutiny Board will:

- (a) Co-ordinate the work of the Scrutiny Panels and Scrutiny Review Groups.
- (b) Receive reports from the Member Champion every six months and give consideration to the work undertaken and issues that the Member Champion wishes scrutiny to consider investigating further.
- (c) Maintain regular dialogue with the Cabinet on service improvement, performance management of cross-cutting issues, policy development and budgetary provision.
- (d) Oversee and ensure access to appropriate learning and development for scrutiny Councillors.
- (e) Discharge the call-in procedures relevant to its overarching role.

The Scrutiny Panels will:

- (a) Maintain regular dialogue with the Cabinet, Scrutiny Board and Member Champion.
- (b) Ensure that members of the public and stakeholders are informed of and involved in issues within the remit of each Panel.
- (c) Discharge the call-in procedure relevant to their terms of reference.

## 7.3 Proceedings of the Scrutiny Board and Scrutiny Panels

The Scrutiny Board and Scrutiny Panels will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part ~~43~~.

**7.4 Annual Report**

- a. The Scrutiny Board will present an annual report to the Council.
- b. The Annual Report will contain information on the work done by the committee over the past year and recommendations for work to be done in the year to come.

**7.54 Designation of Scrutiny Officer**

~~Section 31 of the Local Democracy, Economic Development and Construction Act 2009 requires that the Council designates an officer, known as the ‘Scrutiny Officer’, to discharge the following functions: The Head of Governance is designated as the Council’s Statutory Scrutiny Officer whose function is:~~

- a. to promote the role of the authority's overview and scrutiny committee or committees;
- b. to provide support to the authority's overview and scrutiny committee or committees and the members of that committee or those committees;
- c. to provide support and guidance to—
  - (i) members of the authority,
  - (ii) members of the executive of the authority, and
  - (iii) officers of the authority,

in relation to the functions of the authority's overview and scrutiny committee or committees.

~~The Council’s designated Scrutiny Officer is the Group Manager—Democracy.~~



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**Article 8 – Regulatory and Other Committees**

**8.1 Regulatory and Other Committees**

- a. The Annual Council meeting will appoint the following Regulatory and other Committees:-

The Planning Committee  
The Licensing Committee  
The Pensions Committee  
The Standards Committee  
The Audit Committee  
Appeals Panel

- b. These Committees will discharge their responsibility for functions in accordance with Part 2 and also in accordance with the Full Council Meetings Procedure Rules set out in Part 3.

**8.2 Health and Wellbeing Board**

- a. Following restructure of the NHS in England, local leadership for public health transferred to the Council from 1 April 2013 together with new statutory and other public health responsibilities set out in the Health and Social Care Act 2012.

- b. In summary, the leadership role of the Council involves:

- Taking action to improve health, tackling the causes of ill-health, and reducing health inequalities.
- Promoting and protecting health.
- Promoting social justice.

- c. The Council is responsible for the five mandated services listed below and a range of other services under the 2012 Act:

- Population healthcare advice to the NHS.
- The National Child Measurement Programme.
- NHS health check assessments.
- The Local Authority role in dealing with health protection incidents, outbreaks and emergencies.
- Comprehensive sexual health services (including testing and treatment for sexually transmitted infections, contraception outside of the GP contract and sexual health promotion and disease prevention).

- d. The Council is supported in this work by Public Health England.

## ***Article 8 – Regulatory and Other Committees***

- e. The Council has established, in accordance with legislation, a Health and Wellbeing Board in conjunction with partner organisations to have leadership responsibility for a number of key partnership areas including oversight of Public Health arrangements, local Healthwatch, assessment of local need, health promotion, health improvements, joint commissioning and local safeguarding arrangements across both adults and children.
  
- f. The Health and Wellbeing Board will discharge its responsibility for functions in accordance with its Terms of Reference set out in Part 2 and in accordance with the Full Council Meetings Procedure Rules set out in Part 3.

~~Article 9—STANDARDS OF CONDUCT~~

~~9.1—Code of Conduct For Councillors~~

~~a.—The Council has resolved to include the Ten General Principles of Public Life as a preamble to the Code of Conduct for Councillors which is set out in Part 3. These principles define the standards that Councillors should uphold and serve as a reminder of the purpose of the Code of Conduct.~~

~~b.—The Ten General Principles of Public Life~~

~~Selflessness—Councillors should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.~~

~~Honesty and integrity—Councillors should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour.~~

~~Objectivity—Councillors should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.~~

~~Accountability—Councillors should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.~~

~~Openness—Councillors should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.~~

~~Personal judgement—Councillors may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.~~

~~Respect for others—Councillors should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's Statutory Officers and its other employees.~~

~~Duty to uphold the law—Councillors should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.~~

~~Stewardship—Councillors should do whatever they are able to do to ensure that their authorities use their resources prudently, and in accordance with the law.~~

~~Leadership—Councillors should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.~~

**~~9.2—Code of Conduct For Employees~~**

- ~~a.—The Council has also introduced a Code of Conduct for Employees which is set out in Part 3.~~
- ~~b.—The public is entitled to expect the highest standards of conduct from all employees who work for local government. This Code outlines existing laws, regulations and conditions of service to assist employees in their day-to-day work. The Code is produced in the light of the challenges that employees face in the new and more commercially orientated environment.~~
- ~~c.—The aim of the Code is to lay down guidelines for local government employees which will help maintain and improve standards and protect employees from misunderstanding or criticism. The Code is based upon a standard code approved by the local authority associations.~~
- ~~d.—The Code applies to all local government employees in Wolverhampton.~~
- ~~e.—Inevitably some of the issues covered by the Code will affect senior, managerial and professional employees more than it will others. The Code is intended to cover all employees under a contract of employment within the Council, including office holders such as registrars.~~



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**Article 10 – THE LOCAL PARTNERSHIP AND LOCAL NEIGHBOURHOOD  
PARTNERSHIPS**

**10.1 Local Partnership**

- a. The Wolverhampton Partnership, the City's Local Partnership, comprises organisations from across the public sector, businesses and voluntary and community sectors who work together to ensure shared priorities for the City are achieved.
- b. Its aim to bring together the commitment, resources, energy and skills of the City's organisations, groups and communities to achieve our shared vision and goal: to improve the prosperity and quality of life for local people and revitalise our City. Its main purpose is to work together to achieve the City Strategy priorities and objectives, to raise the City's profile and image, and to involve communities and residents in influencing how services are delivered and improved.
- c. It is vital that everyone benefits from the City Strategy, including the most vulnerable people in the community.

**10.2 Area Structures**

The Council may appoint area structures (which may be known by other titles) as it thinks fit.

**10.3 Form, Composition and Function**

- a. The Council and its partners have established 14 Area Structures known as Local Neighbourhood Partnerships to cover the neighbourhoods as indicated below:

- Bilston East
- Bilston North
- Ettingshall
- Bantock
- Heathfield Park
- Low Hill and the Scotlands
- Wednesfield and Fallings Park
- Whitmore Reans
- East Park
- Oxley and Bushbury North
- Springvale
- Tettenhall
- Blakenhall
- Penn

- b. Each Area Structure will approve its own internal arrangements that best reflect the needs of its area although for consistency across the 14 LNP's a

**Article 10 – Local Partnership  
and Local Neighbourhood Partnerships**

~~———— common governance framework and Terms of Reference will be adopted.~~

~~———— This will generally comprise:~~

- ~~• A Core Group meeting at least quarterly~~
- ~~• A wider Forum which will meet as determined locally.~~

~~c. ——— The City Council will determine the level of funding for:-~~

~~————— delegated budgets for small projects/grants; and~~

~~————— support for work and development of Local Neighbourhood Partnerships~~

~~10.4 — Access to Information~~

~~Area structures will comply with the Access to Information Rules in Part 3. Agendas and notices for area structure meetings which deal with both functions of the Cabinet and functions which are not the responsibility of the Cabinet will state clearly which items are which.~~



***Article 10 – Local Partnership  
and Local Neighbourhood Partnerships***

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**Article ~~911~~ – ~~Joint~~ ~~Arrangements~~ ~~RRANGEMENTS~~**

**11.1 Arrangements to Promote Wellbeing**

The Cabinet, in order to promote the economic, social or environmental well-being of its area may:

- a. enter into arrangements or agreements with any person or body;
- b. co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- c. exercise on behalf of that person or body any functions of that person or body.

**11.2 Joint Arrangements**

- a. The Council may establish joint arrangements with one or more local authorities to exercise functions which are not Cabinet functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a Joint Committee with these other local authorities.
- b. The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are Cabinet functions. Such arrangements may involve the appointment of joint committees with these other local authorities.

Except as set out below the Cabinet may only appoint Cabinet Members to a Joint Committee and those Councillors need not reflect the political composition of the Council as a whole.

The Cabinet may appoint Councillors to a Joint Committee from outside the Cabinet in the following circumstances:

- the Joint Committee has functions for only part of the area of the authority and that area is smaller than two fifth of the authority by areas or population. In such cases the Cabinet may appoint to the Joint Committee any Councillor who is a Councillor for a Ward which is wholly or partly contained within the area;
  - the Joint Committee is discharging a function in relation to five or more authorities;
  - the function which the Joint Committee is discharging is a function which is required by statute to be discharged by a Joint Committee;
  - political balance requirements do not apply to such appointments.
- c. Details of any joint arrangements including delegations to Joint Committees will be found in the Council's scheme of delegations in Part 2 of this Constitution.

**11.3 Access to Information**

The Access to Information Rules in Part ~~43~~ apply to Joint Arrangements.

**11.4 Delegation to and from Other Local Authorities**

- a. The Council may delegate functions to another local authority or, in certain ———circumstances, the Cabinet of another local authority.
- b. The Cabinet may delegate Cabinet functions to another local authority or the Cabinet of another local authority in certain circumstances.
- c. The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting except where it relates to pensions when it shall be reserved to the Pensions Committee.

**11.5 Contracting Out**

The Council in respect of non-Cabinet functions and the Cabinet in respect of Cabinet functions may contract out to another body or organisation functions which may be exercised by an employee and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

Article 102 – Employees ~~MPLOYEES~~

12.1 Management structure

~~a.~~ a. **General.**

The ~~Full~~ Council may engage such employees as it considers necessary to carry out its functions.

b. **Senior Management Chief Officers**

The Council will engage persons for the following posts, who will be designated Senior Managers~~chief officers.~~

<u>Post</u>	<u>Functions and areas of responsibility</u>
<u>Managing Director</u>	<ul style="list-style-type: none"> <li>• <u>Governance</u></li> <li>• <u>Education</u></li> <li>• <u>People</u></li> <li>• <u>Place</u></li> <li>• <u>Commercial Services</u></li> <li>• <u>Corporate Services</u></li> <li>• <u>Service Improvement</u></li> <li>• <u>West Midlands Transport</u></li> <li>• <u>West Midlands Pension Fund</u></li> <li>• <u>Communications</u></li> </ul>
<u>Deputy Managing Director and Strategic Director, Place</u>	<ul style="list-style-type: none"> <li>• <u>City Economy</u></li> <li>• <u>City Environment</u></li> <li>• <u>Corporate Landlord</u></li> <li>• <u>Future Space</u></li> </ul>
<u>Director of Finance</u>	<ul style="list-style-type: none"> <li>• <u>Section 151 Officer</u></li> <li>• <u>Audit Services</u></li> <li>• <u>Medium Term Financial Planning</u></li> <li>• <u>Strategic Financial Advice and Support</u></li> <li>• <u>Technical Accounting and Reporting</u></li> <li>• <u>Financial Modelling</u></li> <li>• <u>Treasury Management</u></li> <li>• <u>Agresso Business</u></li> </ul>
<u>Director of Governance</u>	<ul style="list-style-type: none"> <li>• <u>Monitoring Officer</u></li> <li>• <u>Human Resources</u></li> <li>• <u>Democratic Services</u></li> <li>• <u>Legal Services</u></li> <li>• <u>Corporate Administration</u></li> <li>• <u>Licencing Services</u></li> </ul>
<u>Strategic Director of People</u>	<ul style="list-style-type: none"> <li>• <u>Children and Young People</u></li> <li>• <u>Adult Social Care</u></li> <li>• <u>Public Health and Well Being</u></li> <li>• <u>Safeguarding - Adults and Children</u></li> <li>• <u>People Directorate Commissioning</u></li> <li>• <u>Strategic Finance</u></li> <li>• <u>The Hub</u></li> <li>• <u>Revenue and Benefits</u></li> </ul>

	<ul style="list-style-type: none"> <li>• <u>Procurement</u></li> <li>• <u>Customer Services</u></li> <li>• <u>ICT Services</u></li> <li>• <u>Digital Transformation Programme</u></li> </ul>
<u>Director of Education</u>	<ul style="list-style-type: none"> <li><u>School Standards</u></li> <li>• <u>School Planning and Resources</u></li> <li>• <u>School Governance</u></li> <li>• <u>School Admissions</u></li> <li>• <u>Home to School Transport</u></li> <li>• <u>Traded Services for Schools</u></li> <li>• <u>Post 16 Education Pro</u></li> </ul>

The Senior Management Chief Officers are members of the Council’s Strategic Executive Board and share responsibility for proper governance; effective performance and financial management; the improvement of services and the achievement of Value-for-Money.

The Strategic Executive Board is supported by Service Directors. Service Directors provide operational leadership across all service areas and are accountable to the Strategic Executive Board for delivery.

The Director for Pensions arranges for the Council’s responsibilities to manage the West Midlands Authorities Pension Fund to be discharged. This includes the investment and general management of the fund and to provide services to the West Midlands Combined Authority. West Midlands Integrated Transport Authority Pension Fund.

The Black Country Service Director - City Assets works with the transport teams across each of the four local authorities to ensure a joined-up approach aimed at increasing the region’s capability to bid for funding and developing the capacity for effective regeneration and economic development from future projects and schemes.

bc. **Statutory Posts**

Head of Paid Service, Monitoring Officer and Section 151 Officer.–The Council will designate the following statutory posts as shown below:

<b>Post</b>	<b>Designation</b>
Managing Director	Head of Paid Service
Director of Governance	Monitoring Officer
Director of Finance	Section 151 Officer
<u>Director of Children’s Services</u>	<u>Director of Children’s Services</u>

<u>Director of Adult's Social Care</u>
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<u>Director of Adult Services</u>
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These posts will have the functions described in Articles 12.2 – 12.4 below in addition to responsibility for the functions undertaken by the Service Group(s) which they manage.

- c. The Head of Paid Service will determine and publicise a description of the overall structure of the Council showing the Management structure and deployment of employees. Link to senior management structure ~~This is set out in Part 3.~~

## 12.2 Functions of the Head of Paid Service

- a. **Discharge of functions by the Council.** The Head of Paid Service will report to Full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of employees required for the discharge of functions and the organisation of employees.
- b. **Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Section 151 Officer if a qualified accountant.

## 12.3 Functions of the Monitoring Officer

- a. **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for ~~consultation~~ inspection by Councillors, employees and the public.
- b. **Ensuring lawfulness and fairness of decision making.** After consulting with the Head of Paid Service and Section 151 Officer, the Monitoring Officer will report to the Full Council or to the Cabinet in relation to a Cabinet function if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- c. **Supporting the Standards Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- d. **Receiving Reports** ~~pt.~~ The Monitoring Officer will receive, ~~assessment,~~ assessment, ~~referral~~ and ~~determination of~~ complaints that Councillors have not complied with the Code of Conduct
- e. **Conducting investigations.** The Standards Committee or the Monitoring Officer will conduct investigations into matters referred by Ethical Standards Officers and make reports or recommendations in respect of them to the Standards Committee.

- f. **Proper Officer for access to information.** The Monitoring Officer will ensure that Cabinet decisions, together with the reasons for those decisions and relevant reports and background papers are made publicly available as soon as possible.
- g. **Advising whether Cabinet decisions are within the budget and policy framework.** The Monitoring Officer will advise whether decisions of the Cabinet are in accordance with the budget and policy framework.
- h. **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors.
- i. **Restrictions on posts.** The Monitoring Officer cannot be the Section 151 Officer or the Head of Paid Service.

#### **12.4 Functions of the Section 151 Officer**

- a. **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Section 151 Officer will report to the Full Council or to the Cabinet in relation to a Cabinet function and the Council's External Auditor if it is considered that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- b. **Administration of financial affairs.** The Section 151 Officer will have responsibility for the administration of the financial affairs of the Council.
- c. **Contributing to corporate management.** The Section 151 Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- d. **Providing advice.** The Section 151 Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors and will support and advise Councillors and employees in their respective roles.

#### **12.5 Duty to Provide Sufficient Resources to the Monitoring Officer and Section 151 Officer**

The Council will provide the Monitoring Officer and Section 151 Officer with such employees, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.



**12.6 Conduct**

Employees will comply with the Employees' Code of Conduct and the Protocol on Councillor/Employee Relationships set out in Part ~~53~~.

**12.7 Employment**

The recruitment, selection and dismissal of employees will comply with the Employee Employment Procedure Rules set out in Part ~~43~~.



## Article 13 – Decision Making

### 13.1 Responsibility for Decision Making

The Council will issue and keep up to date a record which describes which part of the Council or individual has responsibility for particular types of decision or decisions relating to particular areas or functions. This record is set out in Part 3.

### 13.2 Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:

- a. proportionality i.e. the action must be proportionate to the desired outcome;
- b. due consultation - including the taking of professional advice from employees;
- c. respect for human rights;
- d. a presumption in favour of openness;
- e. clarity of aims and desired outcomes;
- f. due consideration to alternative options;
- g. ~~provision of the~~ accountability i.e., giving reasons for the decision (providing that this does not involve a breach of confidentiality);
- h. to take into consideration financial, legal, equalities and risk implications.

### 13.3 Types of Decision

- a. Key decisions.

A key decision is a Cabinet decision which is likely:

to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates or

to be significant in terms of its effects on communities living or working in an area comprising two or more Wards in the area of the local authority.

- b. A decision maker may only make a key decision in accordance with the requirements of the Cabinet Procedure Rules set out in Part 3.

**Note:** The Council has determined that expenditure or savings in excess of £250,000 will be deemed significant. This figure will be reviewed by the Council from time to time.

Key decisions may not be taken by an individual Cabinet Member.

- c. Decisions relating to the functions listed in Article 4.2 will be made by the Full Council only and not delegated. These are known as Red Decisions.
- d. Decisions relating to the functions listed in the delegations to the Cabinet and Cabinet Panels are referred to in Part 32. These are known as Amber Decisions.
- e. Decisions of individual Cabinet Members relating to their individual Cabinet responsibilities and are listed in Part 32. These are known as Green Decisions.
- ~~f. Decisions of individual Cabinet Members in conjunction with Designated Officers in respect of matters which have been delegated to them by the Cabinet. All such decisions must be reported back to the Cabinet as soon as it is practicable as evidence that the decision has been made.~~

~~(Note: A key decision may not be taken unless, at the time of making that decision, the matter is included in the Forward Plan.)~~

#### **13.4 Decision making by the Council**

Decision making by the full Council will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.

#### **13.5 Decision making by the Cabinet**

The Cabinet will follow the Cabinet Procedures Rules set out in Part 4 of this Constitution when considering any matter.

#### **13.6 Decision making by the Scrutiny Board and Panels**

The Scrutiny Board and Panels will follow the Overview and Scrutiny Procedures Rules set out in Part 4 of this Constitution when considering any matter.

#### **13.7 Decision making by Other Committees and Sub-Committee**

Other Council committees and sub-committees will follow those parts of the Council Procedures Rules set out in Part 4 of this Constitution as apply to them.

#### **13.84 Decision Making by Council Bodies acting as Tribunals**

The Council, a Councillor or an employee acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

### **13.95 Urgent Decisions**

The Cabinet and Regulatory and other Committees may in exceptional circumstances make urgent decisions.

The procedure for making urgent decisions by the Cabinet is set out in Article 6 and by Regulatory and other Committees in Part 7 of Part 2.



**Article 12 - Finance, Contracts and Legal Matters**

**14.1 Financial Management**

The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Part 5 of this Constitution.

**14.2 Contracts**

Contracts made by the Council will comply with the Contracts Procedure Rules set out in Part 5 of this Constitution.

**14.3 Legal Proceedings**

The Director of Governance is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where he or she considers that such action is necessary to protect the Council's interests.

**14.4 Authentication of Documents**

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Director of Governance or other person authorised by the Director of Governance ~~him or her~~, unless any enactment otherwise authorises or requires.

**14.5 Common Seal of the Council**

The Common Seal of the Council will be kept in a safe place in the custody of the Director of Governance. A decision of the Council, or of any properly constituted body of the Council, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Director of Governance should be sealed. The affixing of the Common Seal will be attested by the Authorised Officer i.e. the Director of Governance or some other person authorised by him/her.

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**Article 15 - ~~Review~~ ~~and~~ ~~Revision~~ ~~of~~ ~~the~~ ~~Constitution~~**

**15.1 Duty to Monitor and Review the Constitution**

- a. The Monitoring Officer

The Monitoring Officer

-will monitor and review the operation of the Constitution to ensure that its aims and principles are given full effect.

- b. Protocol for monitoring and review of constitution by Monitoring Officer

A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1.

**15.2 Changes to the Constitution**

Changes to the constitution will only be approved ~~only~~ by ~~the~~ Full Council after consideration of the proposal by the Monitoring Officer, the Constitution Review Group and the Special Advisory Group.

**15.3 Constitution Review Group**

The Constitution Review Group comprising the Monitoring Officer and other relevant employees will assist in monitoring, reviewing and proposing changes to the Constitution above for consideration by the Special Advisory Group and Full Council.

***Article 15 –Review and Revision of the Constitution***

**Article 16 - Suspension, Interpretation and Publication of the Constitution**

**Article 16 - ~~Suspension~~USPENSION, ~~Interpretation~~INTERPRETATION AND ~~Pand Publication~~UBLICATION ~~of OF~~ ~~the~~THE ~~Constitution~~ \_\_\_\_\_  
CONSTITUTION**

**16.1 Suspension of the Constitution**

The Articles of this Constitution may not be suspended. The Rules may be suspended to the extent permitted within those Rules and the law.

**16.2 Interpretation**

- a. Except as provided below, the ruling of the Monitoring Officer as to the interpretation of this Constitution will be final.
- b. In relation to Proceedings of Full Council, the ruling of the Mayor as to the construction and application of the Constitution shall not be challenged at any meeting.

**16.3 Publication**

The Monitoring Officer will:

- a. ~~The Monitoring Officer will provide upon request a printed copy of this Constitution to each Councillor of the authority upon delivery to him/her of that individual's declaration of acceptance of office on the Councillor first being elected to the Council.~~ provide access to the Constitution to each member of the authority upon delivery to him or her of that person's declaration of acceptance of office as the member first being elected to the Council;
- b. ~~The Monitoring Officer will~~ ensure that copies of the Constitution are available for inspection at the Council's Civic Centre offices and will be made available on the Council's website and can be purchased by members of the local press and the public on payment of a reasonable fee.
- c. ~~The Monitoring Officer~~ will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.

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## Schedule 1: DESCRIPTION OF CABINET ARRANGEMENTS

The following parts of this Constitution constitute the Cabinet arrangements:

1. Article 6 (The Cabinet) and the Cabinet Procedure Rules;
2. Article 7 (Overview and Scrutiny Arrangements) and the Overview and Scrutiny Procedure Rules;
- ~~3. Article 10 (The Local Partnership and Local Neighbourhood Partnerships) to the extent to which functions have been delegated to them by the Cabinet;~~
4. Article 11 (Joint Arrangements) to the extent to which functions have been delegated by the Cabinet;
5. Article 13 (Decision Making) and the Access to Information Procedure Rules contained in Part 3;
6. Part 2 (Responsibility for Functions).

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## **Responsibility for Functions ~~ESPONSIBILITY FOR FUNCTIONS~~**

### **1. Introduction ~~NTRODUCTION~~**

1.1 The Local Authorities (Functions and Responsibilities) (England) Regulations (as amended) give effect to section 13 of the Local Government Act 2000 by specifying:-

- which functions are not to be the responsibility of the Cabinet;
- which functions may (but need not) be the responsibility of the Cabinet (local choice functions);
- which functions are to some extent the responsibility of the Cabinet ;
- all other functions not so specified are to be the responsibility of the Cabinet.

1.2 The following pages set out:

- those functions which are the responsibility of the Cabinet and where those functions have been delegated to a Cabinet Panel;
- when an individual Cabinet Member may make a decision under delegated responsibility and when a decision should be reserved to the Cabinet;
- those functions which are not the responsibility of the Cabinet and how those functions have been retained by the full Council or delegated to a Regulatory or other Committee of the Council. Regulatory or other Committees of the Council are variously titled as shown but are "Committees of the Council" for the purposes of the Local Government Acts;
- those functions which are delegated to employees.

**1. Delegations to the ~~ELEGATIONS TO THE~~ Cabinet ~~ABINET~~  
~~Individual NDIVIDUAL- and AND Collective OLLECTIVE-Decision ECISION~~  
Making ~~AKING~~**

All Cabinet Members share collective responsibility for the proper discharge of Council functions. The Cabinet Procedure Rules in Part 3 specify how and whom Cabinet decisions may be made.

Individual Cabinet Members are empowered to make Individual Executive Decisions (known as 'green decisions') in respect of their area of responsibility, subject to consultation with the appropriate senior officer (director or head of service). The exceptions to those delegations are:

- (1) Those decisions delegated to an employee under the Constitution, unless the employee refers the decision to the Cabinet Member.
- (2) Those decisions reserved to the Council, a Committee of the Council or some other body under the Local Authority Financial Regulations.
- (3) Expenditure over £250,000, unless the expenditure is the subject of a specific delegation from the Cabinet to the individual Cabinet Member.
- (4) A decision or recommendation changing or proposing strategy or policy.
- (5) A decision that has a significant impact on the way the Council operates or will operate.
- (6) A decision that is a departure from any agreed corporate objective.
- (7) Where the Leader (before a decision is taken) requires that decision to be taken collectively by the Cabinet.\*
- (8) A decision that any Cabinet Member has asked to be taken collectively by the Cabinet (before the decision is taken).\*
- (9) A decision in which the Cabinet Member has either a personal or prejudicial interest, or a conflict of interest.

\*Notification by the Leader or Cabinet Member must be to the Director of Governance.

In making a decision, a Cabinet Member must take into account professional, legal and financial implications, and any advice given by the senior officer.

If any senior officer gives advice that the decision should fall within one of the exceptions listed above, or that the matter should not be the subject of an Individual Executive Decision, then the matter shall be a decision for the Cabinet.

Where responsibility for an Individual Executive Decision is unclear, the Leader shall decide. If the appropriate Cabinet Member is unavailable and a decision needs to be taken urgently, the Leader may take the decision in consultation with the Head of Paid Service.



Every Individual Executive Decision will be published on the Council's website as soon as it is notified to the Democratic ~~Servicesupport~~ team. A schedule of such decisions will be notified to the next meeting of the Cabinet (Resources) Panel for information. Copies of decision reports will be open for inspection in accordance with the Access to Information Rules in Part 3 of this Constitution.

The following pages set out the various functions delegated to the Cabinet and identify the individual Cabinet Members with lead responsibility.

## 1.0 Cabinet Portfolio: The Leader of the Council

### Policy Areas

#### Corporate strategy

#### 1.1 Corporate strategy

4.41.2 City partnership

4.21.3 International, national, regional and sub-regional leadership

4.31.4 Combined Authority

4.41.5 Public Service Reform

4.51.6 Transformation

4.61.7 Performance management

4.71.8 Communications, marketing and branding

1.98 Emergency response lead

1.109 New communities and migration

#### 1.11 Chair of Health & Wellbeing Board

## 2.0 Cabinet Portfolio: Cabinet Member for Resources

### Policy Areas

2.1 Medium term financial planning

- a capital strategy (including schools)
- b budget development process
- c treasury management strategy

2.2 Creation of wholly owned companies and joint ventures

2.3 Housing benefits and council tax benefits

2.4 Council tax and business rates

2.5 Income generation

2.6 Procurement

2.7 Customer services

- 2.8 ICT
- 2.9 Channel shift
- 2.10 Audit
- 2.11 Corporate risk
- 2.12 Future Space Programme

2.13 Electoral Registration & Elections

**3.0 Cabinet Portfolio: Cabinet Member for Governance**

**Policy Areas**

- 3.1 Legal and governance
- 3.2 Human resources strategy
- 3.3 Organisation development strategy
- 3.4 Democratic services, scrutiny ~~and Mayoralty~~, councillor support
- 3.5 Registrars
- 3.6 Information governance
- 3.7 ~~Electoral registration~~ Mayoralty
- 3.8 Health and safety
- 3.9 Equalities
- 3.10 Business support
- 3.11 YOO Recruit
- 3.12 Complaints and feedback

#### **4.0 Cabinet Portfolio: Cabinet Member for Education**

##### **Policy Areas**

- 4.1 School standards and attainment
- 4.2 School governance
- 4.3 School place planning ~~and~~
- ~~4.4~~ School admissions
- ~~4.54~~ Home to school transport
- ~~4.65~~ School asset management
- ~~4.76~~ Traded services for schools
- ~~4.87~~ Post 16 Education provision
- ~~4.98~~ University and College education provision
- ~~4.9~~ ~~Adult Education~~

#### **5.0 Cabinet Portfolio: Cabinet Member for Children and Young People**

##### **Policy Areas**

- 5.1 Prevention of child sexual exploitation
- 5.2 Children's safeguarding
- 5.3 Corporate parenting
- 5.4 Children in need (including troubled families, looked after children & children with special educational needs and/or ~~with~~ disabilities)
- 5.5 Early years
- ~~5.6~~ Early intervention and prevention
- ~~5.76~~ Children and young people partnership working (including Youth Zone)
- ~~5.78~~ Youth offending
- ~~5.98~~ Children and young people's mental health
- ~~5.109~~ Primary link for children and young people's health

5.1~~10~~ Children's care commissioning & user engagement

## **6.0 Cabinet Portfolio: Cabinet Member for Adults**

### **Policy Areas**

6.1 Social care for older people, disabilities and mental health

6.2 Adult safeguarding

6.3 Carer support

6.4 Welfare rights

6.5 Primary link for adult's health

~~6.6~~ [Wolverhampton Information Network](#)

~~6.6~~ [Community hubs and Libraries](#)

~~6.7~~ [Wolverhampton Information Network](#)

6.7~~8~~ Better Care Fund and Care Act responses

6.9 Quality and Care provision monitoring

6.10 Adult care commissioning & user engagement

## **7.0 Cabinet Portfolio: Cabinet Member for Public Health and Wellbeing**

### **Policy Areas**

~~7.1~~ [Chair of Health & Wellbeing Board](#)

7.1~~2~~ Public health

7.2~~3~~ Health protection and public engagement

7.3~~4~~ Vaccination and immunisation

7.4~~5~~ Health visiting [& School Nursing](#)

7.5~~6~~ Sports development

7.7~~6~~ Community safety & community cohesion

7.7~~8~~ Resilience and business continuity

**8.0 Cabinet Portfolio: Cabinet Member for City Assets and Housing**

**Policy Areas**

~~8.1 City housing~~

~~8.2 Homelessness~~

~~8.3 Strategic Transportation~~

~~8.4 Planning~~

~~8.5 Building control~~

~~8.6 Development control~~

~~8.7 Corporate landlord~~

~~8.9 Facilities management~~

8.1 City housing development strategy

8.2 City Housing Company

8.3 City Private Sector Housing

8.4 City Social/Affordable Housing

8.5 City Homelessness

8.6 City Strategic Asset Plan (inc schools)

8.7 City Asset Management Plan (incl schools)

8.8 Corporate landlord – Assets (incl schools)

8.9 Corporate landlord – Facilities Management

8.10 Corporate landlord – Projects and Works

**9.0 Cabinet Portfolio: Cabinet Member for City Economy**

**Policy Areas**

9.1 City development

9.2 Skills and employability

9.3 City Planning, including policy, development control, building control

~~9.43~~ Supporting City businesses

~~9.54~~ Inward investment

~~9.65~~ Visitor economy

~~9.6~~ External funding

9.7 City marketing (~~Making it Happen brand~~)

9.8 Sustainability

9.9 Voluntary Sector liaison

9.10 Partnership working with University and College to deliver the City skills and Employment action plan~~develop skills and business agenda~~

9.12 Economic growth and inclusion partnerships

9.13 Adult Education

9.14 Community Hubs and Libraries

**10.0 Cabinet Portfolio: Cabinet Member for City Environment**

**Policy Areas**

- 10.1 WV Active
- 10.2 Waste management strategy
- 10.3 Street cleansing
- 10.4 Grounds maintenance, parks operations, country parks operations
- 10.5 ~~Strategic Transportation and Operational Transportation including highways management and maintenance~~  
~~Operational transportation and highways management~~
- 10.6 Public protection and consumer protection
- 10.7 Licensing
- 10.8 Parking Services
- 10.9 Markets
- ~~10.10 Sustainability~~
- 10.104 Fleet management
- 10.112 Bereavement



## 2. DELEGATIONS TO THE CABINET

	<b>Cabinet Member(s) with lead responsibility</b>
<b>1. ORGANISATION AND CO-ORDINATION</b>	
1.1 To organise the work of the Council and to advise the Council on the number, scope and functions of and delegations to Cabinet Panels, Cabinet Members, Regulatory or other Committees, Area Committees and Forums, the Scrutiny Board and Scrutiny Panels.	<b>Leader</b>
1.2 To appoint and remove from office the Deputy Leader and Cabinet Members.	<b>Leader</b>
1.3 To advise the Council on membership of Cabinet Panels, Regulatory or other Committees, Area Committees and Forums and the Scrutiny Board and Scrutiny Panels, and to agree permanent membership changes in between annual meetings of the Council, subject to appropriate consultation with the leaders of opposition groups.	<b>Leader</b>
1.4 To co-ordinate the work of the Cabinet and to consider and advise the Council and the Cabinet Panels on major items of policy.	<b>Leader/ALL</b>
1.5 To work positively with the Scrutiny Board and Scrutiny Panels to formulate policies and practices and to ascertain the views of partners, other organisations and individuals.	<b>Leader/ALL</b>
1.6 To consider and, where appropriate, act on the advice and recommendations of the Scrutiny Board and Scrutiny Panels.	<b>Leader/ALL</b>
1.7 To advise Full Council on matters of relevance arising from the deliberations of the Strategic Policing and Crime Board and any Joint Boards and Joint Committees established under the provisions of the Local Government Act 1985.	<b>Leader/ALL</b>
1.8 To appoint representatives on outside bodies when such appointments are not made by the Council or if requested to do so by the Council.	<b>Governance and Performance</b>
1.9 To appoint HM Coroner.	<b>Governance and Performance</b>
1.10 To advise Full Council on Parliamentary and boundary matters and the Council's functions relating to European, Parliamentary and local elections.	<b>Governance and Performance</b>

<b>2. DELEGATIONS TO THE CABINET</b>		<b>Cabinet Member(s) with lead responsibility</b>
1.11	To receive schedules of Individual Executive Decisions taken by Cabinet Members.	Governance and Performance
1.12	To work with the Returning Officer/Electoral Registration Officer to oversee the Council's Electoral Services function, including electoral registration and co-ordination of elections.	Governance and Performance
1.13	To receive reports and minutes from partner bodies and to advise the Council/Cabinet appropriately about issues arising.	Governance and Performance
1.14	To approve use of the Council's Coat of Arms.	Governance and Performance
<b>2. BUDGET AND POLICY FRAMEWORK</b>		
2.1	To prepare the budget and policy framework for consideration by the Council.	Leader/Resources
2.2	To consult on and prepare the revenue and capital budgets for submission to and approval by Full Council.	Leader/Resources
2.3	To determine the Council Tax base and approve the Business rates tax base as detailed in the NNDR1 form.	Leader/Resources
2.4	To consult with the business community, the voluntary sector and individuals and then to advise Full Council on the level of Council Tax and the amount to be charged to the Collection Fund for Council services.	Leader/Resources
2.5	To submit, on behalf of the Council, representations to the Local Government Association on major policy issues.	Leader
<b>3. CORPORATE/COMMUNITY PLANNING</b>		
3.1	To lead the community planning process.	Leader
3.2	To work with partners and other bodies to establish a strategy to promote the economic, social and environmental well-being of Wolverhampton and its citizens.	Leader/ALL
3.3	To take direct responsibility for particular areas of partnership working of key importance to the strategic objectives of the Council.	Leader/ALL
3.4	To review and advise the Council on progress made in implementing corporate plans, policies and objectives and to recommend amendments to take account of changing circumstances.	Leader/ALL

2. DELEGATIONS TO THE CABINET	Cabinet Member(s) with lead responsibility
<b>4. CUSTOMER RELATIONS</b>	
4.1 To oversee press and media relations.	Leader
4.2 To oversee public relations, advertising and marketing.	Leader/Resources
4.3 To oversee community engagement/public consultation.	Leader/Resources
<b>5. RESOURCES</b>	
5.1 To prepare, implement and review the Council's E-Government Strategy, ICT Strategy and Customer Services Strategy, including complaints.	Resources
5.2 To determine policy on Asset Management and approve Asset Management Plans.	Resources
5.3 To discharge the Council's functions relating to the Mayoralty, civic ceremonial and civic hospitality.	Resources
5.4 To authorise the institution, defence or discontinuance of any proposed or pending litigation of special importance to the Council or having significant financial implications.	Resources
5.5 To authorise enforcement policies, practices and procedures and approve prosecution or enforcement action in relation to all regulatory functions.	Resources
5.6 Within relevant statutory provisions, to establish policies, procedures and criteria, and determine fees and charges, for the processing of any applications for any approval, consent, licence, permission or registration, granted by or on behalf of the Cabinet.	Resources
5.7 To discharge the Council's functions as "accountable body" in relation to externally funded schemes.	Leader/Resources
5.8 To be responsible for premises and facilities required to deliver the Council's services.	Resources
5.9 To approve the application of monies in excess of £30,000 received under the Proceeds of Crime Act 2002.	Resources
5.10 To receive regular budget monitoring reports, together with performance against the Treasury Management policy, practices, activities and key targets set out in the CIPFA Code of Practice.	Resources

**2. DELEGATIONS TO THE CABINET**

**Cabinet Member(s) with lead responsibility**

5.11 To oversee Housing Benefit, Council Tax Benefit and rate relief arrangements.

Resources

5.12 To approve procurement arrangements, including tender lists and award of contracts for Class IV and Class V contracts, in accordance with the Contract Procedure Rules set out in Appendix 2 of this Constitution.

Resources

5.13 To deal with property transactions, including the disposal of land declared surplus to requirement, in accordance with the Contract Procedure Rules set out in Appendix 2 of this Constitution.

Resources

5.14 To have lead responsibility for the Civic Centre, including use by external bodies.

Resources

5.15 To be responsible for all corporate services, including City Direct, financial services, corporate landlord functions, information technology, legal and procurement services, reprographics and technical services, and democratic ~~services~~ support, councillor support and scrutiny (including policies in relation to training, conferences and travel arrangements).

Resources

5.16 To deal with all other financial matters in accordance with the Financial Procedure Rules in Appendix 2 of this Constitution.

Resources

**6. EMERGENCY PLANNING**

6.1 To discharge the functions of the Council relating to major emergencies and contingencies arising from natural or man-made disasters.

Leader/Resources

6.2 To prepare and implement local plans relating to civil defence and peacetime emergencies.

Leader/Resources

6.3 To authorise additional financial and material resources and to approve immediate Cabinet action in the event of the initiation of major emergency procedures under the Emergency Plan.

Leader/Resources

**7. CITY SERVICES**

7.1 To provide and maintain public conveniences.

City Services

7.2 To prepare, implement and review the operation of a Waste Management Strategy.

City Services

City Services

**2. DELEGATIONS TO THE CABINET**

**Cabinet Member(s) with lead responsibility**

7.3	To discharge the functions of the Council relating to Waste Management including environmental cleansing, litter control, refuse collection and disposal, waste disposal, waste minimisation and recycling.	
7.4	To be responsible for transport services, cleaning, catering, building services and facilities management, street lighting services, highway maintenance services and parking services.	City Services
7.5	To discharge the functions of the Council relating to Bereavement Centre services including the provision and maintenance of cemeteries and crematoria and public mortuary facilities.	City Services
7.6	To prepare, implement and review the food law enforcement service plan.	City Services
7.7	To co-ordinate the Council's markets service, including retail and wholesale markets, and occasional or special market activities.	City Services
8.	<b><del>SENIOR MANAGER CHIEF OFFICER</del>/PROPER OFFICER MANAGEMENT STRUCTURES</b>	
8.1	To advise the Council on the <del>Senior Chief Officer</del> Management structure and Appointment of Proper Officers.	Leader
8.2	To advise the Council on the designation of: <ul style="list-style-type: none"> <li>(i) an employee to be Head of Paid Service;</li> <li>(ii) an employee to be Monitoring Officer;</li> <li>(iii) an employee to be responsible for the proper administration of the Council's financial affairs. (Section 151 Officer)</li> </ul>	Leader
8.3	To appoint Proper Officers in connection with Environmental Health, Social Care, Housing and Health matters.	Leader
8.4	To appoint a Proper Officer in connection with the Registration Service.	Leader
9.	<b>PEOPLE AND PERFORMANCE</b>	
9.1	To prepare, implement and review the operation of human resource policies and procedures to enhance the organisational development and learning of the Council's employees.	Governance and Performance

## 2. DELEGATIONS TO THE CABINET

	<b>Cabinet Member(s) with lead responsibility</b>
9.2. To prepare, implement and review the operation of policies relating to recruitment and resourcing, <del>health and safety</del> , disciplinary and grievance procedures, management of attendance, early retirement and redundancy.	Governance and Performance
9.3. To prepare, implement and review the operation of the Council's Equal Opportunities in Employment policy with particular reference to the needs of the minority ethnic community, <u>minority groups</u> , women and people with disabilities.	Governance and Performance
9.4. <del>To consider and implement "Single Status".</del> <u>To review and maintain the Council's pay and grading structure and collective agreement. Ensure Pay Strategy Board oversee all pay and grading issues.</u>	Governance and Performance
9.5. To consult Trade Unions and employee organisations.	Governance and Performance
9.6. To ensure equality of opportunity in service delivery.	Governance and Performance
9.7. To determine and review the Council's performance management framework.	Governance and Performance
9.8. To oversee the management of performance, including arrangements for performance monitoring, in respect of both Council activity and activities undertaken in partnership with other organisations.	Governance and Performance
9.9. To respond to performance issues highlighted by monitoring or inspection, referring as appropriate to the Scrutiny Board or a Scrutiny Panel for consideration prior to a Cabinet response.	Governance and Performance
9.10. To advise the Council on progress made in implementing corporate plans, policies and objectives and to recommend amendments to take account of changing circumstances.	Governance and Performance
<b>10. CHILDREN AND YOUNG PEOPLE</b>	
10.1. To have accountability for the effectiveness, availability and value for money of all local authority services for children and young people, namely education and learning provision, social care, support for children and young people with special needs, play and leisure provision.	Children and Families
10.2. To demonstrate leadership to engage partners and encourage local communities in order to improve services and outcomes for	Children and Families

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## 2. DELEGATIONS TO THE CABINET

	<b>Cabinet Member(s) with lead responsibility</b>
children and young people both within the local authority and externally with partner organisations.	
10.3 To safeguard and promote the welfare of children across all agencies and ensure that provision meets the needs of the most vulnerable.	<b>Children and Families</b>
10.4 To prepare, implement and review the operation of the Children and Young People's Plan.	<b>Children and Families</b>
10.5 To promote the welfare of children in need and to provide appropriate services including assessment, advice, counselling and guidance, residential care, day care, adaptations to property and aids to daily living.	<b>Children and Families</b>
10.6 To provide a fostering and adoption service including acting as an adoption agency.	<b>Children and Families</b>
10.7 To act as a focus for the Council undertaking its role as Corporate Parent and to act on the advice and recommendations of the Corporate Parenting Panel.	<b>Children and Families</b>
10.8 To co-ordinate the preparation, implementation and review of the Youth Justice Plan and contribute to the Youth Offending Team.	<b>Children and Families</b>
10.9 To provide a developmental play service for children and young people.	<b>Children and Families</b>
10.10 To administer grants, awards and loans to pupils and students.	<b>Children and Families</b>
10.11 To liaise with providers of information, advice and guidance services to children and young people.	<b>Children and Families</b>
10.12 To provide a youth service including youth clubs, projects and programmes aimed at promoting the social and educational development of young people.	<b>Children and Families</b>
10.13 To work with the Health and Social Care Partnership Board and Children and Young People's Partnership to develop and implement the Strategic Health Partnership and Joint Planning Arrangements in relation to children.	<b>Children and Families</b>
10.14 To work with the Early Years Development and Child Care Service to implement the requirements of the Childcare Act 2006.	<b>Children and Families</b>

## 2. DELEGATIONS TO THE CABINET

	Cabinet Member(s) with lead responsibility
<b>11. SCHOOLS</b>	
<p><b>Note:</b> The Children Act 2004 places political accountability for all services for Children and Young People on the Cabinet Member for Children and Young People. Functions marked “Schools” means that operational responsibility has been delegated to the Cabinet Member for Schools, Skills and Learning as far as is consistent with the Statutory Framework.</p>	
<p>11.1 To organise the provision of schools and school places to meet statutory requirements to deliver learners entitlements and to secure value for money.</p>	<p>Schools, Skills and Learning</p>
<p>11.2 To promote school improvement and strategies to improve educational attainment including those for people aged 14 – 19.</p>	<p>Schools, Skills and Learning</p>
<p>11.3 To monitor, review and report on the performance of Wolverhampton schools and to ensure appropriate action, including intervention, is taken in relation to OFSTED reports on individual schools.</p>	<p>Schools, Skills and Learning</p>
<p>11.4 To deal with school budgetary matters including the implementation of the Fair Funding Scheme and the operation of the Schools Forum.</p>	<p>Schools, Skills and Learning</p>
<p>11.5 To appoint Local Authority representatives to school governing bodies.</p>	<p>Schools, Skills and Learning</p>
<p>11.6 To deal with matters relating to admissions to schools and other learning settings in conjunction with the Admissions Forum.</p>	<p>Schools, Skills and Learning</p>
<p>11.7 To make arrangements relating to admission and exclusion appeals.</p>	<p>Schools, Skills and Learning</p>
<p>11.8 To discharge the Council’s functions in respect of the educational requirements of children with Special Educational Needs.</p>	<p>Schools, Skills and Learning</p>
<p>11.9 To develop and implement a comprehensive strategy for post 16 education and to liaise with post 16 colleges and other providers in conjunction with the Black Country Learning and Skills Council.</p>	<p>Schools, Skills and Learning</p>
<b>12. TRAFFIC, TRANSPORTATION AND HIGHWAYS</b>	



## 2. DELEGATIONS TO THE CABINET

	<b>Cabinet Member(s) with lead responsibility</b>
12.1 To promote and implement transportation policies in partnership with other local authorities and transport providers.	Economic Regeneration and Prosperity
12.2 To prepare, implement and review the operation of the Local Transport Plan for Wolverhampton as its contribution to the West Midlands Transport Plan.	Economic Regeneration and Prosperity
12.3 To exercise the Council's functions as lead authority for strategic planning and transportation matters in the West Midlands and to provide or procure services to support the work of the West Midlands Planning and Transportation Sub-Committee.	Economic Regeneration and Prosperity
12.4 To contribute to the Regional Transport Strategy.	Economic Regeneration and Prosperity
12.5 To discharge the functions of the Council relating to highways (except those regulatory functions delegated to the Planning Committee), street lighting, highways structures, bridges, transportation, traffic regulation, and parking.	Economic Regeneration and Prosperity
12.6 To provide facilities which improve access and mobility for the citizens of Wolverhampton.	Economic Regeneration and Prosperity
12.7 To contribute to the development and implementation of Community Safety Programmes including road safety measures, education and training.	Economic Regeneration and Prosperity
12.8 To discharge the Council's functions relating to highways and land drainage.	Economic Regeneration and Prosperity
<b>13. PLANNING AND URBAN DESIGN</b>	
13.1 To be responsible for all matters relating to the physical environment and spatial planning of the City with an appreciation of the need to develop and improve the business prosperity and the sustainable community life of the citizens of Wolverhampton and to exercise the Council's functions and responsibilities as a Section 4(4) strategic planning authority.	Economic Regeneration and Prosperity
13.2 To prepare, implement and review the Statement of Community Involvement to ensure that communities, businesses and other external stakeholders are involved in plan and planning policy making and to work with and take account of the views of the Planning Committee before determining plans and planning policy.	Economic Regeneration and Prosperity

## 2. DELEGATIONS TO THE CABINET

	<b>Cabinet Member(s) with lead responsibility</b>
13.3 To discharge the Council's functions relating to the statutory development plan (except those functions which are the responsibility of the Council) including preparing, implementing and reviewing the development plan documents (core strategy, area action plans, neighbourhood development plans, site specific allocations, proposals map and generic development control policies) within the local development framework in order to provide the statutory spatial planning framework to guide development and transportation proposals to protect and enhance the environment and address climate change.	Economic Regeneration and Prosperity
13.4 To prepare, implement and review the Local Development Scheme.	Economic Regeneration and Prosperity
13.5 To prepare, implement and review Supplementary Planning documents which form part of the local development framework, including planning/development briefs and master plans of City wide significance.	Economic Regeneration and Prosperity
13.6 To prepare implement and review appropriate planning and development control policies, practices and procedures to facilitate the improvement of community life and business prosperity within the City.	Economic Regeneration and Prosperity
13.7 To establish a Joint Committee to be for the purposes of Part 2 of the Planning and Compulsory Purchase Act 2004 a local planning authority, confer additional functions on a Joint Committee or its dissolution.	Economic Regeneration and Prosperity
13.8 To assemble land for planning purposes.	Economic Regeneration and Prosperity
13.9 To compulsorily purchase land for planning purposes.	Economic Regeneration and Prosperity
13.10 To consider and determine all matters relating to building control.	Economic Regeneration and Prosperity
<b>14. STRATEGIC AND PRIVATE SECTOR HOUSING</b>	
14.1 To recommend to the Council the rents for Housing Revenue account dwellings.	Economic Regeneration and Prosperity
14.2 To facilitate the provision of affordable housing in conjunction with the Housing Corporation, Registered Social Landlords and other providers.	Economic Regeneration and Prosperity

## 2. DELEGATIONS TO THE CABINET

	<b>Cabinet Member(s) with lead responsibility</b>
14.3 To discharge the Council's functions relating to Wolverhampton Homes Limited as set out in the Office of the Deputy Prime Minister's section 27 consent and the Management Agreement.	Economic Regeneration and Prosperity
14.4 To discharge the Council's functions relating to Tenant Management Organisations and Estate Management Boards.	Economic Regeneration and Prosperity
14.5 To sell and buy back dwellings pursuant to the Right To Buy provisions and those dwellings not required for letting.	Economic Regeneration and Prosperity
14.6 To secure the improvement of private sector dwellings and the surrounding environment by means of Housing Renewal Areas, the application of grants, Care and Repair and other means.	Economic Regeneration and Prosperity
14.7 To work with owners of unfit houses, where necessary adopting legislative steps to remedy unfitness of individual properties.	Economic Regeneration and Prosperity
14.8 To undertake clearance programmes, including the payment of compensation, home loss and disturbance payments.	Economic Regeneration and Prosperity
14.9 To improve health and safety and general physical standards in Houses in Multiple Occupation.	Economic Regeneration and Prosperity
14.10 To prepare, implement and review the Council's Empty Properties Strategy, including the making of Compulsory Purchase Orders.	Economic Regeneration and Prosperity
<b>15. LEISURE AND COMMUNITIES</b>	
15.1 To prepare, implement and review the operation of the Crime Reduction, Community Safety and Drug Strategy including anti-social behaviour strategies.	Leisure and Communities
15.2 To promote Community Safety and to work with the Wolverhampton Community Safety Partnership and any similar body.	Leisure and Communities
15.3 To be responsible for local and neighbourhood arrangements including neighbourhood renewal and management and neighbourhood wardens.	Leisure and Communities
15.4 To consider voluntary sector policy issues in conjunction with the Voluntary Sector Partnership Forum.	Leisure and Communities
15.5 To co-ordinate the Council's response to section 17 of the Crime and Disorder Act 1998.	Leisure and Communities

**2. DELEGATIONS TO THE CABINET**

	<b>Cabinet Member(s) with lead responsibility</b>
15.6 To develop and implement a Cultural Strategy for Wolverhampton.	Leisure and Communities
15.7 To provide public open space, allotments, play areas and nature reserves, together with programmes for active and passive recreational use.	Leisure and Communities
15.8 To provide sport and recreation facilities, resources and programmes for community use and development.	Leisure and Communities
15.9 To ensure the provision of an effective and efficient libraries service in accordance with nationally approved public library standards.	Leisure and Communities
15.10 To provide for the safekeeping of the City's documentary and cultural heritage making it available for public consultation.	Leisure and Communities
15.11 To provide learning opportunities for personal fulfilment and community development throughout Wolverhampton.	Leisure and Communities
15.12 To maintain, evaluate and develop the Wolverhampton Adult Education Service, in particular providing education and training on skills for employability, especially first steps and skills for life i.e. literacy, numeracy, English for speakers of other languages (ESOL) and Information Communication Technology.	Schools, Skills and Learning
15.13 To provide a range of arts and cultural facilities, resources, programmes and events for the development and enjoyment of the performing, literary, visual and media arts.	Leisure and Communities
15.14 To be responsible for community centres through and in partnership with local community based organisations.	Leisure and Communities
15.15 To bid for and allocate resources available for funding the voluntary and community sectors, determining codes of practice, terms and conditions for grants, and reviewing and monitoring performance, varying or terminating grant allocations as required.	Leisure and Communities
<b>16. ENVIRONMENT</b>	
16.1 To prepare, implement and review the operation of the Council's environmental policies including the Sustainability Strategy.	City Services
	City Services

## 2. DELEGATIONS TO THE CABINET

	<b>Cabinet Member(s) with lead responsibility</b>
16.2 To prepare, implement and review the operation of an Air Quality Strategy.	City Services
16.3 To discharge the functions of the Council relating to environmental health including infectious diseases, food safety, contaminated land, pollution control, statutory nuisances and noise nuisance and animal welfare; management of dogs.	City Services
16.4 To discharge the Council's functions relating to trading standards including standards of quality and quantity, safety, fair trading and advice.	
<b>17. ADULT SERVICES</b>	
17.1 To promote the welfare of and commission and provide services for: <ul style="list-style-type: none"><li>• Older People</li><li>• People with mental health needs</li><li>• People with learning disabilities</li><li>• People with physical and sensory disabilities</li><li>• Asylum seekers</li><li>• Carers</li></ul>	Adult Services
17.2 To maintain, develop and improve services and outcomes for adults working with partner agencies (services include supported housing, residential care, day care, domiciliary care, meals services, welfare, catering, adaptations to property, aids to daily living, sheltered housing care and support).	Adult Services
17.3 To administer the Supporting People Service.	Adult Services
17.4 To administer the Blue Badge Scheme to facilitate the mobility of people with disabilities and to determine and implement the Council's policy in relation to travel concessions for older people and people with disabilities.	Adult Services
17.5 To prepare, implement and review the operation of a Strategy for Adult Social Care Transport Policy and Learning Disability Joint Commissioning Strategy.	Adult Services
17.6 Contribute the social care focus to the Health Economies Local Improvement Plan.	Adult Services
17.7 To undertake and co-ordinate the Council's functions in relation to the protection of vulnerable adults.	Adult Services

## 2. DELEGATIONS TO THE CABINET

	<b>Cabinet Member(s) with lead responsibility</b>
17.8 To protect the property of people admitted to the Council's care or to hospital and to arrange for the burial of people without means.	Adult Services
17.9 To work with the Health and Well Being Board to develop and implement the Strategic Health Partnership and Joint Planning Arrangements in relation to adults.	Adult Services
<b>18. HEALTH</b>	
18.1 To consider and promote matters in relation to health and health inequalities	Health and Well Being
18.2 To consider all health related issues including working in partnership with the Acute Trust within the City.	Health and Well Being/All
18.3 To oversee public health and the public health budget	Health and Well Being
18.4 To receive the Children's Trust Annual Report	Children and Families
18.5 To formally receive the minutes and reports of the Joint Governance Group	Health and Well Being / Adult Services
18.6 To consider the Joint Strategic Needs Assessment and ensure coherent and co-ordinated commissioning.	Health and Well Being
18.7 To be responsible for the production of a Health and Well Being Strategy and an Annual Health Improvement Plan.	Health and Well Being
18.8 To ensure directions of GP Consortia and other Commissioners fit with the Health Improvement Plan and to hold them to account for delivery.	Health and Well Being
18.9 To be responsible for the coordination and delivery of health promotion and ill-health prevention campaigns as well as public health.	Health and Well Being
18.10 To oversee local Health Watch (the local advocacy, complaints resolution and public involvement service).	Health and Well Being
18.11 To support local voice and patient choice by ensuring that the views of local people are used.	Health and Well Being

## 2. DELEGATIONS TO THE CABINET

	<b>Cabinet Member(s) with lead responsibility</b>
18.12 To be the formal mechanism to oversee the Joint Commissioning Programme (section 75 pooled budget)	Health and Well Being
<b>19. ECONOMIC REGENERATION</b>	
19.1 To promote and co-ordinate partnership working with the Wolverhampton Partnership and all other public bodies, the business and voluntary sectors and other external stake holders across the full range of Council functions and responsibilities.	Leader
19.2 To advise the Council on issues arising from the Council's functions relating to: <ul style="list-style-type: none"> <li>• European, national and regional issues of significance to the City.</li> <li>• Liaison with European and national Members of Parliament on matters affecting the City.</li> </ul>	Leader Economic Regeneration and Prosperity Leisure and Communities
19.3 To detail current and future economic trends for the City and the measures necessary to promote the industrial, commercial and cultural well being of the City.	ALL
19.4 The development and implementation of a Tourism Strategy for Wolverhampton in conjunction with the private and voluntary sectors.	Economic Regeneration and Prosperity
19.5 To receive reports and minutes from partner bodies and to advise the Council on issues arising as appropriate.	Economic Regeneration and Prosperity
19.6 To work with Government agencies, other councils and bodies active in the fields of economic development and regeneration in the sub region and region.	Leader
19.7 To exercise the Council's functions relating to West Midlands Enterprise Board Limited and other similar companies or bodies of which the Council is a member.	Economic Regeneration and Prosperity
19.8 To exercise the Council's functions relating to Birmingham International Airport.	Economic Regeneration and Prosperity
19.9 To work with the City Centre Company and similar bodies to promote the town and district centres in the City.	Economic Regeneration and Prosperity
19.10 To take positive steps to encourage industry and commerce by the provision of facilities (including sites, buildings, plant and machinery, finance including grants loans and services) and by promotional activities.	Economic Regeneration and Prosperity

**2. DELEGATIONS TO THE CABINET**

	<b>Cabinet Member(s) with lead responsibility</b>
19.11 To promote development of sites with significance for regeneration in the City.	
19.12 To prepare, implement and review the operation of Conservation, Heritage and Natural Environment Strategies and schemes and work with and take account of the views of local communities, businesses, other stakeholders and the Planning Committee on conservation area appraisals and management plans, review of the local list and article 4 directions, where such authority has not been included under 'Delegations to Employees'.	<b>Economic Regeneration and Prosperity</b>
19.13 Within the policy framework established by the Council to prepare, implement and review supplementary planning documents which are locally important and area specific including planning/development briefs and master plans and to work with and take account of the views of local communities, businesses, other stakeholders and the Planning Committee in preparing these documents and to advise Cabinet of issues of significance.	<b>Economic Regeneration and Prosperity</b>
19.14 To encourage the creation of employment opportunities and to facilitate a supply of skills and labour as appropriate to the needs of the market.	<b>Economic Regeneration and Prosperity</b>
19.15 To oversee the Council's response to and management of the implications of the Welfare Reform Act.	<b>Resources</b>
19.16 To make bids for European funding, Single Regeneration Budget, New Deal for Communities, Lottery funding and other external funding to assist in the regeneration and development of the City and the improvement of services.	<b>Economic Regeneration and Prosperity</b>



1. DELEGATIONS TO THE CABINET (RESOURCES) PANEL	Cabinet Member(s) with lead responsibility
1. To discharge the Council’s functions as “accountable body” in relation to externally funded schemes.	ALL
2. To receive regular budget monitoring reports together with performance against the Treasury Management policies, practices, activities and key targets set out in the CIPFA Code of Practice.	Resources
3. To oversee Housing Benefit, Localised Council Tax Support Scheme and rate relief arrangements.	Resources
4. To approve the contract strategy for major, specialist, higher value or important contracts and the award of contracts over the specified limit in accordance with the Contracts Procedure Rules in Part 3 of this Constitution.	Resources
5. To authorise the institution, defence or discontinuance of any proposed or pending litigation of special importance to the Council or having significant financial implication.	ALL
6. To authorise enforcement policies, practices and procedures and approve prosecution or other enforcement action in relation to all regulatory functions of the Council where such authority has not been delegated to an employee in accordance with the “Delegations to Employees” contained in Part 2 of this Constitution.	ALL
7. Within relevant statutory provisions, to establish policies, procedures and criteria, and determine fees and charges for the processing and determination of applications for any approval, consent, licence, permission or registration, granted by or on behalf of the Cabinet.	ALL
<del>8. To determine staffing restructures, changes to vacant posts or the establishment of new posts and to receive reports on those Human Resources matters set out in the Schedule of Human Resources Delegations.</del>	Governance and Performance
<u>98.</u> To prepare, implement and review the Food Law Enforcement Service Plan.	Economic Regeneration and Prosperity

1. DELEGATIONS TO THE CABINET (RESOURCES) PANEL	Cabinet Member(s) with lead responsibility
10. Within policy determined by Cabinet and in accordance with approved Asset Management Plans:	
10.1 To be responsible for the Civic Centre facilities management and associated civic buildings.	Resources
10.2 To be responsible for other premises and facilities required to deliver the Council's services.	ALL
10.3 To control, manage or dispose of all Council land which is surplus to operational requirements.	Economic Regeneration & Prosperity
10.4 To deal with property transactions in accordance with the Contracts Procedure Rules in Part 3.	Economic Regeneration & Prosperity
11. To be responsible for all corporate services, including City Direct, financial services, information technology, legal and procurement services, the Document Centre and technical services.	Resources
12. To oversee Councillors' support services, including policies in relation to training, conference's and travel arrangements	Resources
13. To be responsible for e-government communications, customer services, press office, creative services and complaints.	Leader/ Resources
14. To be responsible for the Press Office.	Leader
15. To be responsible for scrutiny, democratic and Councillor support services.	Leader/ Resources
16. To approve the use of the Council's Coat of Arms.	Governance and Performance
17. To appoint HM Coroner and to provide support services.	Governance and Performance
18. To be responsible for the Council's markets service including its retail and wholesale markets, and occasional or special market activities.	City Services
19. To approve the application of monies received under the Proceeds of Crime Act 2002 in excess of £30,000	All

1. DELEGATIONS TO THE CABINET (RESOURCES) PANEL	Cabinet Member(s) with lead responsibility
20. To be responsible for the appointment of Council representatives to outside bodies except those bodies to which appointments are made at the Annual Council meeting.	Governance and Performance
21. To receive schedules of “Green decisions” taken by Cabinet Members in accordance with the Cabinet Procedure Rules in Part 3.	ALL
22. To prepare, implement and review the Council’s Empty Properties Strategy including the making of Compulsory Purchase Orders in pursuance of the Council’s Private Sector Empty Properties Strategy.	Economic Regeneration and Prosperity
23. To be responsible for bids for and to allocate resources available for funding the voluntary and community sector and to determine codes of practice, and terms and conditions for grants. (Delegations to Employees - C10 applies to donations and/or grants of up to £10,000 to Local Community Groups.)	Leisure and Communities
24. To review and monitor performance and as appropriate vary and/or terminate grant allocations.	Leisure and Communities

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4. DELEGATIONS TO THE CABINET (PERFORMANCE MANAGEMENT) PANEL	Cabinet Member(s) with lead responsibility
1. To determine and review the Council's Performance Management Framework.	Governance and Performance
2. To oversee the management of performance within the Council including arrangements for monitoring performance.	Governance and Performance
3. To oversee the arrangements for the management of performance relating to activity undertaken by the Council in partnership with other organisations.	Governance and Performance
4. To respond to performance issues that come to light as a result of performance monitoring or raised by external inspection of the Council.	Governance and Performance
5. Where appropriate refer issues arising from performance monitoring or raised by external inspection to the Scrutiny Board or a Scrutiny Panel for their consideration prior to providing a Cabinet response.	Governance and Performance

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## **FUNCTIONS WHICH ARE RESERVED TO THE FULL COUNCIL**

- 5.1 Adopting and revising the Constitution.
- 5.2 Approving or adopting the budget and policy framework, and any application to the Secretary of State in respect of any Housing Land Transfer (as set out in Article 4.1).
- 5.3 Subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4, making decisions about any matter in the discharge of a Cabinet function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget.
- 5.4 Electing the Leader of the Council and removing him/her from office at any time by passing a resolution to that effect.
- 5.5 Receiving from the Leader his appointments to the Cabinet and Cabinet Panels.
- 5.6 Approving and/or amending the terms of reference for the Cabinet, Cabinet Panels, Cabinet Members' responsibilities, Regulatory or other Committees, the Scrutiny Board, Scrutiny Panels and Local Neighbourhood Partnerships.
- 5.7 To determine the composition of and make appointments to Regulatory or other Committees, Scrutiny Board and Panels, Area Forums.
- 5.8 Appointing representatives to outside bodies unless the appointment has been delegated by the Full Council.
- 5.9 Approving and Adopting a Councillors' Allowances Scheme and a Councillors' Code of Conduct.
- 5.10 Changing the name of the area, conferring the title of Honorary Alderman or Freedom of the City.
- 5.11 Confirming the appointment and dismissal of the Head of Paid Service, Strategic Directors and the Strategic Director - Pensions, West Midlands Pension Fund (as defined by the Local Government and Housing Act 1989).
- 5.12 Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills.
- 5.13 All local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Cabinet.
- 5.14 Approval of the Annual Pay Policy.
- 5.15 Dealing with any petition containing 5000+ signatures received by the Council in accordance with the Protocol for dealing with Petitions at Council Meetings set out in Part 4.

- 5.16 Resolving not to issue a Casino Premises Licence under section 166 of the Local Government Act 2005.
- 5.17 Appointment of a Returning Officer and Electoral Registration Officer.
- 5.18 The referral of a NHS substantial reconfiguration proposal to the Secretary of State for Health (other health scrutiny responsibilities, including health scrutiny, and responding to consultations by relevant NHS bodies and health service providers on substantial reconfiguration proposals, have been delegated to the Health Scrutiny Panel).
- 5.19 All other matters which, by law, must be reserved to Full Council and Strategic Directors.



## Delegations to All Regulatory or Other Committees

### 6. Delegations to All Regulatory or Other Committees

6.1 Regulatory or Other Committees comprise:

- The Planning Committee
- The Licensing Committee
- The Appeals Panels
- The Pensions Committee
- The Standards Committee
- The Audit Committee

and any other body established by the Council to exercise non-Cabinet functions.

Each Regulatory or other Committee:

6.2 May, within guidance set by the Council, delegate any of its functions to an employee of the Council. The Director of Governance shall maintain a list of employee delegations. These are set out in Part 2.

6.3 May, within relevant statutory provisions and Council policy:

A. establish policies, procedures and criteria and determine fees and charges for the processing and determination of applications for any approval, consent, licence, permission or registration granted by or on behalf of the Regulatory or other Committees;

B. impose any condition, limitation or other restriction on any such approval etc;

C. determine whether and in what manner, to enforce:

(i) any failure to comply with an approval etc;

(ii) any failure to comply with a condition, limitation or restriction to which any such approval etc is subject;

(iii) any other contravention in relation to an approval etc;

D. amend, modify, vary, suspend or revoke any approval etc.

6.4 May, within relevant statutory provisions, obtain information relating to interests in land necessary for the discharge of functions delegated to the Regulatory or other Committees.

6.5 May authorise prosecution or other enforcement action in relation to all functions delegated to the Regulatory or other Committees.

## Delegations to All Regulatory or Other Committees

### 6.6 Appointment of Sub-Committees

Subject to any decision by the Full Council each Regulatory or other Committees may appoint Sub-Committees of not fewer than three voting members for such purposes as they think fit and may make arrangements for a Sub-Committee to discharge any of its functions.

### 6.7 Attendance of the Mayor

The Mayor shall, in addition to those Regulatory or other Committees to which he/she has been specifically appointed, be entitled “ex-officio” to attend the meetings of all other Regulatory or other Committees (but not of any Sub-Committee) and to speak but not to vote.

### 6.8 Attendance of the Chair and Vice-Chair

The Chair and Vice-Chair of a Regulatory or other Committees may attend and speak at a meeting of any Sub-Committee appointed by that Regulatory or other Committees, but may not vote unless appointed as a voting member.

### 6.9 Urgent Business

- 6.10 The appropriate Strategic Director, in conjunction with the Head of Paid Service is authorised to take appropriate urgent action in respect of matters delegated to the Regulatory or other Committees provided that the action shall first have been discussed with and approved in writing by the Chair (or in the Chair’s absence the Vice-Chair) of the Regulatory or other Committees. The written authorisation must include details of the proposal and justification for using the expedited procedure. Expenditure must be within existing budgets. Any action taken under this Rule must be reported to the next available meeting of the Regulatory or other Committees for information. A permanent record of all action under this delegation shall be maintained by the Head of Paid Service.

## DELEGATIONS TO THE PLANNING COMMITTEE

- 7.1 To work with the Cabinet to develop planning policies.
- 7.2 To exercise the Council's functions relating to town and country planning and development control as set out in the Schedule.
- 7.3 To exercise the Council's functions relating to common land or village greens as set out in the Schedule.
- 7.4 To exercise the Council's functions relating to works in or on highways and relating to footpaths as set out in the Schedule.
- 7.5 To exercise the other Council functions set out in the Schedule together with such other specific powers or duties which may be permitted or required to be delegated from time to time by Regulations made under the Local Government Act 2000.

## SCHEDULE

### Function

### Provision of Act or Statutory Instrument

#### **Functions relating to town and country planning and development control**

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|--|---|
| 1. Powers and duties relating to local development documents which are development plan documents.   | Sections 20 to 23 and 25, 26 and 28 of the Planning and Compulsory Purchase Act 2004. |
| 2. Power to agree to establish a Joint Committee to be, for the purposes of Part 2 of the Planning and Compulsory Purchase Act 2004, a local planning authority. | Section 29 of the Planning and Compulsory Purchase Act 2004.                          |
| 3. Power to determine applications to develop land without compliance with conditions previously attached.   | Section 73 of the Town and Country Planning Act 1990.                                 |
| 4. Power to grant planning permission for development already carried out.   | Section 73A of the Town and Country Planning Act 1990.                                |
| 5. Power to decline to determine application for planning permission.  | Section 70A of the Town and Country Planning Act 1990.                                |

<b><u>Function</u></b>	<b><u>Provision of Act or Statutory Instrument</u></b>
6. Power to decline an overlapping planning permission.	Section 70 B of the Town and Country Planning Act 1990.
7. Power to decline to determine a retrospective planning application.	Section 70 C of the Town and Country Planning Act 1990.
8. Duties relating to the making of determinations of planning applications.	Sections 69, 76 and 92 of the Town and Country Planning Act 1990, The Town and Country Planning (Development Management Procedure) (England) Order 2010 as amended and directions made thereunder.
9. Power to determine applications for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992.
10. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights..	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995.
11. Power to enter into an agreement regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.
12. Power to issue a certificate of existing or proposed lawful use or development with the exception of small Care Homes	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.
13. Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990.
14. Power to grant consent for the display of advertisements.	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 2007, as amended.
15. Powers in relation to the unauthorised advertisements and defacement of premises.	Section 224, 225, 225 A – K of the Town and Country Planning Act 1990.

**Function****Provision of Act or Statutory Instrument**

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| 16. Power to authorise entry onto land.  | Section 196A of the Town and Country Planning Act 1990. Section 88 of the Planning (Listed Buildings and Conservation Areas) Act 1990; Section 36 Planning (Hazardous Substances) Act 1990. |
| 17. Power to require the discontinuance of a use of land.  | Section 102 of the Town and Country Planning Act 1990.  |
| 18. Power to serve a planning contravention notice, breach of condition notice or stop notice.   | Section 171C, 171 E to H 187A and 183(1) of the Town and Country Planning Act 1990.   |
| 19. Power to issue an enforcement notice.  | Section 172 of the Town and Country Planning Act 1990.  |
| 20. Power to apply for a Planning Enforcement Order.   | Section 171 AB – 171 BB of the Town and Country Planning Act 1990.  |
| 21. Power to issue assurances as regards prosecution for a person served with a Notice.  | Section 172 A of the Town and Country Planning Act 1990.  |
| 22. Power to apply for an injunction restraining a breach of planning control  | Section 187B of the Town and Country Planning Act 1990.   |
| 23. Power to determine applications for hazardous substances consent, and related powers.  | Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990.   |
| 24. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject. | Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 and paragraph 6(5) of the Schedule 14 to that Act.     |
| 25. Power to require proper maintenance of land.   | Section 215(1) of the Town and Country Planning Act 1990.   |
| 26. Power to determine applications for listed building consent, and related powers.   | Sections 16(1) and (2), 17, 27(2) and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.   |

<b><u>Function</u></b>	<b><u>Provision of Act or Statutory Instrument</u></b>
27. Power to determine applications for conservation area consent.	Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as applied by section 74(3) of that Act.
28. Duties relating to applications for listed building consent and conservation area consent	Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Town and Country Planning (Listed Buildings and Conservation Areas) Regulations 1990 and paragraphs 8, 15 and 22 of Department of the Environment Circular 14/97.
29. Power to serve a building preservation notice, and related powers.	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
30. Power to issue enforcement notice in relation to demolition of unlisted building in conservation area.	Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
31. Powers to acquire a listed building in need of repair and to serve a repairs notice.	Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
32. Power to apply for an injunction in relation to a listed building.	Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990.
33. Power to execute urgent works.	Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
<b>Functions relating to common land or village greens</b>	
34. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to:	Regulation 6 of the Commons Registration (New Land) Regulations 1969.

**Function****Provision of Act or Statutory Instrument**

(a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 or (b) an order under section 147 of the Inclosure Act 1845.	
35. Power to register variation of rights of common.	Regulation 29 of the Commons Registration (General) Regulations 1966.
<b>Functions relating to works in or on highways and relating to footpaths</b>	
36. Power to grant a street works licence.	Section 50 of the New Roads and Street Works Act 1991 (c.22)
37. Duty to assert and protect the rights of the public to use and enjoyment of highways.	Section 130 of the Highways Act 1980.
38. Duty to keep definitive map and statement under review.	Section 53 of the Wildlife and Countryside Act 1981.
39. Duty to reclassify roads used as public paths.	Section 54 of the Wildlife and Countryside Act 1981.
40. Power to create footpath or bridleway by agreement.	Section 25 of the Highways Act 1980.
41. Power to create footpaths and bridleways.	Section 26 of the Highways Act 1980.
42. Duty to keep register of information with respect to maps, statements and declarations.	Section 31A of the Highways Act 1980.
43. Power to stop up footpaths and bridleways.	Section 118 of the Highways Act 1980.
44. Power to determine application for public path extinguishment order.	Section 118ZA and 118C(2) of the Highways Act 1980.
45. Power to make a rail crossing extinguishment order.	Section 118A of the Highways Act 1980.

<b><u>Function</u></b>	<b><u>Provision of Act or Statutory Instrument</u></b>
46. Power to make a special extinguishment order.	Section 118B of the Highways Act 1980.
47. Power to divert footpaths and bridleways.	Section 119 of the Highways Act 1980.
48. Power to make a public path diversion order.	Section 119ZA and 119C (4) of the Highways Act 1980.
49. Power to make a rail crossing diversion order.	Section 119A of the Highways Act 1980.
50. Power to make a special diversion order.	Section 119B of the Highways Act 1980.
51. Power to require application for order to enter into agreement.	Section 119C (3) of the Highways Act 1980.
52. Power to make a Sites of Special Scientific Interest diversion order.	Section 119D of the Highways Act 1980.
53. Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA, and 119C of the Highways Act 1980.	Section 121B of the Highways Act 1980.
54. Power to decline to determine certain applications.	Section 121C of the Highways Act 1980.
55. Duty to serve notice of proposed action in relation to obstruction	Section 130A of the Highways Act 1980.
56. Power to apply for variation of order under section 130B of the Highways Act 1980.	Section 130 (B) (7) of the Highways Act 1980.
57. Power to authorise temporary disturbance of surface of footpath or bridleway.	Section 135 of the Highways Act 1980.
58. Power temporarily to divert footpath or bridleway.	Section 135A of the Highways Act 1980.
59. Functions relating to making good of damage and removal of obstructions.	Section 135B of the Highways Act 1980.
60. Power to extinguish certain public rights of way.	Section 32 of the Acquisition of Land Act 1981.



<b><u>Function</u></b>	<b><u>Provision of Act or Statutory Instrument</u></b>
61. Power to include modifications in other orders.	Section 53A of the Wildlife and Countryside Act 1981.
62. Duty to keep register of prescribed information with respect to applications under Section 53 (5) of the Wildlife and Countryside Act 1981.	Section 53B of the Wildlife and Countryside Act 1981.
63. Power to prepare map and statement by way of consolidation of definitive map and statement.	Section 57A of the Wildlife and Countryside Act 1981.
64. Power to designate footpath as cycle track.	Section 3 of the Cycle Tracks Act 1984.
65. Power to extinguish public right of way over land acquired for clearance.	Section 294 of the Housing Act 1981.
66. Power to authorise stopping up or diversion of footpath or bridleway.	Section 257 of the Town and Country Planning Act 1990.
67. Power to extinguish public rights of way over land held for planning purposes.	Section 258 of the Town and Country Planning Act 1990.
68. Power to enter into agreements with respect to means of access.	Section 35 of the Countryside and Rights of Way Act 2000.
69. Power to provide access in absence of agreement.	Section 37 of the Countryside and Rights of Way Act 2000.
70. Power to license planting, retention and maintenance of trees etc. in part of highway.	Section 142 of the Highways Act 1980.
71. Power to authorise erection of stiles etc. on footpaths or bridleways.	Section 147 of the Highways Act 1980.
72. Power to license works in relation to buildings etc. which obstruct the highway.	Section 169 of the Highways Act 1980.
73. Power to consent to temporary deposits or excavations in streets.	Section 171 of the Highways Act 1980.

**Function**

**Provision of Act or Statutory Instrument**

74. Power to dispense with obligation to erect hoarding or fence.

Section 172 of the Highways Act 1980.

75. Power to restrict the placing of rails, beams etc. over highways.

Section 178 of the Highways Act 1980.

76. Power to consent to construction of cellars etc. under street.

Section 179 of the Highways Act 1980.

77. Power to consent to the making of openings into cellars etc under streets, and pavement lights and ventilators.

Section 180 of the Highways Act 1980.

78. Power to make agreements for the execution of highways works.

Section 278 of the Highways Act 1980 substituted by the New Roads and Street Works Act 1991.

79. Power to authorise stopping up or diversion of highway.

Section 247 of the Town and Country Planning Act 1990.

**Various other functions**

80. Powers relating to the preservation of trees and dangerous trees.

Sections 197 to 214D of the Town and Country Planning Act 1990 and the Trees Regulations 1999 and Section 23 of the Local Government (Miscellaneous Provisions) Act 1976.

81. Powers relating to the protection of important hedgerows.

The Hedgerow Regulations.

82. Power to make limestone pavement order.

Section 34(2) of the Wildlife and Countryside Act 1981.

Note: The majority of functions of the Local Planning Authority are exercisable by the Strategic Director for Place in accordance with the delegations to him/her contained in Section F of Part 2 but subject to the Limits on Delegations.

**8. Delegations to Licensing Committee**

8.1 To exercise the Council's functions relating to the processing, determination and management of licensing matters including but not limited to:

- Licensing functions set out in the Gambling Act 2005
- Licensing functions set out in the Licensing Act 2003, as amended by the Police Reform and Social Responsibility Act 2011
- Animal Welfare Act 2006
- Health Act 2005
- Gambling Act 2005
- Controlling the distribution of free printed material
- Hackney carriages and Private Hire Vehicles, drivers and operators
- Operation of minibuses; pleasure boats and pleasure vessels
- Cinema, (where provisions of the Licensing Act 2003 do not apply) theatre and sex establishment licences; hypnotism
- Street collection and house to house collections; societies lotteries
- Acupuncture, tattooing, ear piercing and electrolysis
- Caravan sites, moveable dwellings and camping sites
- Markets and street trading
- Provision of take away food shops; food preparation premises and food business premises
- Sale of non-medicinal poisons
- Tables and chairs and A boards
- Storage of filling materials
- Scrap yards and motor salvage operators
- Safety certificates for sports grounds and regulated stands; fire certificates
- Dog breeding, animal boarding, pet shops, animal trainers and exhibitors, zoos, dangerous wild animals, guard dogs, knackers yards
- Employment of children

- Operation of loudspeakers
- Anti-social behaviour – high hedges
- Sale and movement of pigs and cattle
- Meat, dairy, egg product and fish product establishments

- 8.2 To exercise the Council’s functions relating to Health, safety and welfare in connection with work and control of dangerous substances.
- 8.3 To exercise the Council’s functions relating to the Registration of Births, Deaths and Marriages and the approval of premises for the solemnisation of marriages.
- 8.4 To receive and approve annual reports on the administration and management of licensing matters.
- 8.5 Statutory Powers and Duties

The functions listed above are detailed in the Schedule to which may be added such other specific powers or duties which may be permitted or required to be delegated from time to time by Regulations made under the Local Government Act 2000.

- 8.6 Schedule

**Function**

**Provision of Act or Statutory Instrument**

**Licensing and registration functions**

- |   |  |
|---|--|
| 1. Licensing functions set out in the Licensing Act 2003.                                   | Sections 5 to 8 53A-C and 41A-D of the Licensing Act 2003, as amended by Sections 103-140 of the Police Reform and Social Responsibility Act 2011.   |
| 2. Power to issue licences authorising the use of land as a caravan site (“site licences”). | Section 3(3) of the Caravan Sites and Control of Development Act 1960.   |
| 3. Power to license the use of moveable dwellings and camping sites.                        | Section 269(1) of the Public Health Act 1936.  |
| 4. Power to license hackney carriages and private hire vehicles.                            | (a) as to hackney carriages, the Town Police Clauses Act 1847, as extended by section 171 of the Public Health Act 1875 and section 15 of the Transport Act 1985 and sections 47, 57, 58, 60 |

<u>Function</u>	<u>Provision of Act or Statutory Instrument</u>
	and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
	(b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
5. Power to license drivers of Hackney Carriage and private hire vehicles.	Sections 51, 53, 54, 57, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
6. Power to license operators of private hire vehicles.	Sections 55, 56, 57, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
7. Power to register pool promoters.	Gambling Act 2005.
8. Power to grant track betting licences.	Schedule 3 to the Betting, Gaming and Lotteries Act 1963.
9. Power to license inter-track betting schemes.	Schedule 5ZA to the Betting, Gaming and Lotteries Act 1963.
10. Power to grant permits in respect of premises with amusement machines.	Gambling Act 2005.
11. Power to register societies wishing to promote lotteries.	Gambling Act 2005.
12. Power to grant permits in respect of premises where amusements with prizes are provided.	Schedule 3 to the Lotteries and Amusements Act 1976.
13. Power to license sex shops, sex cinemas and sexual entertainment venues.	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3, as amended by Section 27 of the Policing and Crime Act 2009.
14. Power to license performances of hypnotism.	The Hypnotism Act 1952.
15. Power to license for acupuncture, tattooing, ear-piercing, electrolysis and semi-permanent skin colouring.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Local Government Act 2003.

<b><u>Function</u></b>	<b><u>Provision of Act or Statutory Instrument</u></b>
16. Power to license pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907.
17. Power to grant permission for provision of, etc of services, amenities, recreation and refreshment facilities on highway and related powers e.g. tables and chairs and A boards.	Sections 115E, 115F, and 115K of the Highways Act 1980.
18. Power to license market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982.
19. Power to license night cafes and take-away food shops.	Licensing Act 2003.
20. Powers relating to the removal of things so deposited on highways as to be a nuisance.	Section 149 of the Highways Act 1980.
21. Authorise prosecution for wilful obstruction of the highway	Section 137 of the Highways Act 1980
22. Duty to publish notice in respect of proposal to grant permission under Section 115E of the Highways Act 1980.	Section 115G of the Highways Act 1980.
23. Enforcement of smoke free provisions including Sections 6(5), 7(4) and 8(4). Authorisation of employees	Health Act 2006 and Orders and Regulations thereunder
24. Power to permit deposit of builder's skip on highway.	Section 139 of the Highways Act 1980.
25. Duty to keep list of persons entitled to sell non-medicinal poisons.	Sections 3 (1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972.
26. Power to register and license premises for the preparation of food.	Section 19 of the Food Safety Act 1990.
27. Power to register scrap metal dealers and licence motor salvage operators.	Section 1 of the Scrap Metal Dealers Act 1964 and Part I of the Motor Vehicles (Crime) Act 2001.

<b><u>Function</u></b>	<b><u>Provision of Act or Statutory Instrument</u></b>
28. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975.
29. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.	Part III of the Fire Safety and Safety Places of Sport Act 1987.
30. Power to issue fire certificates.	Regulatory Reform Fire Safety Order 2005.
31. Power to license premises for the breeding of dogs.	Section 1 of the Breeding of Dogs Act 1973 and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999.
32. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Section 1 of the Pet Animals Act 1951; section 1 of the Animal Boarding Establishments Act 1963; the Riding Establishments Acts 1964 and 1970; section 1 of the Breeding of Dogs Act 1973 and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.
33. Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925.
34. Power to license zoos.	Section 1 of the Zoo Licensing Act 1981.
35. Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976.
36. Power to license knackers' yards.	Section 4 of the Slaughterhouses Act 1974. See <i>also</i> the Animal By-Products Order 1999.
37. Power to license the employment of children.	Part II of the Children and Young Persons Act 1933, byelaws made under the Part, and Part II of the Children and Young Persons Act 1963.
38. Power to license persons to collect for charitable and other causes.	Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939.
39. Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993.

<b><u>Function</u></b>	<b><u>Provision of Act or Statutory Instrument</u></b>
40. Power to issue licences for the movement of pigs.	Article 12 of the Pigs (Records, Identification and Movement) Order 1995.
41. Power to license the sale of pigs.	Article 13 of the Pigs (Records, Identification and Movement) Order 1995.
42. Power to license collecting centres for the movement of pigs.	Article 14 of the Pigs (Records, Identification and Movement) Order 1995.
43. Power to issue a licence to move cattle from a market.	Article 5(2) of the Cattle Identification Regulations 1998.
44. Power to approve meat product premises.	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994.
45. Power to approve premises for the production of minced meat or meat preparations.	Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995.
46. Power to approve dairy establishments.	Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995.
47. Power to approve egg product establishments.	Regulation 5 of the Egg Products Regulations 1993.
48. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to eat foods.	Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995.
49. Power to approve fish products premises.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
50. Power to approve dispatch or purification centres.	Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
51. Power to register fishing vessels on board which shrimps or molluscs are cooked.	Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.



<b><u>Function</u></b>	<b><u>Provision of Act or Statutory Instrument</u></b>
52. Power to approve factory vessels and fishery product establishments.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
53. Power to register auction and wholesale markets.	Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
54. Duty to keep register of food business premises.	Regulation 5 of the Food Premises (Registration) Regulations 1991.
55. Power to register food business premises.	Regulation 9 of the Food Premises (Registration) Regulations 1991.
56. Power to sanction use of parts of buildings for storage of celluloid.	Section 1 of the Celluloid and Cinematograph Film Act 1922.
57. Power to approve premises for the solemnisation of marriages.	Section 46A of the Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995. Civil Partnership Act 2004, The Marriages and Civil Partnerships (Approved Premises) Regulations 2005 and The Marriages and Civil Partnerships (Approved Premises) (Amendment) Regulations 2011.
58. Powers relating to complaints about high hedges.	Part 8 of the Anti-Social Behaviour Act 2003.
59. Licensing functions set out in the Gambling Act 2005 and order and regulations thereunder.	Gambling Act 2005.
60. Power to act when there is a threat of environmental damage and the carrying out of works in default	Environmental Damage (Prevention and Remedial) Regulations 2009
<b>Functions relating to the enforcement of byelaws</b>	Any provision of any enactment (including a local Act) whenever passed, and section 14 of the Interpretation Act 1978.
<b>Functions relating to health and safety at work</b>	
Functions under any of the “relevant statutory provisions” within the meaning of Part I (health, safety and	Part I of the Health and Safety at Work etc. Act 1974.

**Function**

**Provision of Act or Statutory  
Instrument**

welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.

- 8.7 Terms of Reference of the Licensing Sub-Committee
- 8.8 The Sub-Committee will comprise three elected Councillors appointed on a rota basis from the Licensing Committee who will:-
- A. consider and determine contentious applications in respect of licensed premises and Hackney Carriage and Private Hire Drivers/operators,
  - B. authorise the institution of legal proceedings in respect of various licensing and environmental matters.

**9. Delegations to Appeals Panels**

9.1 To hear and determine appeals against decisions of employees, the Cabinet and Cabinet Panels or Regulatory or other Committees including but not limited to:

- (i) appeals against decisions affecting pupils/students (excluding admission and exclusion appeals which are dealt with by independent panels)
- (ii) housing appeals

Appeals will be dealt with by a Panel drawn from eligible Councillors.

9.2 Appeals will be dealt with by a Panel drawn from eligible Councillors.

- (i) To determine individual appointments, dismissals and conditions of service matters which cannot be dealt with by the Cabinet and which require Councillor involvement.

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## **DELEGATIONS TO THE PENSION COMMITTEE**

- 10.1 To exercise all those functions of City of Wolverhampton Council which are required to be performed by it in its role as Administering Authority for the Local Government Pension Scheme under the Public Service Pensions Act 2013 (and any associated legislation) adhering to the principles required by Statutory Guidance and the Code of Practice issued by the Pensions Regulator.
- 10.2 Under Section 4 of the Public Service Pensions Act 2013 the Scheme Manager for the Administering Authority shall be the Pensions Committee. The Administering Authority shall at Full Council every year approve the delegation of Scheme Manager under Section 101 of the Local Government Act 1972 to the Pensions Committee and appoint representatives to sit on the Committee for that year.
- 10.3 To exercise all the general powers and duties of the Council granted to the Cabinet and Cabinet Panels and Regulatory or other Committees provided that those parts of the Council's Financial Procedure Rules and Contracts Procedure Rules which relate to the acquisition and disposal of land, Fund Investment transactions, custody of assets, appointment of advisors, approval of expenditure and their related activities, shall not apply in relation to such acquisitions and disposals and expenditure in connection with the Pension Fund.
- 10.4 To ensure that equality issues are addressed in the development of policies and the provision of services and are appropriately monitored.
- 10.5 To ensure that consideration is given to the impact which the Committee's policies and provision of services have with regard to environmental matters.
- 10.6 **PENSIONS COMMITTEE TERMS OF REFERENCE**

**10.6.1** The Council's financial procedure rules, contract procedure rules and internal financial limits concerning procurement do not relate to the Pensions Committee who, by delegation from Council, has authority to enter into contracts, procure services, purchase goods and manage financial investment through the internal controls of the West Midlands Pension Fund and in compliance with all applicable legislation.

**10.6.2** The Pensions Committee may call upon the Pensions Board to seek assistance on matters to be discussed at the committee meeting. Where such assistance is sought it must be considered as part of the decision making process.

**10.6.3** Any reference within the Council's constitution that refers to Council or Cabinet and includes powers relevant to the work of the Pensions Committee should be read to include Pensions Committee, including the setting of the Budget and Policy framework of the Fund.

**10.6.4** The Pensions Committee shall adhere to the Standing Orders of City of Wolverhampton Council and all matters of due process so far as they do not conflict with the preceding delegation.

#### **10.6.5 MEMBERSHIP**

10.6.5.1 The membership of the Pensions Committee shall consist of ten City of Wolverhampton Council members, one Elected Member from each of the six District Councils and four (non-voting) trade union representatives.

10.6.5.2 The quorum is eight.

10.6.5.3 A substitution for any person appointed to the Pension Committee shall follow the Council's procedure.

10.6.5.4 Should an elected Councillor no longer be a member of their authority, their appointment on the Committee shall cease and a further nomination will be sought from that authority.

10.6.5.5 The Committee shall meet a minimum of quarterly.

10.6.5.6 All persons appointed to the Committee will adhere to the Committee's code of conduct.

10.6.5.7 Persons sitting on the Committee are expected to make themselves available to attend committee meetings. Persons who fail to attend three or more events (to include committees and training) will be asked to leave the committee and a replacement sought from their nominating body unless there are exceptional reasons for their failure to attend. Such reasons to be considered by the committee.

#### **10.6.6 CHAIRING THE COMMITTEE**

10.6.6.1 It will be the first business of the Committee at its annual meeting to receive nominations of a Chair and Vice Chair from Full Council who will sit for the term of one year.

10.6.6.2 In the event of a tie of votes of any business to be conducted, the Chair will have the casting vote. In the circumstances where

the vote is to appoint a new Chair, the outgoing Chair will have the casting vote in the event of a tie.

#### **10.6.7 DUTIES OF THE PENSION COMMITTEE**

- 10.6.7.1 The Pensions Committee to act as the Pension Scheme Manager for the Administering Authority in the management and administration of the local government pension scheme for the West Midlands.
- 10.6.7.2 To adhere to the principles set out in the Statutory Guidance and Codes of Practice issued by the Scheme Advisory Board and the Pensions Regulator and undertake its duties in compliance with the obligations imposed on it.
- 10.6.7.3 To provide independent assurance to members of the fund of the adequacy of the risk management framework and the associated control environment, responsible for the fund's financial and non-financial performance to the extent that it affects the fund's exposure to risk.
- 10.6.7.4 To administer all aspects of the West Midlands Pension Fund on behalf of City of Wolverhampton Council and the West Midlands Integrated Transport Authority Pension fund under S101 Local Government Act 1972 delegation from the Combined Authority.
- 10.6.7.5 To determine staffing structures, changes to vacant posts or the establishment of new posts and to receive reports on matters of staffing and employment of officers within the Fund.
- 10.6.7.6 To ensure that equality issues are addressed in the development of policies and the provision of services and are appropriately monitored.
- 10.6.7.7 To communicate with members of the fund keeping accurate records and publishing information as required about the fund and its work.
- 10.6.7.8 To monitor investment activity and the performance of the Fund(s)
- 10.6.7.9 The selection, appointment and dismissal of an investment pool operator to manage the assets of the Fund

- 10.6.7.10 To determine the asset allocation/investment strategy of the WMPF/WMITA Pension Fund
- 10.6.7.11 Determining what the Fund requires the pool to provide to enable it to execute its investment strategy effectively
- 10.6.7.12 Receiving and considering reports and recommendations from the Joint Committee in relation to LGPS Central Ltd
- 10.6.7.13 Ensuring that appropriate measures are in place to monitor and report on the ongoing costs of investment pooling
- 10.6.7.14 Ensuring the responsible investment, corporate governance and voting policies of the Fund are delivered effectively
- 10.6.7.15 Receiving recommendations from the Practitioners Advisory Forum on the performance and management of LGPS Central Ltd
- 10.6.7.16 Reviewing and agreeing the Investment Strategy Statement, Fund Strategy Statement, Administration Policy, Pension Administration Strategy, Governance Compliance Statement, Communications Statements and publish a Pension Fund Annual Report

#### **10.6.8 TRAINING**

- 10.6.8.1 In compliance with the requirements of the Public Service Pensions Act 2013 persons appointed to the Committee shall undertake at least 3 training session per year. The first training session will be organised within 28 days of their appointment to the Committee with subsequent training scheduled after three months of appointment and after nine months of appointment.



## **11.DELEGATIONS TO THE STANDARDS COMMITTEE**

### **11.1 Standards Committee**

The Council will establish a Standards Committee.

### **11.2 Composition**

The Standards Committee will comprise five Councillors.

### **11.3 Ethical Role and Functions**

The Standards Committee will have the following terms of reference:

- a. To promote and maintain high standards of conduct by Councillors, Co-opted members and Church and Parent Governor representatives;
- b. To assist Councillors, Co-opted Members and Church and Parent Governor representatives to observe the Councillors' Code of Conduct;
- c. To deal with all functions under the relevant provisions of, or Regulations made under the Localism Act 2011;
- d. To appoint any Sub-Committee, as appropriate, to hear and determine complaints against Councillors and Co-opted Members under the provisions of the Councillors Code of Conduct, and in accordance with locally agreed procedures
- e. To make recommendations to Council on the appointment of an Independent Person as required under the Localism Act and any relevant Regulations.
- f. Advising the Full Council on the adoption or revision of the Councillors' Code of Conduct and Councillors' Allowances Scheme;
- g. Monitoring the operation of the Councillors' Code of Conduct and Councillors' Allowances Scheme;
- h. Advising, training or arranging to train Councillors, Co-opted Members and Church and Parent Governor representatives on matters relating to the Councillors' Code of Conduct;
- i. Following consultation with the Independent Person, to grant dispensations to Councillors, Co-opted Councillors and Church and Parent Governor representatives from requirements relating to interests set out in the Councillors' Code of Conduct under the following circumstances:-
  - (i) That, without the dispensation, the representation of different political groups on the body transacting business would be so upset as to alter the outcome of any vote on an issue.

- (ii) That the Council considers that the dispensation is in the interests of persons living in the Council's area.
- (iii) That, without a dispensation, no member of the Cabinet would be able to participate on this matter.

- j. Maintaining oversight of the Council's whistle blowing policy;
- k. Maintaining oversight of the Council's Complaints and Compliments procedure.
- l. Maintaining oversight of the Local Code of Corporate Governance.

#### **11.4 Additional Role and Functions**

The Standards Committee will have the following additional terms of reference:-

- a. to liaise between the Council and the Ombudsman;
- b. to advise the Council on the conferment of the title of Honorary Alderman or Freedom of the City;
- c. to advise the Council on the making, amendment, revocation or re-enactment of bylaws and the promotion of or opposition to local or personal Bills in Parliament.

#### **11.5 Statutory Powers and Duties**

The additional roles and functions listed above are detailed in the Schedule to which may be added such other specific powers or duties which may be permitted or required to be delegated from time to time by Regulations made under the Local Government Act 2000.

## SCHEDULE

### Function

### Provision of Act or Statutory Instrument

#### **Functions relating to name and status of areas and individuals**

- |  |   |
|--|---|
| 1. Power to change the name of the district.   | Section 74 of the Local Government Act 1972.  |
| 2. Power to confer title of honorary alderman or to admit to be an honorary freeman.   | Section 249 of the Local Government Act 1972.   |
| 3. Power to make, amend, revoke or re-enact bylaws.                                    | Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978. |
| 4. Power to promote or oppose local or personal Bills.                                 | Section 239 of the Local Government Act 1972.   |
| 5. Power to make standing orders.  | Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972.                                      |
| 6. Power to make payments or provide other benefits in cases of maladministration etc. | Section 92 of the Local Government Act 2000.  |
| 7. Duty to provide employees to person nominated by Monitoring Officer.                | Sections 82A (4) and (5) of the Local Government Act 2000.  |
| 8. To administer the Code of Conduct and any allegations/investigations thereunder     | Localism Act 2011 and regulations made thereunder   |

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## **1. Delegations to Audit and Risk Committee**

1.1 The Audit Committee is a key component of the Council's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards. The purpose of the Audit Committee is to provide independent assurance to Councillors of the adequacy of the risk management framework and the internal control environment. It provides independent review of the governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

### 1.2 Governance, risk and control

- To review the Council's corporate governance arrangements against the good governance framework and consider annual governance reports and assurances.
- To review the annual governance statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control.
- To consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
- To consider the Council's framework of assurance and ensure that it adequately addresses the risks and priorities of the Council.
- To monitor the effective development and operation of risk management in the Council.
- To monitor progress in addressing risk-related issues reported to the committee.
- To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
- To review the assessment of fraud risks and potential harm to the Council from fraud and corruption.
- To monitor the counter-fraud strategy, actions and resources.

### 1.3 Internal Audit

- To approve the internal audit charter.

- To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.
- To approve risk based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
- To approve significant interim changes to the risk-based internal audit plan and resource requirements.
- To make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.
- To consider reports from the head of internal audit on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:
  - (i) Updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work;
  - (ii) Regular reports on the results of the quality assurance and improvement programme;
  - (iii) Reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards and Local Government Application Note, considering whether the non-conformance is significant enough that it must be included in the annual governance statement.
- To consider the head of internal audit's annual report:
  - (i) The statement of the level of conformance with the Public Sector Internal Audit Standards and Local Government Application Note and the results of the quality assurance and improvement programme that supports the statement - these will indicate the reliability of the conclusions of internal audit.
  - (ii) The opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control together with the summary of the work supporting the opinion - these will assist the committee in reviewing the annual governance statement.
- To consider summaries of specific internal audit reports as requested.
- To receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.

- To contribute to the quality assurance and improvement programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years.
- To consider a report on the effectiveness of internal audit to support the annual governance statement, where required to do so by the Accounts and Audit Regulations.
- To support the development of effective communication with the head of internal audit.

#### 1.4 External Audit

- To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.
- To consider specific reports as agreed with the external auditor.
- To comment on the scope and depth of external audit work and to ensure it gives value for money.
- To commission work from internal and external audit.
- To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

#### 1.5 Financial Reporting

- To receive detailed training in respect of the process associated with the preparation, sign off, audit and publication of the Council's annual statement of accounts.
- To monitor the on-going progress towards publication of the Council's annual statement of accounts, ensuring the statutory deadlines are achieved.
- To obtain explanations for all significant variances between planned and actual expenditure to the extent that it impacts on the annual statement of accounts.
- To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
- To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

#### 1.6 Accountability arrangements

- To report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions.
- To report to full Council on a regular basis on the committee's performance in relation to the terms of reference, and the effectiveness of the committee in meeting its purpose.

1.7 Audit Committee Sub-Committees

1.8 The Audit Committee has established a Monitoring of Audit Investigations Sub-Committee to facilitate the discharge of its responsibilities. The sub-committee's terms of reference are:

- (i) To monitor the progress of investigations undertaken by Audit Services.
- (ii) To refer significant issues arising from the above to the next scheduled meeting of the Audit Committee.



## ~~DELEGATIONS TO THE WEST MIDLANDS JOINT COMMITTEE~~

~~14.1—The Council is a member of the West Midlands Joint Committee which comprises the seven District Councils within the County of the West Midlands. The Joint Committee is a Joint Committee for the purposes of Part VI of the Local Government Act 1972. The appointment of Councillors to the Joint Committee and the proceedings of the Joint Committee are governed by the constitution of the Joint Committee. The Joint Committee represents the interests of the District Councils at a national level including joint bidding for resources.~~

~~14.2—The Joint Committee exercises the following functions on behalf of the Council:~~

~~a) To make nominations or appointments as the case may be to the 5 balancing places of the West Midlands Police and Crime Panel~~

~~b) In relation to Birmingham Airport, to:-~~

~~14.2.1(i)—determine the exercise of the Districts' powers and rights as shareholders of the Company including the manner in which the Districts' block shareholder vote is to be exercised;~~

~~(ii)—determine the manner in which the block vote is to be cast by any of the Districts' Directors.~~

~~(iii) determine the exercise of rights and performance of obligations, warranties, indemnities and covenants contained in the Investment Agreement and Taxation Deed relating to the restructuring of the Airport;~~

~~(iv) appoint and remove the Districts' Directors on the Board and appoint appropriate officers as Districts' Observers to attend Board meetings and support the District Directors.~~

~~14.2.2—The delegation of powers by the Districts to the Joint Committee in clause 2.1 shall be subject to a condition that all resolutions of the Joint Committee or any Sub-Committee appointed by the Joint Committee shall be passed by a majority of the members present who between them represent Districts who hold at least 51% of the Districts' total shareholding.~~

~~14.2.3—The Joint Committee may arrange for the discharge of their functions by a Sub-Committee subject to the same condition set out in clause 2.2.~~

~~14.2.4—The Joint Committee may arrange for the discharge of their functions subject to the condition set out in clause 2.2 by each of the Districts' Chief Executives or anyone authorized by any District to act in the Chief Executive's absence acting in consultation with the Chair or Vice Chair of the Joint Committee.~~

~~14.3 To consult and co-operate as respects matters affecting the District Councils (including the Duty to Cooperate and as appropriate with each District Council and the Joint Authorities.~~

~~14.4 To receive reports from any partnership~~

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**15. DELEGATIONS TO LOCAL NEIGHBOURHOOD PARTNERSHIPS**

The Council has approved protocols and criteria for the expenditure of budgets available to Local Neighbourhood Partnerships. There are not currently any formal delegations of Council functions to Local Neighbourhood Partnerships.

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## **Terms of Reference – Special Advisory Group**

### **16. Terms of Reference – Special Advisory Group**

- 16.1 The Special Advisory Group shall be an advisory body, comprising Councillors, dealing with governance and constitutional arrangements.
- 16.2 The Special Advisory Group shall, where appropriate, consider and advise the Standards Committee on matters relating to the Council's governance and Constitution, including standards of conduct, the timetable of meetings, the administrative and procedural arrangements for implementing new legislation and the terms of reference of or scheme of delegation to Council bodies.
- 16.3 The Special Advisory Group shall consider and advise the Council on elections and electoral arrangements, including boundary reviews, and polling districts, places and stations, where these are not the sole responsibility of the Returning Officer.
- 16.4 The Special Advisory Group will be consulted, and may offer feedback for consideration, on elections and electoral arrangements that are the sole responsibility of the Returning Office

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## **17. Terms of Reference – Corporate Parenting Board**

- 17.1 Provide clear strategic and political direction in relation to corporate parenting.
- 17.2 Ensure that all Councillors and City of Wolverhampton Council Service Groups are all fulfilling their roles and responsibilities as corporate parents proactively.
- 17.3 Make a demonstrable commitment to prioritising the needs of looked after children and young people and their carers.
- 17.4 Show ambition and aspirations for all looked after children and care leavers.
- 17.5 Undertake regular monitoring of the outcomes associated with the above priorities as they are articulated in the 'Corporate Parenting Pledge'.
- 17.6 Set objectives for monitoring the work of and evaluating the progress of the Corporate Parenting Officers Group.
- 17.7 To receive regular reports on the level and quality of services to looked after children and care leavers from the Children and Young People's Service Group and other Service Groups and external organisations.
- 17.8 Ensure that Councillors undertake a programme of visits to children's homes.
- 17.9 Promote achievement and acknowledging the aspirations of children and young people looked after by supporting celebration events.
- 17.10 Champion the provision of Council based work placements and apprenticeships for looked after young people.
- 17.11 To determine ways in which the role of corporate parenting can be improved, using examples from other local authorities and countries.
- 17.12 To be responsible for ensuring that the views of children and young people and their carers are involved in the assessment, development and delivery of services.
- 17.13 Engaging with children and young people who are looked after or who have left care including inviting them to act as advisers to the Panel on a regular basis.
- 17.14 Meeting with Government inspectors where appropriate, for their input into overall inspections such as the Annual Performance Assessment (APA) and individual inspections of fostering/adoption services and children's homes.
- 17.15 Approve a work plan, reviewing progress, membership of the Panel and attainment of its role and terms of reference.

17.16 Through appropriate mechanisms, to report to Cabinet or other appropriate bodies on the work of the Panel.



## **TERMS OF REFERENCE HEALTH AND WELLBEING BOARD**

### **Membership**

- Leader of the Council (Chair)
- Wolverhampton CCG (Vice-chair)
- Strategic Director – People
- Director of Public Health
- Representative of Local Healthwatch
- Cabinet Member – Children and Young People
- Cabinet Member – Adults
- Cabinet Member – Public Health & Wellbeing
- Shadow Cabinet Member – Public Health & Wellbeing
- Strategic Director – Place
- Service Director – Adults
- National Health Service England Representative
- University of Wolverhampton – Faculty of Education, Health and Wellbeing
- West Midlands Fire Service
- West Midlands Police – Wolverhampton Local Policing Unit
- Third Sector Partnership
- Independent Chair Children’s and Adult Safeguarding Boards
- Royal Wolverhampton NHS Trust Representative
- Black Country Partnership NHS Foundation Trust Representative

Additional members will be considered by the Health and Wellbeing Board as appropriate. The overall size of the Board will, however, be kept at a level which is manageable and able to support efficient and effective decision-making.

A report will be presented by Democratic Services to the Health and Wellbeing Board with revisions to the membership to consider and approve.

### **Frequency of meetings**

The Board will meet every other month.

An extraordinary meeting can be called when the Chair considers this necessary and or/ in the circumstances where the Chair receives a request in writing from 50% of the membership of the Board.

The Board may hold informal focus days / sessions on specific issues of interest to the Board.

The Board will establish its own forward planning programme of activity which will be reviewed at each meeting to ensure it remains both strategic and timely. The 'Forward Plan' will be used to facilitate discussion as to priority areas, new items and agenda timetabling. Any reports for a meeting of the Board should be submitted to the Democratic Services team no later than eleven days in advance of the meeting. No business will be conducted that is not on the agenda.

Agendas and papers for Board meetings will be made publicly available via the website unless covered by exempt information procedures.

### **Meetings of the Health and Wellbeing Board will be conducted in public.**

The quorum for meetings will be 50% of the membership. There must be at least one Council and one CCG Board Member representative at each meeting.

### **Purpose**

(a) To identify and act upon changes required under the enactment of the NHS Health and Social Care Act 2012 and subsequent related legislation.

The statutory Health and Wellbeing board will the following functions:

- To prepare and publish a joint strategic needs assessment;
- To prepare and publish a health and wellbeing strategy based on the needs identified in the joint strategic needs assessment and to oversee the implementation of the strategy;
- Discretion to give an opinion on whether the Council is discharging its statutory duty to have due regard to the joint strategic needs assessment and the health and wellbeing strategy;
- To promote and encourage integrated working including joint commissioning in order to deliver cost effective services and appropriate choice. This includes providing assistance and advice and other support as appropriate, and joint working with services that impact on wider health determinants.

### **Terms of Reference**

a) To provide leadership and democratic / public accountability to improve health and wellbeing and reduce inequalities.

- b) To promote integration and partnership working between the NHS, social care, public health and other commissioning organisations.
- c) To assess the robustness of and continued development of the Joint Strategic Needs Assessment (JSNA) for the local population and to ensure that key commissioning decisions reflect local needs.
- d) To receive the Director of Public Health's Annual Report and agree to performance manage the forward plan for Public Health priorities and to review progress.
- e) To review and update in the light of the JSNA, a Wolverhampton Joint Health and Wellbeing Strategy. The strategy will set out how the health and well-being needs of the community will be addressed. To set an action plan to take forward the key priorities from the Joint Health and Wellbeing Strategy and to performance manage progress against defined targets.
- f) To support and challenge, as appropriate joint commissioning integrated care and management and pooled budget arrangements as a means of delivering service priorities.
- g) To determine appropriate partnership structures required to deliver the Board's responsibilities. To oversee and performance manage the work programmes of sub-groups. To oversee major partnership service transformation programmes and to monitor the continued work of Wolverhampton Healthwatch and receive regular reports on work undertaken.
- h) To oversee the governance and partnership arrangements for both Adults and Children's Safeguarding Boards.
- i) Ensure the decisions of commissioners align with the JSNA and the Joint Health and Wellbeing Strategy and hold them to account for delivery.
- j) To oversee the work of Public Health on health promotion and ill-health prevention campaigns.
- k) Support local voice and patient choice by ensuring that the views of local people are used. To respond to major Government launched inquiries into Health and Wellbeing.
- l) Members have a responsibility to feedback to their respective organisations the deliberations and decisions of the Board as appropriate.

### **Accountability**

There will be sovereignty around decision making processes. Members will be accountable through their own organisation's decision making processes for the decisions they take. It is expected that members of the Board will have delegated authority from their organisations to take decisions within the terms of reference.

Decisions within the terms of reference will be taken at meetings and will not normally be subject to ratification or a formal decision process by partner

organisations (provided that at least 10 days notice of forthcoming decisions had been given).

However, where decisions are not within the delegated authority of the Board members, these will be subject to ratification by constituent bodies.

It is expected that decisions will be reached by consensus.

30.11.16

## **19. TERMS OF REFERENCE – COUNCILLOR CHAMPIONS**

### **Equalities Councillor Champion**

- 19.1 Although advancing equality is the responsibility of all Councillors, the Equalities Councillor Champion provides a focus by raising the profile of equalities amongst his/her colleagues, employees, partners, stakeholders and community groups. The Equalities Councillor Champion also provides support and constructive challenge to officers driving forward the Council's equalities agenda through the Equalities Advisory Group.

### **Councillor Development and ICT Champion**

The Councillor Development and ICT Champion provides a focus by raising the profile of Councillor development and ICT developments amongst his/her colleagues. The Councillor Development and ICT Councillor Champion also provides support and constructive challenge to officers driving forward the Council's Councillor Development Programme and ICT agenda through the Councillor Development and IT Advisory Group.

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## **A Delegations to Employees**

- A1 Sections 1-19 of Part 2 of the Constitution set out how the Council's functions have been allocated between the Council, the Cabinet, Regulatory and other Committees, individual Councillors, or other bodies on which the Council may be represented. Those sections also indicate which functions are reserved to the Council and which functions have been delegated to the Cabinet, Cabinet Panels and various Regulatory or other Committees.
- A2 This section of Part 2 sets out which functions have been delegated to employees. One of the main principles of the Constitution is the need to be able to ascertain who is responsible for any decision made by or on behalf of the Council and this is particularly so for employee delegations which must be comprehensive.
- A3 The following sections set out the functions which are delegated to Officers. All delegations must be exercised in accordance with this Constitution, policies, procedures and Codes of Practice which are adopted from time to time by the Council and any specific limitations or restrictions which are included in the following tables.
- A4 When exercising any of the delegations, Officers must take note of any statutory or other legal requirements including the principles of public law, human rights and equalities legislation.
- A5 Directors are required to maintain written delegations which prescribe the delegations which operate within their area of purview. Such written delegations will indicate which employees are responsible for the management and delivery of services and will specify relevant operational and financial limits.
- A6 Employees who are entitled to exercise delegated powers should always refer a complex or sensitive matter for decision by the Cabinet, appropriate Cabinet Panel or Regulatory or other Committees.

Complex or sensitive matters to include: -

1. One of significant financial or legal risk not previously brought before Cabinet.

2. One which requires Councillors to be made aware of as it is of a significant political nature.
3. One which affects the Councils reputation and needs to be brought to Councillors' attention.
4. Matters that constitute a change to explicit policy statements.

A7 References in the delegations to any statutory provision shall be deemed to include any statutory provisions which may from time to time replace, amend or revoke them and any orders, directions, regulations, codes of practice, byelaws or government guidance currently in force.

A8 in the event an Officer is unclear as to any delegation or what constitutes a complex or sensitive issue, advice should first be sought from the Director of Governance and Solicitor to the City Council as to how to proceed.



## **B Delegations to Managing Director, Strategic Directors and Directors**

	<i>Function</i>	<b>Limits or restrictions on delegation</b>
B1	Financial administration.	In accordance with the Financial Procedure Rules.
B2	Contracts and tendering.	In accordance with the Contracts Procedure Rules.
B3	Management of Human Resources.	In accordance with the Council's Human Resources Policies and Procedures and the attached Schedule of Human Resources Schedules.
B4	Day to day administration and operational management excluding key decisions as defined in the Access to Information Procedure Rules.	In accordance with the Constitution and any specific restrictions or limitation imposed by the Cabinet or relevant Regulatory or other Committee.
B5	Management of operational land and premises used for service delivery.	In accordance with the Financial Procedure Rules, the Contracts Procedure Rules and the Asset Management Plan.
B6	The administration of all fees and charges levied in respect of operational services including the waiving or remission of fees and charges.	In accordance with the Financial Procedure Rules.

<i>Function</i>	<b>Limits or restrictions on delegation</b>
B7 Compliance with the Health and Safety at Work etc. Act 1974 and the Regulatory Reform (Fire Safety) Order 2005.	In accordance with the Council's Health and Safety policies and procedures.
B8 Compliance with the Council's Equal Opportunities Policy and relevant legislation.	In accordance with the Council's Equal Opportunities policies and procedures.
B9 Compliance with the Human Rights Act 1998.	
B10 Compliance with the Data Protection Act 1998 and the Freedom of Information Act 2000.	
B11 Identification of "Employees responsible for the management of investigations" under the Regulation of Investigatory Powers Act 2000.	In accordance with policy agreed by Cabinet (Resources) Panel on 2 November 2010
B12 Discharge of functions under the Major Emergency Plan.	In accordance with the Major Emergency Plan.
B13 Compliance with the Local Code of Corporate Governance and production of an annual Assurance Statement.	In accordance with the Code.
B14 Compliance with Risk Management Strategy.	
B15 Approval for overseas trips by employees.	Where there is no cost to the Council (i.e. funded by a third party).

## C Delegations to the Managing Director

Function	Limits or restrictions on delegation
C1 Discharge of functions as Head of Paid Service.	In accordance with Article 12 of the Constitution
C2 To undertake any function delegated to any Strategic Director/Director in the absence of that Director or due to his/her inability to act.	In accordance with any restriction on delegation specified in this Delegation Scheme.
C3 To undertake functions in respect of the West Midlands Metropolitan Authorities Pension Fund.	In accordance with the statutory provisions and any determinations of the Pensions Committee.
C4 Discharge of functions in relation to the compilation and maintenance of the Register of Electors, including the appointment of a Deputy Electoral Registration Officer, and the organisation and management of European, Parliamentary and local elections.	In accordance with the Representation of the People Acts and associated legislation.  <b>Note:</b> The day to day functions are within the remit of the Director of Governance and therefore also referred to in the delegations to the Managing Director.
C5 To consent to dispersal of groups under section 30 of the Anti-Social Behaviour Act 2003.	In accordance with the report approved by Cabinet 24/01/07
C6 Communications and Customer Relations.	
C7 Performance Management.	

C8	Organisational planning; tactical planning.	
C9	To manage and administer the Council's central ICT resources, corporate ICT strategy and IEG statement.	
C10	In consultation with the Director of Finance, to make donations and/or grants of up to £10,000 to local community groups.	
C11	To approve "continuous service in the public sector" to be recognised for the purposes of annual leave entitlement.	In accordance with HR policies, procedures and processes
C12	In consultation with the Section 151 Officer to determine the grade for posts below JNC for Senior Management grading levels.	In accordance with HR policies, procedures and processes
C13	In consultation with the Section 151 Officer to deal with applications for discretionary added years for pension purposes with a maximum financial impact of £20,000	In accordance with report approved by Cabinet 15/11/06
C14	Discharge of functions as Proper Officer for the purposes of Section 100 of the Local Government Act 1972 and other provisions relating to admission to meetings and access to documents.	
C15	To develop an effective assurance framework based upon the Council's risk management and internal audit arrangements.	

C16	The operational and business management of the Council's Street Scene Services, including environmental cleansing, litter control, grounds maintenance, arboriculture and gully cleansing.	
C17	To provide the client agency function for grounds maintenance.	In accordance with Council Procurement Strategy.
C18	To undertake the management of the Bereavement Centre including the provision and maintenance of cemeteries, crematorium and public mortuary facilities.	
C19	The operational management of the Document Centre.	
C20	Delivery of the Corporate Customer Services Strategy and operational management of City Direct, Main Switchboard and reception.	
C21	To develop and operate the Sport and Recreation service.	Sport & Recreation Strategy (1999) Wolverhampton Swimming Strategy 2005 Wolverhampton Playing Pitch Strategy 2004
C22	To undertake the management of bars and licensed premises attached to Aldersley Leisure Village.	Licensing Acts 1964, 1988 and 2003 Food Safety Act 1990 Intoxicating Substances (Supply) Act 1985.

C23 To make minor editorial and other amendments to the Constitution, including to reflect senior management changes, for administrative convenience and/or consequential to legislative changes.

C24 Discharge of functions in relation to the compilation and maintenance of the Register of Electors and the organisation and management of European, Parliamentary and local elections.

Birmingham International Airport

C25 In consultation with the Section 151 Officer to deal with any matters requiring the consent of the Council as a shareholder in Birmingham Airport, or in relation to matters falling under the Shareholders' Agreement, which have been recommended by the West Midlands Joint Committee, or the financial and legal advisors to the Joint Committee, and which have no adverse financial impact on the Council or do not prejudice the value of its shareholding in the Airport.

Where an amendment follows a change in legislation or will alter delegations to Councillors or employees, the Group Leaders should be notified in advance of any change being effected.

The Managing Director is the Statutory Officer for these functions

In accordance with the reports approved by Cabinet on  
05.12.01 and 30.01.02.

**D Delegations to the Director of Governance and Monitoring Officer**

<b>Function</b>	<b>Limits or restrictions on delegation</b>
D1 Scrutiny and Executive Support	
D2 Democratic and Members Services	
D3 Discharge of functions as Monitoring Officer including the selection process by which Independent Persons are recommended to the Council for appointment	
D4 Discharge of functions as Proper Officer for the purposes of: -  Section 83 of the Local Government Act 1972 (declaration of acceptance of office)  Section 84 (resignation)  Section 96 (general notices and recording of disclosures of interest)  Section 225 (deposit of documents)  Section 229 (photographic copies of documents)  Section 232 (public notices)  Section 233 (service of notices)  Section 234 (authentication of documents)  Section 238 (evidence of bylaws).	

D5 Discharge of any other Proper Officer functions which may be delegated from time to time by the Council.

D6 To undertake functions in respect of the West Midlands Metropolitan Authorities Pension Fund at the request of the Managing Director.

D7 To affix the Common Seal of the Council and to execute by any other means any deed or document on behalf of the Council.

D8 To take all such action as is necessary to commence, prosecute, defend, appear in or discontinue any legal proceedings brought by or against the Council and to authorise employees in accordance with section 60 of the County Courts Act 1984 and section 223 of the Local Government Act 1972.

D9 In consultation with the appropriate Strategic Director and the Section 151 Officer to institute proceedings for the recovery of possession of any land, premises or dwellings owned by the Council.

D10 In consultation with the appropriate Strategic Director and the Section 151 Officer to institute proceedings for the recovery of rent, service charges, mortgage arrears and any other monies due to the Council.

D11 In Consultation with the appropriate Strategic Director to authorise arrangements for the appointment of Education Appeals Panel Members and Chairs.

In accordance with the Constitution.

In accordance with the Constitution and any specific restrictions or limitations imposed by the Council, the Cabinet or any Regulatory or other Committee.



D12 To make minor editorial and other amendments to the Constitution, including to reflect senior management changes, for administrative convenience and/or consequential to legislative changes.

D13 Maintenance and operation of the Local Land Charges Register.

D14 The authorisation of appropriately qualified and experienced employees to act as markets officers.

Markets officers and other duly authorised employees are empowered to undertake inspections, investigations, interviews, sampling, prohibitions, seizures, detentions, recording, service of notices, (including suspension and compliance notices) notifications, waivers, transfer, authorisations, licensing registrations, legal proceedings and formal cautions under the following legislation thereto, and to exercise all other relevant powers including powers of entry provided under such legislation.

Markets and Fairs Clauses Act 1847  
Fairs Act 1868  
Local Government (Miscellaneous Provisions) Acts 1976 and 1982  
Food Act 1984

D15 Discharge of functions as Proper Officer for the Registration of Births, Deaths and Marriages including powers under: -

Registration Services Act 1953  
The Local Registration Scheme  
Registration of Births, Deaths and Marriages Regulations 1968 etc.

Where an amendment follows a change in legislation or will alter delegations to Councillors or employees, the Group Leaders should be notified in advance of any change being effected.

Scheme of delegation in respect to allocation procedures and Market rules Cabinet 17.04.07

In accordance with the statutory scheme.

Marriage Act 1949, including authority to approve premises to be used as a venue for marriages in pursuance of section 26(i) (bb) of the Marriage Act 1949 (Marriages On Approved Premises) Regulations 1995. Civil Partnership Act 2004

D16 The operational management of the Council's licensing functions.

D17 To exercise such functions of the Licensing Committee as may be delegated by the Committee from time to time.

In accordance with the Constitution and any specific restrictions or limitations imposed by the Cabinet or relevant Regulatory or other Committee through approved policies, procedures and service delivery programmes. Employee delegations relating to the Licensing Act 2003 were approved by the Licensing Committee 2 March 2005

Scheme of Delegation approved by the Licensing Committee 02.03.05.

**E Delegations to the Director of Finance and s151 Officer**

<b>Function</b>	<b>Limits or restrictions on delegation</b>
E1 To administer the financial affairs of the Council in accordance with section 151 of the Local Government Act 1972, section 114 of the Local Government Finance Act 1988, the Accounts and Audit Regulations 2011.	
E2 To administer and manage or approve the management arrangements for the Council's payroll arrangements.	
E3 To approve and oversee the management arrangements for the Council's tax liabilities including National Insurance, Value Added Tax etc.	
E4 To opt to tax land and property transactions not affected by policy considerations.	
E5 To administer and manage or approve the management arrangements for the Council's creditor payment, telephone transfers and CHAPS payments etc. arrangements.	
E5 To collect non-domestic rates and Council Tax or any similar tax from those persons liable, to take such steps in relation to non-domestic rates and Council Tax as the Billing Authority are authorised or required to take and in particular, but without prejudice to the generality of the foregoing: -	

- (i) to institute, carry on or defend proceedings in relation to the collection or recovery of non-domestic rates, Council Tax and other charges;
- (ii) to authorise the institution or defence of any proceedings or the taking of any steps in relation to the valuation list or rating list which the Council are authorised or required to institute, carry on, defend or take;
- (iii) the imposition of penalties as provided for under the provisions of the Local Government Finance Acts 1988 and 1992;
- (iv) to take any necessary steps in representing the Billing Authority at Valuation Tribunals;
- (v) in respect of non-domestic rates, Council Tax and other charges to take any necessary steps in protection of the interests of the Council in connection with bankruptcies, receiverships and liquidations;
- (vi) to reduce or remit liability in accordance with sections 44A and 49 of the Local Government Finance Act 1988.
- (vii) to reduce or remit liability in accordance with S13A Local Government Act 1992.

E6 To administer the assessment and payment of Housing Benefit, the Localised Council Tax Support Scheme

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and the Sanctions Policy in respect of fraud.

- E7 To approve exceptional hardship payments.
- E8 To determine the individual claims for Housing Benefit, Localised Council Tax Support and rate relief and administer the relevant scheme and regulations.  
  
To represent the authority at Housing and Localised Council Tax Support Appeals Tribunals.
- E9 To administer, collect, recover or issue all monies due to or from the Council to approve arrangements for the same and the setting of interest rates for mortgage advances for house purchases, improvements and conversions.
- E10 To manage, administer, monitor and report on day to day borrowing, investment or financing, in accordance with the CIPFA Code of Practice for Treasury Management in Local Authorities. To review and report on the Treasury Policy Statement.
- E11 To deal with all risk management and insurance matters and settle all insurance claims in accordance with terms agreed from time to time with the Council's insurers.
- E12 In consultation with the Director of Governance to deal with ex-gratia claims up to £500.

Authority is further delegated to the Head of Benefits to approve Discretionary Housing Payments

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E13 To make loans for vehicle purchase and to arrange leasing or contract hire as appropriate.

E14 To supervise and administer the Council's banking arrangements.

E15 To provide or approve the arrangements for financial advice and services on all matters relating to: -

(i) the financial affairs of joint ventures, partnerships, companies and other arrangements in which the Council has an interest;

(ii) delegations of a financial nature to other bodies e.g. School Governors.

E16 In conjunction with the Strategic Director for Place to agree to the application of monies recovered under the proceeds of Crime Act 2002 to a maximum of £30,000

E17 To undertake functions in respect of the West Midlands Metropolitan Authorities Pension Fund.

E18 To administer and manage or approve the management arrangements for the Council's procurement arrangements.

In accordance with report approved by Cabinet 20/03/07

E19 To deliver a full risk based internal audit service, based on the CIPFA Code of Practice for Internal Audit in Local Government.

E20 To maintain a counter fraud service in order to promote raising fraud awareness and to investigate suspected cases of fraudulent activity, in partnership with the WM Police.

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## **G DELEGATIONS TO THE DIRECTOR OF EDUCATION**

<b>Function</b>	<b>Limits or restrictions on delegation</b>
G1 To secure provision for pupils with special educational needs through delivery of Education Health Care Plans.	In accordance with the Special Education Plan.
G2	
G3 To deal with admissions to schools in accordance with the statutory Admissions Code of Practice and the Council's admission arrangements subject to consultation with the appropriate Cabinet Member(s) in cases of over-subscription.	
G4 To take action in relation to school improvement in accordance with the Education and Inspection Act 2006 and other relevant legislation.	
G5 To implement School Improvement Partnership Board initiatives including the implementation of the Standards Fund Local Delivery Plan.	
G6 To manage the arrangements for the payment of grants, loans and allowances to or in respect of pupils and students.	In accordance with the statutory provision and the scheme of delegation approved by the Lifelong Learning Cabinet Team on 30.05.02.
G7 To make provision for pupils to receive free school meals and to make arrangements for home-school transport where appropriate.	

- G8 In consultation with the Section 151 Officer to manage the delegation arrangements for Schools' Budgets
- G9
- G10 In consultation with the Director of Governance, authorise the service of notices and/or the institution of legal proceedings in accordance with Section 547 of the Education Act 1996 (nuisance or disturbance on school premises).
- G11 To exercise such functions of the Licensing Committee relating to child employment as may be delegated by the Panel from time to time.
- G12
- G13 In consultation with the Director of Governance, authorise the institution of appropriate legal proceedings in respect of non-attendance.
- G14 Approval and making of school instruments of Government and any subsequent changes prepared by governing bodies
- G15  
To determine statutory proposals for schools where no objections have been received to the proposals contained in the publicised Statutory Notice.
- G16 To take action in relation to school improvement in accordance with the Education and Inspection Act 2006 and

Scheme of Delegation approved by the former Licensing and Environmental Protection Panel on 26.02.03.

other relevant legislation.

G17 To exercise the powers and duties of the authority in respect of the attendance of children at school including children excluded from school or otherwise unable to attend.

G18

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## H DELEGATIONS TO THE STRATEGIC DIRECTOR OF PEOPLE

Function	Limits or restrictions on delegation
<p>Social Services</p>	
<p>H1 The operational management of the provision by the Council of personal social services as permitted or required by the Local Authority Social Services Act 1970.</p>	<p>In accordance with the delegations approved by Cabinet 28/06/06</p>
<p>H2 The appointment of Proper Officers for social services functions.</p>	<p>In accordance with the Individual Executive Decision notice dated 8 April 2003 and reported to the Developing and Supporting the Organisation Cabinet Team 25 April 2003.</p>
<p>H3 To implement the Crime Reduction Community Safety Strategy and Drug Strategy.</p>	
<p><b>Community Centres</b></p>	
<p>H4 Assistance to management groups of Community Centres and management of all relevant support services provided by the Council.</p>	<p>In accordance with inter-agency plans and priorities.</p>
<p>H5 Co-ordination of community development support and partnership.</p>	<p>In accordance with inter-agency plans and priorities</p>

H6 To manage the Anti-Social Behaviour Unit in conjunction with Wolverhampton Homes and, in conjunction with the Director of Governance to institute proceedings to combat anti-social behaviour.

**I Delegations to the Director of Children’s Services**

<b>Function</b>	<b>Limits or restrictions on delegation</b>
11 To act as the statutory Director of Children’s Services	
12 The provision of financial assistance under the Children Act 1989 within the Council’s agreed scheme of financial delegations in respect of each application.	
13 In consultation with the Director of Governance to authorise the institution of appropriate legal proceedings in respect of children.	
14 To place children being looked after by the Council in suitable accommodation and pay appropriate fees, charges and allowances and grants.	
15 To give any necessary consent, including consent to medical treatment, holidays abroad etc. in respect of children looked after by the Council.	
16 In consultation with the Director of Governance to instruct solicitors to act on behalf of children looked after by the Council.	
17 In conjunction with the Director of Governance to make applications for Contribution Orders etc. in respect of children looked after by the Council.	
18	

Commented [JK1]: Is this no longer required?

- I9 To exercise the statutory functions, powers and duties of the Council in relation to vulnerable children and young people as set out in Working Together 2015.
- I10 To provide specialist and integrated services to young offenders and children with complex needs and disabilities
- I11 To exercise any of the Council's functions relating to childcare provision
- I12 To establish and maintain an adoption services and provide the requisite facilities



## **J Delegations to the Director of Adult Services**

	<b>Function</b>	<b>Limits or restrictions on delegation</b>
J1	To act as the statutory Director of Adult Services	
J2	The provision of improvements and adaptations under the Chronically Sick and Disabled Persons Act 1970 within the Council's agreed scheme of financial delegations in respect of each application.	
J3	In consultation with the Director of Governance to authorise the institution of appropriate legal proceedings, including in the Court of Protection, in respect of adults.	
J4	To make arrangements for the temporary protection of property of persons admitted to hospital or other accommodation.	
J5	To make application to act, and to act as receiver of property for persons who are incapable of managing their own affairs.	
J7	To make arrangements for the burial or cremation of any person found dead in their area where no suitable arrangements have been made under Part III of Public Health (Control of Disease) Act 1984.	

J8

To exercise the statutory functions, powers and duties of the Council in relation to vulnerable adults and adults at risk as set out in the Care Act 2014

J To make applications for the admission to hospital of persons with mental health problems for the purposes of assessment, detention and treatment and to make decisions in connection with deprivation of liberty safeguards

J To maintain the appropriate registration for internally provided care services

J To appoint approved mental health professionals

K Delegations to the Strategic Director Place	Limits or restrictions on delegation
Function	
K1 Responding to applications for operating centres under the Good Vehicles (Licensing of Operators) Act 1995.	
K2 To exercise the Council's functions under the War Memorials (Local Authorities' Powers) Act 1923.	
<p>K3 In respect of the Construction (Design and Management) Regulations 1994 (made under the Health and Safety at Work Act 1974): -</p> <ul style="list-style-type: none"> <li>(i) to act as Agent for in-house clients in respect of duties defined for clients and undertaking highways and civil engineering projects; and</li> <li>(ii) to carry out the duties defined for Planning Supervision in respect of duties defined for clients undertaking highways and civil engineering projects.</li> </ul>	
<i>Building Control</i>	
<p>K4 To exercise the Council's functions under the Building Act 1984 including: -</p> <p>Section 16 - 25 - passing or rejection of plans</p> <p>Section 35 - contravention of building regulations</p> <p>Section 36 - removal of offending work</p>	

<b>Function</b>	<b>Limits or restrictions on delegation</b>
<p>Section 55 - appeals</p> <p>Section 77 and 78 - dangerous buildings</p> <p>Section 80, 81 and 82 - demolition</p> <p>Section 99 - requiring works</p> <p>Section 102 - appeals.</p>	
<p>K5 To administer the approved Scheme of Charges for Building Control in accordance with the requirements of the Building (Local Authority Charges) Regulations 2010.</p>	
<p><b>Town and Country Planning etc. decisions</b></p>	
<p>K6 The responsibility for determining planning and other applications, planning enforcement and safety is exercised by the Planning Committee and the Strategic Director for Place.</p>	
<p>K7 The Planning Committee will determine the classes of applications and related functions listed in the Schedule below which also sets out the conditions and exceptions under which decisions delegated to employees shall be carried out.</p>	
<p>K8a The Strategic Director for Place is authorised to exercise the powers of the Local Planning Authority in the area of Development Control, namely the determination of those planning and other applications, “including all requests for screening and scoping opinions made under the Town and Country Planning (Environmental Impact Assessment) (England &amp; Wales) Regulations 1999”, and including the drafting of conditions and of reasons for refusal on notices of decision, and the carrying out of planning enforcement, including in relation to</p>	

<b>Function</b>	<b>Limits or restrictions on delegation</b>
<p>listed building and conservation areas, advertisement control including discontinuance notices, and serving section 215 notices, and tree protection and safety functions, other than those listed in the Schedule and subject to the conditions and exceptions specified in the Schedule.</p>	
<p>K8b The power to enter into an agreement pursuant to section 111 of the Local Government Act 1972.</p>	
<p><b>Schedule Limits on Delegation</b></p>	
<p>K9 Where the applicant is, an employee involved in the planning process, or a Councillor, a Senior Manager or (at the discretion of the Strategic Director for Place) a Senior employee of the Council, the application shall be reported to Committee for decision.</p>	
<p>K10 Where the Strategic Director for Place or a nominated employee so considers, either because of its potential controversy, significant public interest or environmental impact, the application shall be reported to Committee for decision.</p>	
<p>K11 All applications, other than prior determination applications (see 1 above), on which a petition, or six letters or more of unresolved objection or adverse comment with a legitimate planning basis e.g. excluding purely commercial objections or those simply about devaluation of property, have been received, either from residential or other neighbours or from statutory consultees, shall only be determined by Committee. (Applications subject to five or</p>	

<b>Function</b>	<b>Limits or restrictions on delegation</b>
<p>less objections may be granted or refused by the Strategic Director for Place or other nominated employee.)</p> <p>For the avoidance of doubt the phrase “six letters or more of unresolved objection or adverse comment with a legitimate planning basis” shall be interpreted as being where there is a conflict between the employee recommendation and the views expressed as a result of public consultation. Also, a petition shall be defined as a written document signed by ten or more persons from five or more identifiable households.</p>	
<p>K12 In respect of any application, where an objector or applicant indicates in writing within the appropriate timetables their desire to speak to Committee, such applications shall be determined by Committee.</p>	
<p>K13 All applications which are advertised as a departure from the Development Plan and the employee recommendation is in support of the application, shall be determined by the Planning Committee.</p>	
<p>K14 All applications apart from applications for Deeds of Variation where it is proposed to enter into a planning agreement under Section 106 of the Town and Country Planning Act 1990 shall be reported to Committee for decision.</p>	
<p>K15 All applications for consent to fell more than five trees shall be reported to Committee for decision.</p>	

<b>Function</b>	<b>Limits or restrictions on delegation</b>
<p>K16 Confirmation of any tree preservation order where objections have been received shall be reported to Committee for decision.</p> <p>K17 Council's own applications for listed buildings or locally-listed buildings that involve total or substantial demolition shall be reported to Committee for decision.</p>	
<p><b>Regeneration</b></p>	
<p>K18 Management of non-operational investment property e.g. industrial units.</p>	
<p>K19 The authorisation of appropriately qualified and experienced employees to act as inspectors.</p> <p>Inspectors and other duly authorised employees are empowered to undertake inspections, investigations, interviews, sampling, prohibitions, seizures, detentions, recording, service of notices (including suspension and compliance notices), notifications, waivers, transfer, authorisations, licensing registrations and legal proceedings and formal cautions under the following legislation applicable thereto, and to exercise all other relevant powers, including powers of entry provided under such legislation.</p> <p>Building Act 1984</p> <p>Caravan Sites Act 1968</p>	<p>In accordance with the Scheme of Delegation approved by the former Housing Services Committee on 03.06.97.</p> <p>Housing Act 2004 in accordance with reports to Cabinet (Resources) Panel 21.03.06 and Cabinet 06.06.06</p>

Function	Limits or restrictions on delegation
<p>Chronically Sick and Disabled Persons Act 1970</p> <p>Defective Premises Act 1972</p> <p>Environmental Protection Act 1990</p> <p>Health and Safety at Work etc. Act 1974</p> <p>Housing Acts 1985, 1988, 1996 and 2004</p> <p>Housing and Building Control Act 1984</p> <p>Housing Grants, Construction and Regeneration Act 1996</p> <p>Housing and Planning Act 1986</p> <p>Landlord and Tenant Act 1985</p> <p>Local Government (Miscellaneous Provisions) Act 1976 and 1982</p> <p>Local Government and Housing Act 1989</p> <p>Public Health Acts 1936 and 1961</p> <p>Protection from Eviction Act 1977</p> <p>Rents Act 1974 and 1977</p> <p>Rent (Agriculture) Act 1976</p> <p>Rent (Agriculture) Amendment Act 1977</p> <p>Social Security and Housing Benefits Act 1982, Parts II and III</p> <p>Town Development Act 1952</p> <p>West Midlands County Council Act 1980 Ss 32 and 43</p> <p>Any orders or regulations made thereunder or relating to any of the foregoing or having effect by virtue of the European Communities Act 1972.</p> <p>Any offence under any legislation or at Common Law which is of a similar nature or</p>	<p>Report approved by Cabinet 28.11.06 with response to legal proceedings pursuant to Sections 189, 352 and 376 of the Housing Act 1985</p>



<b>Function</b>	<b>Limits or restrictions on delegation</b>
<p>related to the foregoing, including offences of aiding, abetting, counselling or procuring, incitement, conspiracy, perverting the course of justice and criminal attempts.</p>	
<p><b>Environmental Services</b></p>	
<p>K20 The appointment of Proper Officers for environmental health functions.</p>	<p>In accordance with the Green Decision notice dated 8 April 2003 and reported to the Developing and Supporting the Organisation Cabinet Team 25 April 2003.</p>
<p>K21 The operational management of the Council's environmental health and trading standards and street trading services.</p>	<p>In accordance with the Constitution and any specific restrictions or limitations imposed by the Cabinet or relevant Regulatory or other Committee through approved policies, procedures and service delivery programme.</p>
<p>K22 The authorisation of appropriate qualified and experienced employees to act as inspectors.</p>	
<p>K23 Inspectors and other duly authorised employees are empowered to undertake inspections, investigations, interviews, sampling, prohibitions, seizures, detentions, recording, service of notices (including suspension and compliance notices), notifications, waivers, transfer, authorisations, licensing registrations and legal proceedings and simple cautions under the following legislation applicable thereto, and to exercise all other relevant powers, including powers of entry and authorisation of work in default provided under such legislation.</p>	

Function	Limits or restrictions on delegation
<p><i>Cabinet functions</i></p> <p><b>Food and Environmental Safety Service and Public Protection Service</b></p> <p>Agriculture (Miscellaneous Provisions) Act 1968</p> <p>Animal Act 1971</p> <p>Animal Health Act 1981</p> <p>Animal Health and Welfare Act 1984</p> <p>Animal Welfare Act 2006</p> <p>Anti-Social Behaviour Act 2003</p> <p>Building Act 1984</p> <p>Chronically Sick and Disabled Persons Act 1970</p> <p>Clean Air Act 1993</p> <p>Clean Neighbourhoods and Environment Act 2005</p> <p>Control of Horses Act 2015</p> <p>Control of Pollution Act 1974</p> <p>Control of Pollution (Amendment) Act 1989</p> <p>Cremation Acts 1902 and 1952</p> <p>Criminal Attempts Act 1981</p> <p>Criminal Justice &amp; Public Order Act 1994</p> <p>Criminal Justice and Police Act 2001</p> <p>Dangerous Dogs Act 1991</p> <p>Dogs Act 1906</p> <p>Dogs (Fouling of Land) Act 1996</p> <p>Environment Act 1995</p> <p>Environmental Protection Act 1990</p> <p>Environmental and Safety Information Act 1998</p>	

Function	Limits or restrictions on delegation
Food and Environmental Protection Act 1985	
Food Safety Act 1990	
Health Act 2006	
Highways Act 1980	
Home Safety Act 1961	
Housing Act 1964	
Local Government Acts 1972 and 1988	
Local Government (Miscellaneous Provisions) Acts 1976 and 1982	
Mines and Quarries (Tips) Act 1969	
National Assistance Act 1948	
National Assistance (Amendment) Act 1951	
National Health Services (Amendment) Act 1986	
Noise Act 1996	
Noise and Statutory Nuisance Act 1993	
Police and Criminal Evidence Act 1984	
Pollution Prevention and Control Act 1999	
Prevention of Damages by Pests Act 1949	
Protection of Animals Act 1911	
Protection of Badgers Act 1992	
Public Health Acts 1875 to 1969	
Public Health (Control of Diseases) Act 1984	
Public Health (Recurring Nuisances) Act 1969	
Refuse Disposal (Amenity) Act 1978	
Regulation of Investigatory Powers Act 2000	
Sunday Trading Act 1994	
Town and Country Planning Act 1990 Sections 224 and 225	
Water Industry Act 1991	
Weeds Act 1959	

<b>Function</b>	<b>Limits or restrictions on delegation</b>
<p>West Midlands County Council Act 1980</p> <p>Wildlife and Countryside Act 1981</p> <p>Wolverhampton Corporation Act 1969</p> <p>Any orders or regulations made thereunder or relating to any of the foregoing or having effect by virtue of the European Communities Act 1972.</p> <p>Any offence under any legislation or at Common Law which is of a similar nature or related to the foregoing, including offences of aiding, abetting, counselling or procuring, incitement, conspiracy, perverting the course of justice and criminal attempts. For the avoidance of doubt, this shall include any new legislations offering an extension of powers to Local Authority</p> <p><b><i>Cabinet Functions</i></b></p> <p><b>Trading Standards Service</b></p> <p>Accommodation Agencies Act 1953</p> <p>Administration of Justice Act 1970 &amp; 1972</p> <p>Agriculture Act 1970</p> <p>Animal Health Act 1981</p> <p>Animal Health and Welfare Act 1984</p> <p>Animal Welfare Act 2006</p> <p>Anti-Social Behaviour Act 2003</p> <p>Architects Act 1997</p> <p>Auctions (Bidding Agreement) Acts 1922 &amp; 1969</p> <p>Banking Act 1987</p>	

Function	Limits or restrictions on delegation
<p>Business Names Act 1985</p> <p>Cancer Act 1939</p> <p>Children and Young Persons (Protection from Tobacco) Act 1991</p> <p>Children and Young Persons Act 1933</p> <p>Children and Families Act 2014</p> <p>Clean Neighbourhoods and Environment Act 2005</p> <p>Companies Acts 1985 &amp; 2006</p> <p>Consumer Credit Acts 1974 and 2006</p> <p>Consumer Protection Acts 1961, 1971, 1987</p> <p>Consumer Rights Act 2015</p> <p>Control of Pollution Act 1974</p> <p>Copyright, Designs and Patents Act 1988</p> <p>Copyright and Trade Marks (Offences and Enforcement) Act 2002</p> <p>Courts &amp; Legal Services Act 1990</p> <p>Criminal Attempts Act 1981</p> <p>Criminal Justice Act 1988</p> <p>Criminal Justice and Police Act 2001</p> <p>Criminal Justice &amp; Public Order Act 1994</p> <p>Criminal Law Act 1977</p> <p>Customs and Excise Management Act 1979</p> <p>Development of Tourism Act 1969</p> <p>Education Reform Act 1988</p> <p>Energy Act 1976</p> <p>Energy Conservation Act 1981</p> <p>Enterprise Act 2002</p> <p>Enterprise and Regulatory Reform Act 2013</p>	

Function	Limits or restrictions on delegation
Environmental Protection Act 1990	
Estate Agents Act 1979	
European Communities Act 1972	
Fair Trading Act 1973	
Food Safety Act 1990	
Forgery and Counterfeiting Act 1981 & 1988	
Fraud Act 2006	
Hallmarking Act 1973	
Health Act 2009	
Health and Safety at Work etc. Act 1974	
Highways Act 1980	
Insolvency Act 1986	
Insurance Brokers Registration Act 1977	
Intoxicating Substances (Supply) Act 1985	
Knives Act 1997	
Licensing Act 1964 (as amended)	
Licensing Act 2003	
Local Government Acts 1972 and 1988	
Malicious Communications Act 1988	
Medicines Act 1968	
Mock Auctions Act 1961	
Motor Cycle Noise Act 1987	
Motor Vehicles (Safety Equipment for Children) Act 1991	
National Lottery etc. Act 1993	
Offensive Weapons Act 1996	
Olympic Symbol etc. (Protection) Act 1995	
Osteopaths Act 1993	
Poisons Act 1972	

Function	Limits or restrictions on delegation
<p>Prices Acts 1974 and 1975</p> <p>Proceeds of Crime Act 2002</p> <p>Property Misdescriptions Act 1991</p> <p>Protection from Harassment Act 1997</p> <p>Protection of Children (Tobacco) Act 1986</p> <p>Regulation of Investigatory Powers Act 2000</p> <p>Road Traffic Acts 1988 and 1991</p> <p>Road Traffic (Foreign Vehicles) Act 1972</p> <p>Road Traffic Offenders Act 1988</p> <p>Road Traffic Regulation Act 1984</p> <p>Solicitors Act 1974</p> <p>Sunbeds (Regulation) Act 2010</p> <p>Telecommunications Act 1984</p> <p>Theft Acts 1968 and 1978</p> <p>Timeshare Act 1992</p> <p>Trade Descriptions Act 1968</p> <p>Trade Marks Act 1994</p> <p>Trading Representations (Disabled Persons) Acts 1958 and 1972</p> <p>Trading Stamps Act 1974</p> <p>Unsolicited Goods and Services Acts 1971 and 1975</p> <p>Vehicles (Crime) Act 2001</p> <p>Video Recordings Acts 1984 and 1993</p> <p>Weights and Measures Acts 1976 and 1985</p> <p>Any orders or regulations made thereunder or relating to any of the foregoing or having effect by virtue of the European Communities Act 1972.</p>	

Function	Limits or restrictions on delegation
<p>Any offence under any legislation or at Common Law which is of a similar nature or related to the foregoing, including offences of aiding, abetting, counselling or procuring, incitement, conspiracy, perverting the course of justice and criminal attempts.</p>	
<p><b>Property Services</b></p>	
<p>K24 To discharge the functions of Corporate Property Officer.</p>	
<p>K25 To discharge valuation and estates services and deal with property acquisition/disposals.</p>	<p>In accordance with the Scheme of Delegations and Contract Procedure Rules agreed from time to time by the Council.</p>
<p>K26 In consultation with the Director of Governance to authorise Legal Proceedings under Paragraph L31.</p>	
<p>K27 In respect of the Construction (Design and Management) Regulations 1994 (made under the Health and Safety at Work Act 1974): -</p> <p>(1) to act as Agent for in-house clients in respect of duties defined for clients undertaking building constructions projects (including planned maintenance where applicable); and</p> <p>(ii) to carry out the duties for Planning Supervision in respect of building construction projects (including planned maintenance where applicable).</p>	



Function	Limits or restrictions on delegation
K28 To manage and maintain the Civic Centre and to deal with applications for use of the Civic Centre by outside bodies.	
<p style="text-align: center;"><b>Commercial Services</b></p>	
K29 The operational management of the Council's function relating to cleaning and catering.	
K30 The management of the Council's functions relating to waste management, environmental cleansing, litter control, refuse collection and disposal, waste disposal, waste minimisation and recycling.	The Council's functions are to be discharged in accordance with the Waste Partnership
K31 <i>To manage the Council's corporate transport service.</i>	
K32 To manage the Council's Street Scene Services.	
K33 To submit planning applications: <ul style="list-style-type: none"> <li>(i) for the development or redevelopment of surplus properties (where Development Briefs or Planning Briefs are not required) in order to maximise sales potential prior to offering the properties for disposal on the open market.</li> <li>(ii) for deemed applications for building works where funding is contained in approved Capital or Revenue budgets.</li> </ul>	In accordance with Green Decision 04.05.05.

<b>Function</b>	<b>Limits or restrictions on delegation</b>
(iii) Submit planning applications for Council owned properties	In accordance with Green Decision 19.09.08
K34 To undertake operational management of the Arts and Museums Service in accordance with the Public Libraries and Museums Act 1964.	
K35 To collect and commission works of art for the Arts and Museums Service.	Wolverhampton Arts and Museums Service Acquisition and Disposal Policy (1999).
K36 To provide for the safekeeping of the City Council's documentary heritage and make it available for public consultation in accordance with the Local Government (Records) Act 1962.	Wolverhampton Archives and Local Studies Acquisition and Disposal Policy (2000).
K37 To accept items from Public Records under the terms of the Public Records Act 1958.	Wolverhampton Archives and Local Studies Acquisition and Disposal Policy (2000).
	Wolverhampton Arts and Museums Service Acquisition and Disposal Policy (2005)
K38 To accept other items on deposit which contribute to the understanding of the history of the City and its people and make such items available for public consultation.	Wolverhampton Archives and Local Studies Acquisition and Disposal Policy (2000).
K39 To undertake the operational management of the Civic Halls, arranging for a variety of programming and dealing with applications for use of the premises by outside bodies.	Hypnotism Act 1952 Licensing Act 2003 Cinemas Act 1985 Theatres Act 1968.

<b>Function</b>	<b>Limits or restrictions on delegation</b>
K40 To undertake the management of bars and licensed premises attached to the Civic Halls.	Food Safety Act 1990 Intoxicating Substances (Supply) Act 1985 Late Night Refreshment Houses Act 1988 Licensing Acts 1964 and 1988 Licensing Act 2003
K41 To arrange outdoor events to take place throughout the City.	Performing Animals (Regulation) Act 1925 Food Safety Act 1990 Intoxicating Substances (Supply) Act 1985 Licensing Acts 1964 and 1988 Licensing Act 2003
K42 To grant aid a number of projects, companies and individuals in the furtherance and provision of cultural development in the City.	
K43 To provide information and services with regard to local places of interest, events, accommodation and travel in accordance with the Development of Tourism Act, 1969.	
K44 To seek additional funding for the above from a range of funding organisations.	
<i>Play and Youth</i>	

Function	Limits or restrictions on delegation
K45 Operational management of the Youth Service including youth clubs, projects and programmes.	Senior Managers to prioritise need in accordance with the Service Plan.
K46 Operational management of Adventure Playgrounds and other developmental play provision.	In accordance with priorities set within the Service Plan.
K47 To act as Contract Administrator and perform the duties imposed thereon by building and engineering contracts.	
K48 To support and assist the Wolverhampton Leisure Gardens Association.	Smallholdings & Allotments Act 1908.
<b>Cultural Services</b>	
K49 To undertake operational management of the Libraries and Information Service in accordance with the Public Libraries and Museums Act 1964.	Public Library Standards Statement.
<b>Transportation</b>	
K50 To implement the provisions of the New Roads and Street Works Act 1991 as respects Streets, Street Works and Undertakers.	E47–E54 In accordance with any restrictions or limitations imposed by the Cabinet or relevant Regulatory or other Committee through approved policies, procedures and service delivery programmes.
K51 To implement temporary and permanent traffic management measures and temporary prohibition of traffic on highways under the:	

Function	Limits or restrictions on delegation
<p>Road Traffic Regulation Act 1984</p> <p>Road Traffic Act 1991</p> <p>Road Traffic (Temporary Restrictions) Act 1991</p> <p>Transport and Works Act 1992</p> <p>Traffic Management Act 2004</p> <p>and any associated legislation.</p>	
<p>K52 To exercise the Council's functions relating to highways in the Town Police Clauses Act 1847 and the West Midlands County Council Act 1980.</p>	
<p>K53 To exercise the Council's functions under the Road Traffic Act 1988.</p>	
<p>K54 To implement measures under the Traffic Calming Act 1992.</p>	
<p>K55 To undertake repair, maintenance, signage etc. of paths under the:</p>	
<p>National Parks and Access to the Countryside Act 1949</p> <p>Countryside Act 1968</p> <p>Wildlife and Countryside Act 1981</p> <p>Rights of Way Act 1990</p> <p>Countryside and Rights of Way Act 2000</p>	

<b>Function</b>	<b>Limits or restrictions on delegation</b>
<p>K56 To exercise the Council's functions under the Highways Act 1980 including: -</p> <p>Section:</p> <ul style="list-style-type: none"> <li>56 - repair of highways</li> <li>59 - recovery of expenses due to extraordinary traffic</li> <li>60 - liability for cost of alternative routes</li> <li>79 - removal of obstructions</li> <li>100 - laying and repair of drains</li> <li>101 - filling ditches</li> <li>102 - protection of highways</li> <li>130 - rights of public to use highway</li> <li>132 - consent to display temporary signs</li> <li>133 - repairing damage to footways</li> <li>139 - placing of builders skips</li> <li>142 - planting in the highway</li> <li>144 - erection of flagpoles</li> <li>143, 149, 151-153 – removal of obstructions</li> <li>154 - removal of trees</li> <li>156 - activities of statutory undertakers</li> <li>163 - water from private land</li> <li>164 - removal of barbed wire</li> <li>165 - fencing of dangerous land</li> <li>166 - dangerous forecourts</li> <li>167 - retaining walls</li> <li>169 - erection of scaffolding</li> <li>171 - deposit of building materials</li> </ul>	

Function	Limits or restrictions on delegation
172 - erection of hoardings	
176 - construction of bridges	
177 - construction of buildings	
178 - placing of cables etc.	
179 & 180 - construction of cellars	
181 & 182 - private apparatus	
184 - vehicle crossings	
193 & 194 - new streets	
205 & 212 - private street works schemes	
230 - urgent repair of private streets	
286 - new buildings	
287 - barriers	
289 & 290 – surveys	
291 & 294 – powers of entry	
295 - disposal of materials	
296 - execution of works	
297 - information on to ownership	
K57 To implement the Council's functions under the Midland Metro Act 1989 and associated legislation.	
K58 To enter into an adoption agreement with a developer under section 38 of the Highways Act 1980.	
K59 To confirm the adoption of the roads once the development is complete.	

<b>Function</b>	<b>Limits or restrictions on delegation</b>
K60 To enter into agreements with developers under section 278 of the Highways Act.	
<p><b>Historic environment</b></p>	
K61 To exercise the Council's functions under the Planning (Listed Buildings and Conservation Areas) Act 1990 with regards to conservation area appraisals and management plans, review of the local list and Article 4 directions. Where the Strategic Director or a nominated employee so considers, either because of its potential controversy or significant public interest, the function shall be reported to Cabinet for a decision.	
K62 To administer heritage grants, including the making of grant offers and authorisation of grant payments made pursuant to such offers, in accordance with codes of practice and terms and conditions for grants as determined by the Cabinet (Resources) Panel.	
<p><b>Strategic Housing and Neighbourhood Renewal</b></p>	
K63 The operational management of the Council's housing and neighbourhood renewal Strategies and Plans including Performance monitoring and effective delivery of housing management services by Wolverhampton Homes and any Tenant Management Organisations and Estate Management Boards.	In accordance with the Constitution and any specific restrictions or limitations imposed by the Cabinet or relevant Regulatory or other Committee through approved policies, procedures and service delivery programme.
K64 To agree capital expenditure and operational decisions regarding investment in the Council's housing stock, in consultation with the Asset Management Group.	Financial procedure rules and limits on expenditure.
K65 The authorisation of appropriately qualified and experienced employees to act as inspectors.	In accordance with the Scheme of Delegation approved by the



Function	Limits or restrictions on delegation
<p>Inspectors and other duly authorised employees are empowered to undertake inspections, investigations, interviews, sampling, prohibitions, seizures, detentions, recording, service of notices (including suspension and compliance notices), notifications, waivers, transfer, authorisations, licensing registrations and legal proceedings and formal cautions under the following legislation applicable thereto, and to exercise all other relevant powers, including powers of entry provided under such legislation.</p>	<p>former Housing Services Committee on 03.06.97.</p> <p>Housing Act 2004 in accordance with reports to Cabinet (Resources) Panel 21.03.06 and Cabinet 06.06.06</p>
<p>Building Act 1984</p>	
<p>Caravan Sites Act 1968</p>	
<p>Chronically Sick and Disabled Persons Act 1970</p>	
<p>Defective Premises Act 1972</p>	
<p>Environmental Protection Act 1990</p>	
<p>Health and Safety at Work etc. Act 1974</p>	
<p>Housing Acts 1985, 1988, 1996 and 2004</p>	
<p>Housing and Building Control Act 1984</p>	
<p>Housing Grants, Construction and Regeneration Act 1996</p>	
<p>Housing and Planning Act 1986</p>	
<p>Landlord and Tenant Act 1985</p>	
<p>Local Government (Miscellaneous Provisions) Act 1976 and 1982</p>	<p>Report approved by Cabinet 28.11.06 with response to legal proceedings pursuant to Sections 189, 352 and 376 of the Housing Act 1985</p>
<p>Local Government and Housing Act 1989</p>	
<p>Public Health Acts 1936 and 1961</p>	
<p>Protection from Eviction Act 1977</p>	
<p>Rents Act 1974 and 1977</p>	
<p>Rent (Agriculture) Act 1976</p>	

<b>Function</b>	<b>Limits or restrictions on delegation</b>
<p>Rent (Agriculture) Amendment Act 1977</p> <p>Social Security and Housing Benefits Act 1982, Parts II and III</p> <p>Town Development Act 1952</p> <p>West Midlands County Council Act 1980 Ss 32 and 43</p> <p>Any orders or regulations made thereunder or relating to any of the foregoing or having effect by virtue of the European Communities Act 1972.</p> <p>Any offence under any legislation or at Common Law which is of a similar nature or related to the foregoing, including offences of aiding, abetting, counselling or procuring, incitement, conspiracy, perverting the course of justice and criminal attempts.</p>	
<p>K66 To implement the Approved Development Programme for Housing Association newbuild.</p>	<p>In accordance with the Programme.</p>
<p>K67 To implement the annual investment programme identified for housing under the Major Repairs Allowance and Unitary Capital Pot.</p> <p>Housing Support Services</p>	<p>In accordance with the Programme.</p>
<p>K68 To carry out the investigative and assessment duties of the Council under Part III of the Housing Act 1985 (Housing and Homelessness).</p>	
<p>K69 To provide general and specific advice on housing in order to prevent homelessness and assist in maintaining existing tenancies.</p>	

<b>Function</b>	<b>Limits or restrictions on delegation</b>
<p>K70 The nomination of tenants to Housing Associations schemes.</p> <p>K71 The administration of the 24-Hour Control Centre and the Carelink alarm system.</p> <p>K72 To make arrangements for asylum seekers.</p> <p>K73 To manage the Anti-Social Behaviour Unit in conjunction with Strategic Director for People and, in conjunction with the Director of Governance to institute proceedings to combat anti-social behaviour.</p>	
<p><b>Adult Education</b></p> <p>K74 To provide an adult education service.</p>	<p>In accordance with the Learning and Skills Council.</p>

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## M Delegations to the Director of Pensions

Function	Limits or restriction on delegation
<p><b>West Midlands Metropolitan Authorities Pension Fund</b></p>	
<p>M1 The administrative management of matters in connection with the Council's role as administering authority for the West Midlands Pension Fund.</p>	<p>In accordance with the statutory provisions and any determinations of the Pensions Committee.</p>
<p>M2 The investment and general management of the Fund in accordance with the Pensions Committee's investment strategy set out in its policy statement.</p>	<p>Consultation to take place with the Chairman of the Investment Advisory Sub-Committee prior to any major investment decision if it is possible to do so.</p>
<p>M3 To provide services to the West Midlands Integrated Transport Authority Pension Fund.</p>	<p>In accordance with the agreement between the Council and the ITA.</p>
<p>M4 The general delegations to Strategic Directors as they relate to the Council's role as administering body and to the following:</p>	
<p>4.1 Financial administration</p>	<p>In accordance with the Fund's financial procedure rules</p>
<p>4.2 Contracts and tendering</p>	<p>In accordance with the Fund's contract procedure rules</p>
<p>2.1 Management of human resources</p>	<p>In accordance with the Fund's employee and staffing schedule and only for Fund staff</p>

2.2 Day to day administration and operational management	In accordance with the Constitution and any specific restrictions or limitations
2.3 Management of operational land and premises used for service delivery	In accordance with the Fund's financial and contract procedure rules
2.4 Compliance with the Health and Safety at Work, etc. Act 1974 and the Regulatory Reform (Fire Safety) Order 2005	In accordance with the Council's health and safety policies and procedures
2.5 Compliance with the Council's equal opportunities policy and relevant legislation	In accordance with the Council's equal opportunities policies and procedures
2.6 Compliance with the Human Rights Act 1998	
4.3 Compliance with the Data Protection Act 2000.	
4.4 To maintain written delegations for employee responsibility for their Business Units.	



**K Delegations to the Service Director Health and Well-Being**

Function	Limits or restriction on delegation
<p>K1 To be the designated Service Director - Public Health and Wellbeing in accordance with Section 30 of the Health and Social Care Act 2012.</p> <p>The exercise of the responsibilities set out below are delegated by the Council, taking all operational decisions necessary to secure the provision of service and/or the discharge of statutory functions, including the power to enter into contracts in consultation with the Director of Governance, in accordance with approved policies and Financial Regulations in relation to the following areas:</p> <ul style="list-style-type: none"> <li>a. Public health.</li> <li>b. Holding officers to account for the performance of their service areas.</li> </ul>	
<p>K2 To support and assist the Wolverhampton City Sports Advisory Council, the Wolverhampton Sports Development Trust, the Black Country Sports Board and the network of adopted Wolverhampton sport specific development groups.</p>	<p>Sport &amp; Recreation Strategy 1999</p> <p>Wolverhampton Swimming Strategy 2005</p> <p>Wolverhampton Playing Pitch Strategy 2004</p> <p>Adopted sport specific development plans.</p>
<p>K3 To grant aid sports development projects, sports clubs and sporting events.</p>	<p>Sport and Recreation Strategy 1999</p> <p>Wolverhampton Swimming Strategy 2005</p>

K4 The following statutory duties and functions are delegated to the Director of Public Health and Wellbeing

- (i) To take responsibility for the management of the Council's Public Health Services, with professional responsibility and accountability for their effectiveness, availability and value for money.
- (ii) To represent the Council on partnership, external bodies such as the Health and Wellbeing Board and the Child Death Overview Panel.
- (iii) To contribute to and influence the work of the NHS Commissioners, ensuring a whole system approach across the public sector and ensuring NHS Commissioners receive the public health advice they need.
- (iv) To provide leadership, expertise and advice to Senior Officers and Elected Members on a range of issues from outbreaks of disease and emergency preparedness through to improving local people's access to health services.
- (v) To provide Elected Members, Senior Officers and the public with expert, objective advice on health matters.
- (vi) To promote action across the life course, working together with council colleagues and with NHS colleagues.
- (vii) To work with local Criminal Justice Partners and the Police and Crime Commissioner to promote safer communities, including cooperating with the police, the probation service and the prison service to assess the risk posed by violent or sexual offenders.
- (viii) Under the NHS Act 2006 and the Health & Social Care Act 2012, to discharge any functions in relation to the corporate public health duties of the Council including responsibility

for writing the annual report on the health of the local population.

(The Council has a duty to Publish this report under section 73B (5) & (6) of the 2006 Act and Section 31 of the 2012 Act).

(ix) Under Section 73A (1) of the 2006 Act (inserted by section 30 of the 2012 Act);

- To undertake duties to take steps to improve public health

- To undertake such other public health protection or health improvement functions that the Secretary of State delegates to Local Authorities either by arrangement or under regulations - these include services mandated by regulations under Section 6C of the 2006 Act Inserted by section 18 of the 2012 Act

- To respond as a responsible authority under the Licensing Act 2003, such as making representations

- about licensing applications

- To provide Healthy Start Vitamins (under the Healthy Start and Welfare Food Regulations 2005 ) for maternity or child health clinics

- To consult and make decisions on Fluoridation Schemes

(x) Under section 6C of the NHS Act 2006

- To ensure appropriate access to sexual health services

- To take responsibility for the National Child Measurement Programme

- To take responsibility for the NHS Health Check Assessment

(xi) To oversee the NHS screening programmes, both cancer and non-cancer, ante-natal and children's screening

- programmes, ensuring the health of the population is adequately protected and raising issues and concerns appropriately at the Health and Wellbeing Board.
- (xii) To oversee the NHS immunisation programmes including children 0-5 years, HPV and seasonal flu and any other issues that the Secretary of State instructs, including catch up programmes, raising issues and concerns appropriately.
  - (xiii) To discharge the Council's responsibilities in relation to communicable and infectious diseases, including healthcare acquired infections.
  - (xiv) Implementing or determining, subject to any rights of review or appeal which may apply, all matters concerning the Statutory Public Health complaints procedure.
  - (xv) Setting, varying and recovering charges in respect of certain steps taken in the exercise of health improvement duties.

To discharge Proper Officer functions under

- Public Health (Control of Diseases) Act 1984 (as amended)
- Health Protection (Local Authority) Regulations 2010
- Public Health Act 1936
- Public Health Act 1961

## Schedule of Human Resources Delegations

HR Topic/Procedure	Delegations and Controls
Appointment of all employees below JNC (Senior Management) level, excluding persons appointed as assistants for political groups	<p>Managing Director, Strategic Director, Director or their nominee</p> <p>In accordance with Council HR policies, procedures and processes.</p>
Dismissal of employees below JNC (Senior Management) level	<p>Managing Director, Strategic Director, Director or their nominee</p> <p>In accordance with Council HR policies, procedures and processes.</p>
Retirement on the grounds of efficient exercise	<p>Managing Director, Strategic Director, Director or their nominee</p> <p>In consultation with the Head of HR and Section 151 Officer or their nominees</p>
Redundancies (compulsory and voluntary redundancies)	<p>Strategic Director/Director or their nominee</p> <p>In accordance with Council HR policies, procedures and processes.</p>
Approval of voluntary redundancies in excess of the current scheme criteria	<p>Managing Director, Strategic Director or Director in consultation with the Head of HR and Section 151 Officer or their nominees.</p>
Other dismissals and disciplinary action	<p>Managing Director, Strategic Director, Director or their nominee</p> <p>In accordance with Council HR policies, procedures and processes.</p> <p>Appeals against dismissal are heard by the Human Resources Panel</p>
Grievances from employees	<p>Managing Director, Strategic Director, Director or their nominee</p> <p>In accordance with Council HR policies, procedures and processes.</p> <p>Appeals against grievances are heard by the Human Resources Panel</p>

Restructures and reviews to services with staffing implications	Managing Director, Strategic Director, Director or their nominee  In accordance with Council HR policies, procedures and processes.
Establishment of new posts and extensions to fixed term contracts	Managing Director, Strategic Director, Director or their nominee  In accordance with Council HR policies, procedures and processes.
Regrading of posts holders	Managing Director, Strategic Director, Director or their nominee  In accordance with Council HR policies, procedures and processes.  Regradings are endorsed by the Pay Strategy Board
Extension of full sick pay beyond the entitlement under the national agreement	Managing Director, Strategic Director, Director or their nominee  In consultation with the Head of HR and Section 151 Officer or their nominees
Approval of accelerated salary increments	Managing Director, Strategic Director, Director or their nominee  In accordance with Council HR policies, procedures and processes, collective agreement and senior managers terms and conditions.
Approval of attendance on all training courses	Managing Director, Strategic Director, Director or their nominee  In accordance with Council HR policies, procedures and processes.
Submission of HR1 Redundancy Notifications to Secretary of State	Head of HR  In consultation with the Head of HR and Section 151 Officer or their nominees
Lead Countersignatory for Disclosure Barring Service (DBS) checks	Head of HR

**Commented [AP1]:** Is this this current process?

**Commented [ET2R2]:** WD processes – travel and subsistence is no longer paid – Individual courses over 1k go to LT and SEB – thought this would cover it.

<p>Role of Proper Officer in respect of appointment and dismissal of JNC (Senior Management) Officers, excluding the dismissal of the Head of Paid Service, Monitoring Officer and Section 151 Officer</p>	<p>Head of HR</p>
<p>Terms and Conditions authorisations:</p> <ul style="list-style-type: none"> <li>• Carry over of annual leave beyond 5 days</li> <li>• Recognition of previous public sector service for annual leave entitlement</li> <li>• Time off for dependants beyond 5 days in 1 year</li> </ul>	<p>Head of Service/Manager</p> <p>In accordance with Council HR policies, procedures and processes.</p>
<p>Flexible retirement approvals where the strain on the pension fund is 2 years and under</p>	<p>Managing Director, Strategic Director, Director or their nominee</p> <p>In consultation with the Head of HR and Section 151 Officer or their nominees</p>
<p>Flexible retirement approvals where the strain on the pension fund is in excess of 2 years</p>	<p>Managing Director, Strategic Director or Director in consultation with the Head of HR and Section 151 Officer or their nominees.</p>

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**Full Council Meetings Procedure Rules ~~ULL COUNCIL MEETINGS~~  
PROCEDURE RULES**

**1. DEFINITIONS AND APPLICATION OF RULES**

1.1 In these Rules, unless the context otherwise demands, the following terms shall have the meaning assigned to them:

“Cabinet” - Leader and two but not more than nine other Councillors appointed by the Leader acting together

“Cabinet Panel” - a number of Cabinet Members acting together.

“Constitution” - the Constitution of the Council required by the 2000 Act.

“Council” - the City of Wolverhampton Council acting by the Council.

“Head of Paid Service” - the Managing Director or other person designated as such under Article 12 of the Constitution.

“Leader” - the person elected by the Council to be the Leader of the Council.

“Meeting” - a meeting of the Council.

“Councillor” - an elected member of the Council.

“Monitoring Officer” - the Director of Governance or other person designated as such under Article 12 of the Constitution.

“Director of Finance” – the Council’s appointed Officer under section 151 of the Local Government Act 1972 and who is responsible for the proper administration of the Council’s financial affairs. Also, referred to as the Section 151 Officer, the Director of Finance’s role is independent and reports to Council. This role can also be fulfilled by another employee where authorised by the Director of Finance to act on their behalf.

“number of Councillors” - in relation to the Council, the number of persons who may act at the time in question as Councillors, and in relation to the Scrutiny Board or a Scrutiny Panel or Regulatory or other Committee the number of persons who may act at the time in question as voting members of that body.

“person presiding” - the person entitled, or appointed, to preside at any meeting.

“Co-opted Member” – A person who is not an elected Councillor of the Council but who has been appointed to membership of a Council Scrutiny Panel. Statutory Co-opted Members are Church and Parent Governor representatives who have voting rights and serve on the Children, Young People and Families Scrutiny Panel. Non-statutory Co-opted Members

are Youth Council representatives serving on the Children, Young People and Families Scrutiny Panel and Wolverhampton Healthwatch members serving on the Health Scrutiny Panel.

“political group” - a political group as defined in Regulations made under the Local Government and Housing Act 1989.

“political balance rules” - the rules made under the Local Government and Housing Act 1989.

“Scrutiny Board”- Board comprising Councillors who are not Cabinet Members.

“Scrutiny Panel” - Panels comprising Councillors who are not Cabinet Members.

Regulatory or other Committee” - Committees or Panels comprising Councillors or other persons established to deal with functions which are neither reserved to the Full Council nor are Cabinet functions.

“the 1972 Act” - the Local Government Act 1972.

“the 1989 Act” - the Local Government and Housing Act 1989.

“the 2000 Act” - the Local Government Act 2000.

1.2 Rules 1 to 21 apply to meetings of the Full Council.

1.3 The following Rules will apply to meetings of the Cabinet, Cabinet Panels, the Scrutiny Board or Scrutiny Panels and Regulatory or other Committees:

Rule 5	Time and Place of Meetings
Rule 6	Notice of and Summons to meetings except that notice of and summons of meetings shall be sent only to Councillors of the body in question.
Rule 7	Quorum except that: (i) a Quorum shall be not less than 2; (ii) the Quorum of the Cabinet and the Cabinet Panels shall be in accordance with the Cabinet Procedure Rules.
Rule 11 (a) (b) (d) (e) (f) (g) (n) (p)	Motions without notice.
Rule 12	Rules of Debate.
Rule 14	Voting.
Rule 15	Minutes.
Rule 16	Record of Attendance.
Rule 17	Exclusion of public.
Rule 18.2 – 18.5	Councillors’ conduct.
Rule 19	Disturbance by the public.
Rule 21.1	Suspension of Council Procedure Rules.

- 1.4 Rule 21 will apply to Regulatory or other Committees only.
- 1.5 (i) Subject to (ii) below, filming, including the taking of photographs, video recording, the use of tweeting, blogging or other forms of social media by the public and press will generally be allowed in respect of Part 1 (public) of the proceedings of Full Council, Cabinet, Scrutiny and Regulatory or other Committee meetings of the Council in accordance with the Protocol set out in this section.
- (ii) Individual Chairs of meetings may, in the interests of the good conduct of a meeting, refuse permission for such activity. Any decision to refuse permission will be explained at the meeting and will not be open to challenge.

## **2. ANNUAL MEETINGS OF THE COUNCIL**

### **2.1 Timing and business**

In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting will take place in May.

The annual meeting will:

- a. elect a person to preside if the Mayor and the Deputy Mayor are not present;
- b. elect the Mayor of Council;
- c. appoint the Deputy Mayor of Council;
- d. approve the minutes of the last meeting;
- e. receive any announcements from the Mayor;
- f. elect the Leader of the Council;
- g. receive the Leader's appointments to the Cabinet;
- h. appoint the Scrutiny Board and at least one Scrutiny Panel; a Standards Committee and such other Regulatory or other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Cabinet functions (as set out in this section);
- i. appoint Member Champions;
- j. appoint representatives to Outside Bodies unless the appointment is a Cabinet function or has been delegated by the Full Council;
- k. approve the scheme of delegation or such part of it as the Constitution determines it is for the Council to approve (as set out in Part 2);

- l. approve a programme of Ordinary Meetings of the Full Council, the Cabinet, the Scrutiny Board and Scrutiny Panels and Regulatory or other Committees for the year; and
  - m. consider any business set out in the notice convening the meeting.
- 2.2 Appointments to the Scrutiny Board Scrutiny Panels, Regulatory or other Committees and Outside Bodies

At the Annual Meeting, the Council will:

- a. decide which Scrutiny Panels and Regulatory or other Committees to establish for the municipal year;
- b. decide the size and terms of reference for the Scrutiny Board, Scrutiny Panels and Regulatory or other Committees;
- c. decide the allocation of seats to political groups in accordance with the political balance rules set out in paragraph 2.4 below;
- d. appoint a Member Champion for Equalities;
- e. appoint to the Scrutiny Board, Scrutiny Panels, Regulatory or other Committees and outside bodies except where appointment to those outside bodies has been delegated by the Full Council or is exercisable only by the Cabinet;
- f. appoint voting and non-voting co-opted members to the Scrutiny Board, Scrutiny Panels and Regulatory or other Committees.

**Note:** Every Councillor who is not a Cabinet Member shall serve on at least two Scrutiny Panels or two Regulatory or other Committees or on at least one of each such bodies. Appointment to the Scrutiny Board will count towards the requirement to sit on at least two bodies.

- 2.3 Appointment of Chairs to the Scrutiny Board, Scrutiny Panels and Regulatory or other Committees
- a. Full Council will appoint from among the voting Councillors, Chairs and Vice-Chairs of the Scrutiny Board, Scrutiny Panels and Regulatory or other Committees.
  - b. If any appointment possible under the previous paragraph is not made, the body at its first meeting after the annual meeting of the Council shall, from among its voting Councillors, appoint a Chair and Vice-Chair.
  - c. If it is necessary for the body to appoint a person to preside, the Head of Paid Service shall call on a Councillor of the body to move that a voting Councillor of the body shall take the Chair.

**Note:** The appointment of the Chair of the Standards Committee shall be in accordance with Article 9.2 of the Constitution.

## 2.4 Political Balance Rules

- a. The Local Government and Housing Act 1989 requires that the Council periodically reviews the political composition of the Council and how this is applied to appointments to Committees and Sub- Committees of the Council.
- b. The rules for securing political balance on Committees and Sub-Committees appointed by local authorities are contained in sections 15 and 16 of the Act and the Local Government (Committees and Political Groups) Regulations 1990.

The Council is under a duty to:

- Ensure the membership of those Committees and Sub-Committees covered by the rules reflect the political composition of the Council as far as practicable;
- To review the allocation of seats to political groups at or as soon as practical after the Annual Council meeting and at certain other specified times e.g. as a result of changes in political balance or an increase in the number of Committees established
- To allocate seats on the Committees to the political groups in proportion to their numerical strength on the Council, as far as is practicable;
- To accept nominations made by the groups for the filling of seat allocated to them

In determining the allocation of seats, the Council must also apply the following four principles, as far as reasonably practicable:

- a. Not all seats to be allocated to the same political group
- b. If a political group has a majority on the Council, it must have a majority of seats on the Committees
- c. Subject to (a) – (b) above, the total of all seats on ordinary Committees be allocated to the groups in proportion to their respective strengths on the Council and
- d. Subject to (a) – (c ) the number of seats on ordinary Committees or Sub-Committees to be allocated to each political group in proportion to the number of all the seats on the Committee or Sub-Committee in proportion to their relative strengths on the Council.

Independent Councillors who have not formed a political group in accordance with Regulation 8 of the Local Government (Committees and Political Groups) Regulations are to be allocated seats in accordance with section 16 (3) of the Regulations.

i.e. any seats not allocated according to the requirements in section 15 and section 16 of the Act, to be allocated to Councillors who are not Members of any political group

Under Section 17 of the Local Government and Housing Act 1989 and Regulation 21 of the Local Government (Committee and Political Groups) Regulations 1990 certain bodies of the Council are exempt from the requirements relating to political balance as they are established under separate legislation. For this reason, the following meetings are not covered by these arrangements: -

- The Cabinet
- All Cabinet Panels
- Standards Committee
- Standards (Hearings) Sub Committee
- Standards (Assessment) Sub Committee
- Licensing Sub Committee

Additionally, where meetings are (a) advisory in nature or (b) where the Council has determined otherwise and no Councillor has voted against, the political balance requirements need not apply.

### **3. ORDINARY MEETINGS OF THE COUNCIL**

Ordinary Meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. Ordinary Meetings will:

- a. elect a person to preside if the Mayor and Deputy Mayor are not present;
- b. receive apologies for absence;
- c. approve the minutes of the last meeting;
- d. receive any declarations of interest from Councillors;
- e. receive any announcements from the Mayor;
- f. deal with any business from the last Council meeting;
- g. receive reports from the Cabinet, the Scrutiny Board, Scrutiny Panels and Regulatory or other Committees and receive questions and answers on any of those reports;
- h. receive reports about and receive questions and answers on the business of joint arrangements and external organisations;

- i. consider motions; and
- j. consider any other business specified in the summons to the meeting including consideration of proposals from the Cabinet in relation to the Council's budget and policy framework and reports of the Scrutiny Board and Scrutiny Panels for debate.

#### **4. EXTRAORDINARY MEETINGS OF THE COUNCIL**

##### **4.1 Calling ExtraOrdinary Meetings**

Those listed below may request the Head of Paid Service to call Council meetings in addition to Ordinary Meetings:

- a. the Full Council by resolution;
- b. the Mayor, or if the office of Mayor is vacant, or if the Mayor is unable to act for any reason, the Deputy Mayor;
- c. the Leader;
- d. the Monitoring Officer; and
- e. any five Councillors if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition. A requisition may be presented to the Mayor by being left for him/her with the Head of Paid Service;
- f. the Head of Paid Service shall arrange for the additional meeting to be held within 21 days of the receipt of the request. If, after such a request has been made, and no meeting has been called within five days, the Councillors concerned shall inform the Head of Paid Service of their intention to call an extraordinary meeting of the Council, the business to be transacted and the date and time of the meeting.

##### **4.2 Business**

The business to be transacted at an Extraordinary Meeting of the Council shall be only the business which is specified in the summons.

#### **5. TIME AND PLACE OF MEETINGS**

The time and place of meetings will be determined by the Head of Paid Service in consultation with the person presiding and notified in the summons.

#### **6. NOTICE OF AND SUMMONS TO MEETINGS**

The Head of Paid Service will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules. At least five clear days before a meeting he/she will

send a summons signed by him/her by post to every Councillor or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

## **7. QUORUM**

The quorum of a meeting will be one quarter of the whole number of Councillors. During any meeting if the person presiding counts the number of Councillors present and declares there is not a quorum present, then the meeting will adjourn for fifteen minutes. If after that period, there is still not a quorum present the meeting will end. Remaining business will be considered at a time and date fixed by the person presiding. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

## **8. DURATION OF MEETING**

Unless the majority of Councillors present vote for the meeting to continue, any meeting that has lasted for 3½ hours will adjourn immediately. A motion to continue the meeting shall be moved immediately before or immediately after the expiration of 3½ hours and before the person presiding declares the meeting closed. Remaining business will be considered at a time and date fixed by the person presiding. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting. Provided that this shall not prevent:

- a. statutory or other business which by law must be transacted at any such meeting;
- b. the transaction of unopposed business, that is to say, business which can be transacted without the making of any speeches by any Councillor other than proposing and seconding of the necessary motions. If any Councillor indicates that he/she wishes to speak thereon, the business shall not be regarded as unopposed, but the person presiding shall rule it as standing adjourned.

## **9. QUESTIONS BY COUNCILLORS**

- 9.1 On reports of the Cabinet, Scrutiny Board, Scrutiny Panels or Regulatory or other Committees

A Councillor may ask a Cabinet Member or the Chair of the Scrutiny Board or a Scrutiny Panel or a Regulatory or other Committee any question upon an item of a report of the Cabinet or Board or Panel or Regulatory or other Committee when that item is being received or under consideration by the Full Council.

- 9.2 Questions on notice at Council meetings



Subject to Rule 9.4 below, a Councillor may ask:

- a. the person presiding;
- b. a Cabinet Member;
- c. the Chair of the Scrutiny Board or any Scrutiny Panel or Regulatory or other Committee;
- d. a Councillor appointed as the Council's representative on any joint authority or Committee where the Council is a constituent member

a question on any matter in relation to which the Council has powers or duties or which affects the City.

### 9.3 Number of questions

Subject to Rule 9.6 any Councillor may ask no more than one question (except questions under Rule 9.1) at a meeting of the Full Council. The Leader of the Council and the leader of the main opposition group on the Council, if any, may ask more than one question at a meeting of the Full Council.

### 9.4 Notice of questions

A Councillor may only ask a question under Rule 9.2 if either:

- a. they have given at least five clear day's notice in writing of the question to the Head of Paid Service or
- b. the question relates to urgent matters, they have the consent of the person to whom the question is to be put and the content of the question is given to the Head of Paid Service three hours before the start of the meeting.

### 9.5 Response

An answer may take the form of:

- a. a direct oral answer by the person to whom the question was put or some other Councillor nominated by him/her;
- b. where the desired information is in a publication of the Council or other published work, a reference to that publication, or
- c. where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

### 9.6 Supplementary question

A Councillor asking a question under Rule 9.2 may ask one supplementary question without notice of the Councillor to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply.

## **10. MOTIONS ON NOTICE**

### 10.1 Notice

- a. Except for motions which can be moved without notice under Rule 11, written notice of every motion, signed by at least one Councillor, must be delivered to the Head of Paid Service not later than five clear days before the date of the meeting.
- b. The Head of Paid Service shall not accept any notice of motion which, by reason of any enactment or provision in these Rules, could not be considered at the meeting for which it is given.

### 10.2 Motions set out on Agenda

- a. Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the Councillor giving notice states, in writing, that he/she withdraws it.
- b. A motion shall only be moved by the Councillor by whom notice has been given or by a Councillor authorised in writing by that Councillor.

### 10.3 Number of motions

Any Councillor may give notice of not more than one motion for consideration at any meeting of the Full Council. The Leader of the Council and the Leader of the Main Opposition Group on the Council, if any, may give notice of more than one motion for consideration at any meeting of the Full Council.

### 10.4 Scope of motions

Motions must be about matters for which the Council has a responsibility or which affect the City.

## **11. MOTIONS WITHOUT NOTICE**

The following motions may be moved without notice:

- a. to appoint a person to preside at the meeting at which the motion is moved;
- b. in relation to the accuracy of the minutes;
- c. to change the order of business in the agenda;

- d. to refer something to an appropriate body or individual;
- e. to receive reports or adoption of recommendations of the Scrutiny Board or Scrutiny Panels or Regulatory and other Committees or employees and any resolutions following from them;
- f. to withdraw a motion;
- g. to amend a motion;
- h. to proceed to the next business;
- i. that the question be now put;
- j. to adjourn a debate;
- k. to adjourn a meeting;
- l. that the meeting continue beyond 3½ hours in duration;
- m. to suspend a particular Council Procedure Rule;
- n. to exclude the public and press in accordance with the Access to Information Procedure Rules;
- o. to not hear further a Councillor named under Rule 18.3 or to exclude him/her from the meeting under Rule 18.4; and
- p. to give the consent of the Council where its consent is required by the Constitution.

## **12. RULES OF DEBATE**

The diagram set out overleaf outlines the process for consideration of a motion, whether that motion be moved with or without notice.

### **12.1 No speeches until motion seconded**

No speeches may be made until a Councillor has moved a motion, explained its purpose and the motion has been seconded.

### **12.2 Right to require motion in writing**

When any motion of which notice has not been given, or any amendment has been moved and seconded, the person presiding may require the motion or any amendment to be written down and handed to him/her before it is further discussed.

### **12.3 Secunder's speech**

When seconding a motion or amendment, a Councillor may reserve their speech until later in the debate.

12.4 Content and length of speeches

Speeches must be directed to the question under discussion or to a point of information or point of order. Except as detailed in paragraph 12.5, no speech moving a motion may exceed ten minutes and no other speech may exceed five minutes without the consent of the person presiding.

12.5 Content and length of speeches: setting the budget or revised budget

At a meeting at which the annual budget is set (or a revised budget proposed), the principal speeches and responses of the leader of each Political Group, or his/her nominated representative, shall not be time limited. All other speeches will be limited as detailed in paragraph 12.4. The group leader, or his/her nominated representative, will normally be the first person to speak from each group, and each group leader shall be entitled to be called before any other Councillor speaks. The Leader of the Council will normally propose the budget and, once it has been seconded, the other group leaders will be called in order of precedence according to the number of Councillors in each group. As with other Council meetings, the exact length of speeches and management of the debate is at the discretion of the person presiding.

12.6 When a Councillor may speak again

A Councillor who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- a. to speak once on an amendment moved by another Councillor;
- b. to move a further amendment if the motion has been amended since he/she last spoke;
- c. if his/her first speech was on an amendment moved by another Councillor, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- d. in exercise of a right of reply under Rule 12.10;
- e. on a point of order under Rule 12.13; and
- f. on a point of information under Rule 12.14.

12.7 Amendments to motions

- a. An amendment to a motion must be relevant to the motion and will either be:
  - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;

- (ii) to leave out words;
- (iii) to leave out words and insert others; or
- (iv) to insert words;

as long as the effect of (ii) to (iv) is not to negate the motion.

- b. Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- c. If an amendment is not carried, other amendments to the original motion may be moved. In the absence of any such subsequent amendments, debate on the original motion will proceed.
- d. If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- e. After an amendment has been carried, the person presiding will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

#### 12.8 Alteration of motion

- a. A Councillor may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- b. A Councillor may alter a motion which he/she has moved without notice with the consent of the meeting.
- c. Only alterations which could be made as an amendment may be made.

#### 12.9 Withdrawal of motion

A Councillor may withdraw a motion which he/she has moved with the consent of the meeting. No Councillor may speak on the motion after the mover has asked permission to withdraw it, unless consent is withheld and the debate continues.

#### 12.10 Right of reply

- a. The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- b. If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- c. The mover of the amendment has no right of reply to the debate on his or her amendment.

12.11 Motions which may be moved during debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

- a. to withdraw a motion;
- b. to amend a motion;
- c. to proceed to the next business;
- d. that the question be now put;
- e. to adjourn a debate;
- f. to adjourn a meeting;
- g. that the meeting continue beyond 3½ hours in duration;
- h. to exclude the public and press in accordance with the Access to Information Procedure Rules; and
- i. to not hear further a Councillor named under Rule 18.3 or to exclude him/her from the meeting under Rule 18.4.

12.12 Closure motions

- a. A Councillor may move, without comment, the following motions at the end of a speech of another Councillor:
  - (i) to proceed to the next business;
  - (ii) that the question be now put;
  - (iii) to adjourn a debate; or
  - (iv) to adjourn a meeting.
- b. If a motion to proceed to next business is seconded and the person presiding thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote. If the procedural motion is carried the original motion shall lapse.
- c. If a motion that the question be now put is seconded and the person presiding thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed, he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.

- d. If a motion to adjourn the debate or to adjourn the meeting is seconded and the person presiding thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply. The original motion or remaining business shall then stand over as uncompleted business until the next meeting of the Council.

#### 12.13 Point of order

A Councillor may raise a point of order at any time. The person presiding will hear him/her immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The Councillor must indicate the Rule or law and the way in which he/she considers it has been broken. The ruling of the person presiding on the matter will be final.

#### 12.14 Point of information

A point of information may only relate to some material part of an earlier speech by the Councillor which may appear to have been misunderstood in the present debate. The point of information may be given whilst another Councillor is speaking but only if that Councillor is willing to give way. The ruling of the person presiding on the admissibility of a point of information will be final.

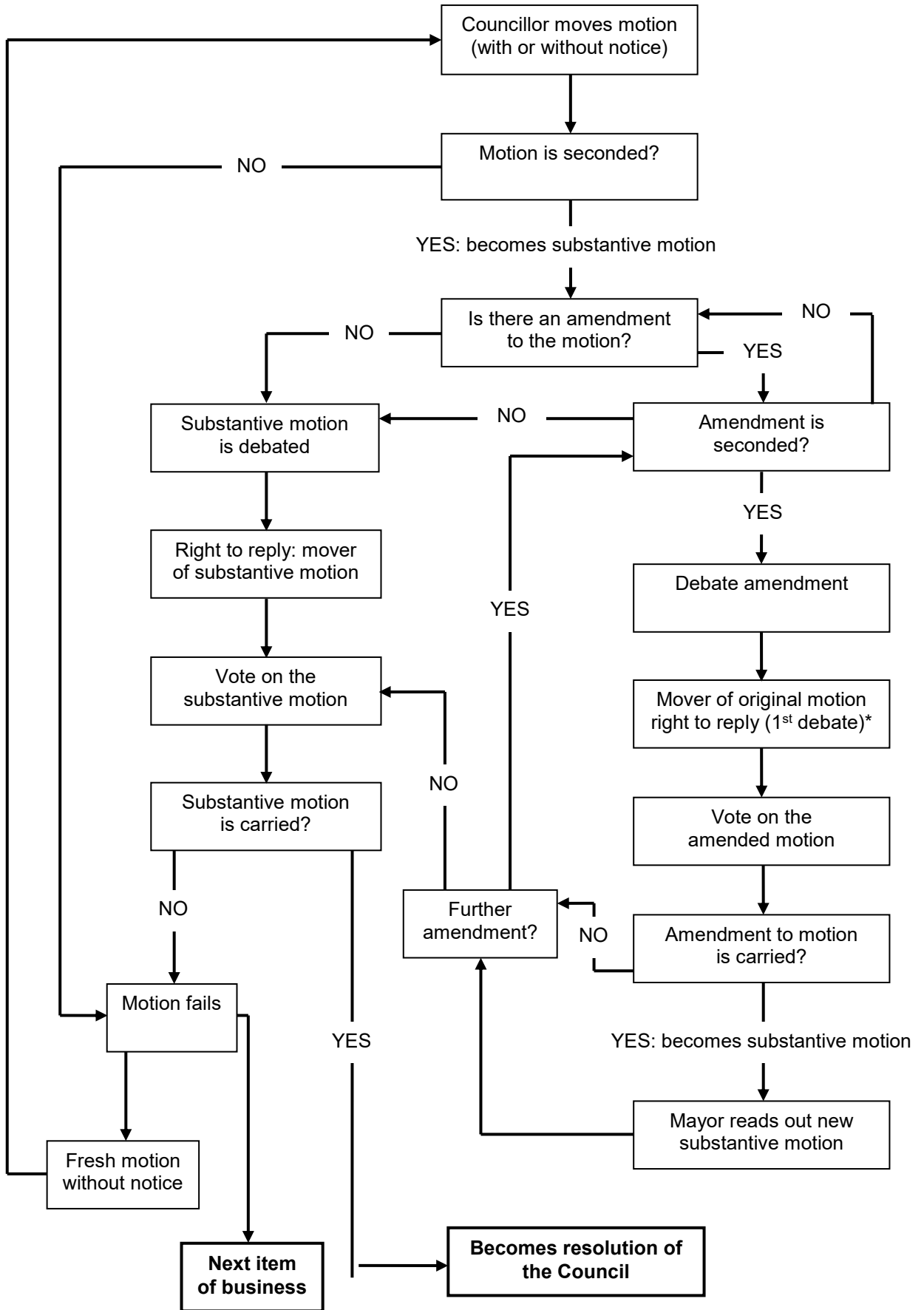
#### 12.15 Attendance at another body

A Councillor who is not otherwise entitled to speak at a body may so attend and speak (but not vote) during consideration of any item which he/she has moved or seconded at Council and which has been referred to that body.

### **13. PREVIOUS DECISIONS AND MOTIONS**

Except on the recommendation of the Cabinet, the Scrutiny Board or a Scrutiny Panel or a Regulatory or other Committee, no matter which has been decided by the Full Council on a motion or otherwise shall again be submitted to the Full Council for further consideration until after the next annual meeting; and when any matter shall be so prohibited from being considered, the effect of this Rule shall not be evaded by substituting any motion differently worded but substantially the same in effect or in principle, and if any such attempt be made, the person presiding shall rule it out of order.

**PROCESS FOR CONSIDERATION OF MOTIONS AT COUNCIL**



\*Mover of the amendment has no right to reply



## **14. VOTING**

### 14.1 Majority

Unless the Constitution provides otherwise, any matter will be decided by a simple majority of those Councillors voting and present in the room at the time the question was put. The method of voting shall be at the discretion of the person presiding.

### 14.2 Casting vote of person presiding

If there are equal numbers of votes for and against, the person presiding will have a second or casting vote exercised in accordance with the Protocol approved by the Council. The protocol governing the use of the Mayor's casting vote at meetings of the Full Council is set out in [this section 22](#).

### 14.3 Recorded vote

d. If ten Councillors present at a meeting of the Council or one third of the Councillors present at a meeting of the Scrutiny Board or a Scrutiny Panel or a Regulatory or other Committee demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

e. In relation to meetings of the Full Council only, a division bell shall be rung allowing a period of three minutes to enable Councillors to resume their places in the Chamber. Any Councillor not then present shall not be permitted to vote on the issue in question.

### 14.4 Right to require individual vote to be recorded

Where any Councillor requests it immediately after the vote is taken, his/her vote will be so recorded in the minutes to show whether he/she voted for or against the motion or abstained from voting.

### 14.5 Voting on appointments

If there are two or more Councillors nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

### 14.6 Voting on the Council's budget

In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, a record will be made in the minutes of the meeting of the names of the persons who cast a vote for or against the decision or who abstained from voting, where that vote is in relation to the setting of the Council's budget or revised budget.

## **15. MINUTES**

### **15.1 Signing the minutes**

The person presiding will sign the minutes of the proceedings at the next suitable meeting. The person presiding will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

### **15.2 No requirement to sign minutes of previous meeting at extraordinary meeting**

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the 1972 Act (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of signing the minutes.

### **15.3 Form of minutes**

Minutes will contain all motions and amendments in the exact form and order the person presiding put them.

## **16. RECORD OF ATTENDANCE**

A record will be made of all Councillors present during the whole or part of a meeting.

## **17. EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Part 3 **or** Rule 19 below (Disturbance by Public).

## **18. COUNCILLORS' CONDUCT**

### **18.1 Standing to speak**

When a Councillor speaks at a Council meeting he/she must stand unless disabled from doing so and address the meeting through the person presiding. If more than one Councillor stands, the person presiding will ask one to speak and the others must sit. Other Councillors must remain seated whilst a Councillor is speaking unless they wish to make a point of order or a point of information.

### **18.2 Person presiding standing**

When the person presiding stands during a debate, any Councillor speaking at the time must stop and sit down. The meeting must then be silent.

18.3 Councillor not to be heard further

If a Councillor persistently disregards the ruling of the person presiding by behaving improperly or offensively or deliberately obstructs business, the person presiding may direct that the Councillor be not heard further.

18.4 Councillor to leave the meeting

If the Councillor continues to behave improperly after such a direction, the person presiding may direct that either the Councillor leaves the meeting or that the Councillor be removed from the meeting or that the meeting is adjourned for a specified period.

18.5 General disturbance

If there is a general disturbance making orderly business impossible, the person presiding may adjourn the meeting for as long as he/she thinks necessary.

**19. DISTURBANCE BY PUBLIC**

19.1 Removal of members of the public

If a member of the public interrupts proceedings, the person presiding will warn the person concerned. If he/she continues to interrupt, the person presiding will order his/her removal from the meeting room.

19.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the person presiding may call for that part to be cleared.

**20. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

20.1 Suspension

All of these Council Procedure Rules except Rule 14 and 15.2 above may be suspended by motion on notice or without notice if at least one half of the whole number of Councillors are present. Suspension can only be for the duration of the meeting. This Rule will apply to meetings of the Cabinet, the Scrutiny Board, Scrutiny Panels and Regulatory or other Committees provided that one half of the whole number of voting Councillors are present.

20.2 Amendment

These Council Procedure Rules may only be amended by the Full Council after consideration by the Monitoring Officer, the Constitution Review Group, the Special Advisory Group and the Standards Committee.

**21. Approach to dealing with petitions at Council Meetings**

- a. Where a Petition contains more than 5,000+ signatures, the Council's Constitution provides for the matter to be debated by Full Council.
- b. Full Council will endeavour to consider the Petition at its next scheduled meeting, although on some occasions this may not be possible and consideration will then take place at the following scheduled meeting.
- c. The relevant Cabinet Member, or nominated substitute, will be in attendance at the Full Council meeting.
- d. The lead Petitioners will be given up to five minutes to present the Petition. The Petition will then be considered by Councillors for a maximum of a further 40 minutes, of which up to five minutes will be specifically allocated to the Cabinet Member for his or her response. Broad timings are detailed in the diagram at the end of this section but they are provided as guidelines – management of the debate is ultimately at the Mayor's discretion.

Detailed procedure:

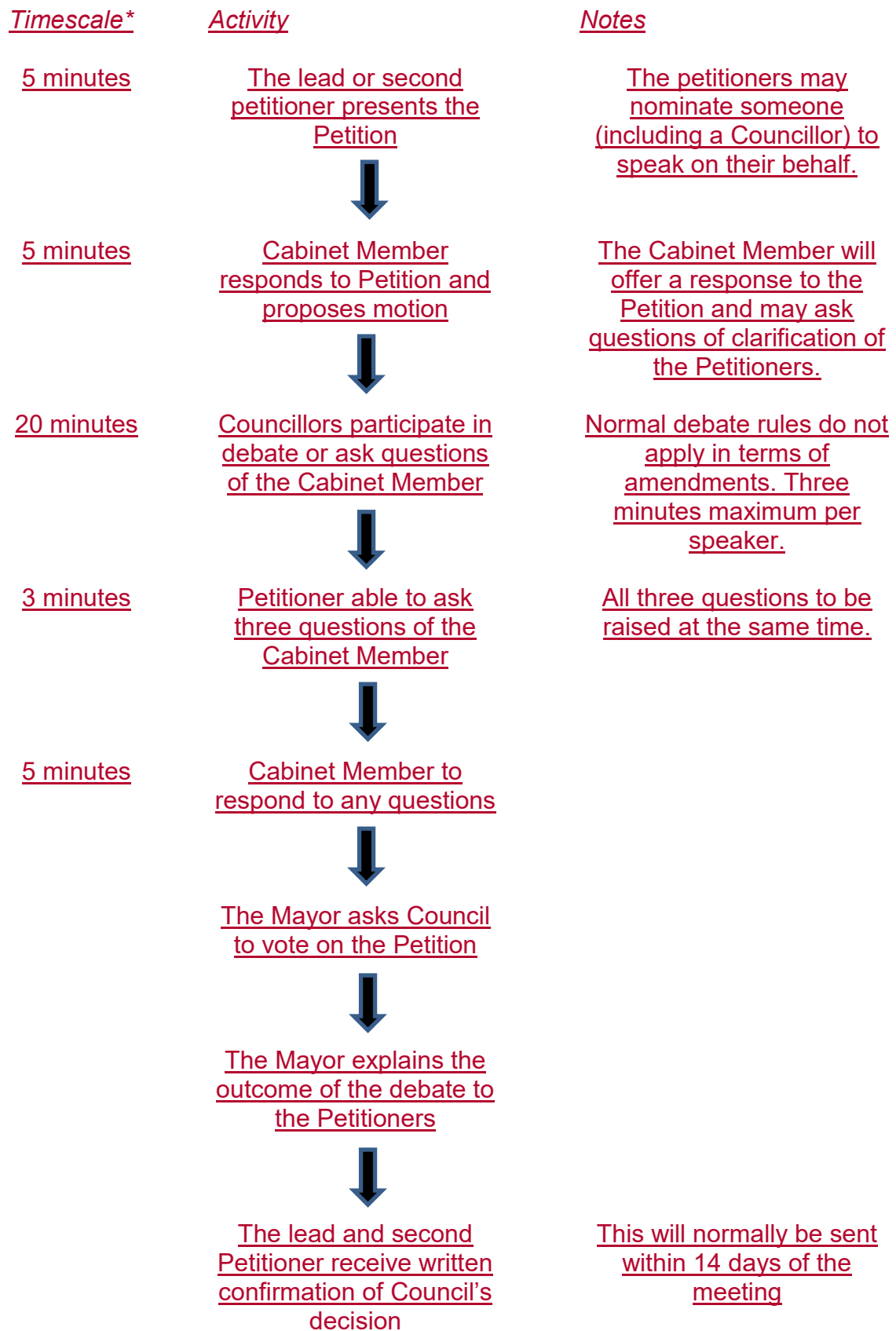
- (i) Democratic Services will have already invited representatives of the Petitioners (lead Petitioner and a further Petitioner to be referred to as the Second Petitioner) to attend the meeting and to give oral evidence to Full Council. Petitioners may also provide written evidence in support of their Petition. Full Council's role is to ensure that appropriate action is taken in respect of each admissible Petition.
- (ii) A report on the details of the Petition, including background details and comments from the appropriate service, will have been circulated to Councillors, as part of their Council papers, together with a copy of the Petition; a copy of the report will also have been provided to the lead and second Petitioners.
- (iii) Petitioners may nominate someone else, including a Councillor, to speak and present the Petition on their behalf. In the absence of the Petitioners, or a representative to speak on their behalf, Council will consider the matter anyway in accordance with this process.
- (iv) Where Petitioners are present, the lead and second Petitioners will be seated near to the public gallery. At the appropriate juncture, the lead and second Petitioners will be shown to a seat at the front of the Council Chamber.

- (v) The Petition will be considered as the first item of substantive business following consideration of formal Council business i.e. following consideration of Apologies for Absence, Declarations of Interest, Minutes and Mayor's Communications.
- (vi) The Mayor will announce that the Petition will be considered as the next item of business, upon which a time limit of 45 minutes shall apply. This time limit includes five minutes for the lead or second Petitioner, but not both, to present the Petition.
- (vii) The Mayor will invite the relevant Cabinet Member to respond to the Petition and propose a motion in light of the Petition for Council to consider. The Cabinet Member has up to five minutes for his or her response, including proposal of a motion. The motion should be based upon one of the four options open to the Council for its response to a Petition:

  - (a) decide to take the action the Petition requests
  - (b) decide not to take the action requested
  - (c) decide to commission further investigation into the matter, for example by a relevant Cabinet meeting, or
  - (d) where the issue is one on which the Cabinet is required to make the final decision, Council must decide whether to make recommendations to Cabinet to inform that decision.
- (viii) The Mayor will ask if there is a seconder for the motion.
- (ix) The Mayor will invite Councillors to debate the motion, which may include asking questions of the Cabinet Member. Normal rules of debate with regard to amendments are suspended during consideration of a Petition. Any speaker is limited to a maximum of three minutes.
- (x) At the conclusion of the general debate, the Mayor will ask the lead or second Petitioners to ask up to three questions of the Cabinet Member. The questions must all be raised at the same time.
- (xi) The Cabinet Member will have up to five minutes to respond to any questions raised. The Cabinet Member may recommend an amendment to their original motion based on the debate and consideration of the issues.

- (xii) At the conclusion of consideration of the item, the Mayor will ask Council to vote on the motion proposed by the Cabinet Member. In the event that the motion is not passed, an alternative motion will be proposed and seconded, based on the options detailed in (vii) above. Votes on a second or any subsequent motion will be taken immediately without any further debate.
- (xiii) Following approval of a motion, the Mayor will explain the outcome of the debate to the Petitioners and thank them for their attendance. At this point the lead and second Petitioners will be asked if they wish to either leave the meeting or, if not, return to their seats in the public gallery.
- (xiv) The lead and second Petitioners will receive written confirmation of Full Council's decision. This confirmation will also be published on the Council's website.

**PETITIONS PROTOCOL FLOW DIAGRAM**



\*Timings are provided as a guide. Exact timings are at the Mayor's discretion.

## 22. Protocol Governing the use of the Mayor's Casting Vote

### 22.1 Introduction

The Local Government Act 1972 provides that the Mayor has a second or casting vote at Council Meetings in two specific circumstances.

- a. The out-going Mayor **must** exercise a second or casting vote if there is a tie for the election of a new Mayor (Section 23 Local Government Act 1972).
- b. On all other occasions the Mayor **may** (but is not obliged) to exercise a second or casting vote (Local Government Act 1972 Schedule 12 Para 39(2)).

Under revised arrangements for the rotation of the Mayoralty adopted at the Annual Council Meeting in May 2001 there should be no call to exercise a second or casting vote on the election of a new Mayor. The vote should be unopposed.

A tied vote at a Council Meeting in any other circumstances requires a clear and binding protocol governing the discretionary use of the second or casting vote which is –

- a. Based upon the principles set out in the Leader's speech to the Annual Council Meeting in May 2001 which established the arrangements for the rotation of the offices of Mayor and Deputy Mayor.
- b. Strongly endorsed by the Leaders of all three political parties on City of Wolverhampton Council on behalf of their groups and their nominees for the office of Mayor or Deputy Mayor.
- c. Accepted as an essential pre-requisite of office by all Councillors who are nominated for and appointed to the office of Mayor or Deputy Mayor.

### 2.2 Protocol

It is the duty of the Cabinet to make decisions. It is also in the interests of the City that there is certainty of decision making.

In the event of a tied vote at a Council Meeting the Mayor [or in his or her absence the Deputy Mayor] shall not exercise the second or casting vote unless advised by the Managing Director; Section 151 Officer [as S151 Officer] or Director of Governance that it is necessary to do so.

In order to preserve the impartiality and dignity of the Office of Mayor whenever a vote is tied the Mayor shall obtain appropriate advice (if necessary by seeking a short adjournment) from the Managing Director; Section 151 Officer [as S.151 Officer] or Director of Governance



a. Whether it is necessary to use a second or casting vote.

b. If it is so necessary, how it should be done.

On receipt of that advice the Mayor will reconvene the meeting, if adjourned, and inform the Council of the advice that has been received. The Mayor will then vote in accordance with that advice exercising one of the four options identified in the schedule attached to this protocol.

<u>Councillor N G Davies OBE</u>	<u>Councillor B K Carpenter</u>	<u>Councillor R Whitehouse</u>
<u>Leader of Labour Group</u>	<u>Leader of Conservative Group</u>	<u>Leader of Liberal</u>
		<u>Democrat Group</u>

24.04.2002

25.04.2002

30.04.2002

<u>ADVICE</u>	<u>ACTION</u>	<u>CONSEQUENCE</u>
<u>Only one decision is permissible for the Council to act lawfully</u>	<u>Option 1</u> <ul style="list-style-type: none"> <li>◆ <u>Reconvene meeting and report advice received</u></li> <li>◆ <u>Vote in accordance with that advice</u></li> </ul>	<ul style="list-style-type: none"> <li>◆ <u>Decision taken and actioned</u></li> </ul>
<u>A decision must be taken at the meeting to protect/preserve the Council's position in relation to -</u> <p>(a) <u>Any application for or entitlement to any grant or subsidy</u></p> <p>(b) <u>The securing of any income or other revenue</u></p> <p>(c) <u>The avoidance of any penalty or other liability</u></p> <p>(d) <u>Any other matter of a like nature relating to the proper and lawful discharge of the Council's functions</u></p>	<u>Option 2</u> <ul style="list-style-type: none"> <li>◆ <u>Reconvene meeting and report advice received</u></li> <li>◆ <u>Vote in a manner that protects/preserves the Council's interest</u></li> <li>◆ <u>Where this can be limited to an interim step recall the Council to a special meeting to consider the matter afresh in accordance with Option 3</u></li> </ul>	<ul style="list-style-type: none"> <li>◆ <u>Decision taken and actioned</u></li> <li>◆ <u>If possible this be limited to interim decision and special meeting be called in accordance with Option 3</u></li> </ul>
<u>A decision must be made but may be deferred to enable discussions between party groups</u>	<u>Option 3</u> <ul style="list-style-type: none"> <li>◆ <u>Reconvene meeting and report advice received</u></li> <li>◆ <u>Adjourn item to a special meeting when it will be considered afresh</u></li> </ul>	<ul style="list-style-type: none"> <li>◆ <u>Special meeting to be convened within 5 working days unless special reasons accepted by Monitoring Officer for shorter or longer period. Such reasons to be specified in Summons for special meeting</u></li> <li>◆ <u>Advice of Monitoring Officer will be sought and followed in relation to any interim arrangements that may be necessary as a result of the adjournment. Such arrangements will, so far as possible, seek to maintain status quo pending a resolution of the issue</u></li> </ul>

<u>No decision is required</u>	<u>Option 4</u> <ul style="list-style-type: none"> <li>◆ <u>Reconvene meeting and report advice received</u></li> <li>◆ <u>Do not exercise casting vote</u></li> </ul>	<ul style="list-style-type: none"> <li>◆ <u>Item not carried – eligible for re-submission to a subsequent Council Meeting</u></li> </ul>
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## **Cabinet Procedure Rules**

### **1. The Operation of the Cabinet**

#### **1.1 Who may make Cabinet decisions**

The arrangements for the discharge of Cabinet functions are set out in the Cabinet arrangements shown in Part 2. The arrangements provide for Cabinet functions to be discharged by:

- a. the Cabinet or a Cabinet Panel.

These decisions are referred to in this Constitution as “Amber Decisions” if they are delegated to the Cabinet, and as “Red decisions” if they require the approval of the Full Council as set out in Article 4. Amber Decisions are those relating to the functions listed in the delegations to the Cabinet and Cabinet Panels. Red decisions are those matters referred to in Article 4.

- b. an Individual Cabinet Member relating to their individual responsibilities. These decisions are referred to in this Constitution as “Green Decisions”, the definition of which is set out in section 21 – Procedure for Decision-making by Individual Cabinet Members in Part 3.
- c. an employee;
- d. an Area Structure;
- e. joint arrangements; or
- g. another local authority.

#### **1.2 Sub-delegation of Cabinet functions**

- a. Where the Cabinet is responsible for a function, it may delegate further to a Designated Officer in consultation with a Cabinet Member or to an employee, an Area Structure, or joint arrangement.
- b. Even where Cabinet functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated. This means that items of business classified as Green decisions may be referred by the Cabinet Member to the Cabinet for decision.
- c. The Cabinet may, when sub-delegating a Green decision, require that an Opposition Councillor from the relevant Scrutiny Panel be consulted prior to the decision being taken.

- d. The Cabinet may, when sub-delegating an Amber decision, require that an Opposition Councillor from the relevant Scrutiny Panel be consulted prior to the decision being taken. In such a case the call-in rules will apply.

### 1.3 The Council's scheme of delegation and Cabinet functions

The Council's scheme of delegation will be subject to adoption by the Full Council and may only be amended by the Full Council. It will contain the details required in Article 7 and is set out in Part 2.

### 1.4 Conflicts of Interest

- a. If every Cabinet Member has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Councillors in Part 3 of this Constitution.
- b. If the exercise of a Cabinet function has been delegated to a Designated Officer (in consultation with a Cabinet Member or otherwise) and a conflict of interest arises, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Councillors in Part 5.

### 1.5 Times and Locations of Cabinet meetings

The Council will approve a programme of Ordinary Meetings for the Cabinet and Cabinet Panels. In addition extraOrdinary Meetings may be called from time to time as appropriate. Meetings shall take place at the Civic Centre or another location to be approved by the Leader.

### 1.6 Quorum

The quorum for a meeting of the Cabinet shall be five Councillors and for a Cabinet Panel shall be two Councillors.

### 1.7 How decisions are taken by the Cabinet or by Cabinet Members in consultation with Designated Officers

- a. Red decisions – these are decisions relating to the budget and policy framework. The decision making process is set out in the Budget and Policy Framework Procedure Rules and the Access to Information Rules in Part 4. They may be considered by the Cabinet or a Cabinet Panel in advance of consideration by the Council.
- b. Amber Decisions - these are decisions which have been delegated to the Cabinet or a Cabinet Panel and will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4.

- c. Green decisions - the Designated Officer will meet regularly with the appropriate Cabinet Member to consider items of business. Items of business will be supported by written reports. If the Cabinet Member is satisfied with the Designated Officer's recommendation then the Cabinet Member will make the decision which will be recorded as a Green decision. The decision can then be implemented immediately. Every Green Decision will be published on the Council's web site as soon as it is notified to the Democratic Services team. A schedule of Green decisions will be notified to the next meeting of the Cabinet (Resources) Panel for information. Copies of Green decision reports will be open for inspection in accordance with the Access to Information Rules in Part 4. Cabinet Members must take into account professional, legal and financial implications and any advice given by Officers. If any employee gives advice that a decision would fall within one of the exceptions listed in Part 2 or that the matter should not be the subject of an individual Cabinet Member decision then the matter shall be a decision for the Cabinet.

## **2. How Cabinet Meetings are Conducted**

### **2.1 Presiding at the meeting**

If the Leader is present he/she will preside. In his/her absence, then a person appointed to do so by those present shall preside.

### **2.2 Attendance at the meeting**

- a. Members of the public may attend meetings of the Cabinet unless they are excluded from all or part of the meeting because it is likely in view of the nature of the business to be transacted that Exempt Information would be disclosed.
- b. All Councillors may attend the whole of the meeting unless the Cabinet by resolution decides that they should be excluded from any part of the meeting during which Exempt Information may be disclosed.

### **2.3 Business conducted at the meeting**

At each meeting of the Cabinet the following business will be conducted:

- a. apologies for absence;
- b. declarations of interest, if any;
- c. consideration of the minutes of the last meeting;
- d. matters referred to the Cabinet (whether by the Scrutiny Board or a Scrutiny Panel or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Overview and Scrutiny

Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 3;

- e. consideration of reports from the Scrutiny Board or Scrutiny Panels; and
- f. matters set out in the agenda for the meeting. The agenda shall indicate which are Key Decisions and which are not in accordance with the Access to Information Procedure Rules set out in Part 4 of this Constitution.

Subject to any directions given by the person appointed to preside at the meeting the items of business shall be arranged in such order as the Head of Paid Service, in consultation with the relevant Designated Officer(s) thinks will best ensure the effective despatch of business.

#### 2.4 Who can include items on the Cabinet agenda

- a. The Leader
- b. Where the Scrutiny Board or a relevant Scrutiny Panel or the Full Council have resolved that an item be considered by the Cabinet the Head of Paid Service will ensure that an item is placed on the agenda of the next available meeting of the Cabinet.
- c. The Head of Paid Service, the Monitoring Officer or the Section 151 Officer may include an item for consideration on the agenda of a Cabinet meeting and may require such a meeting to be called in pursuance of their statutory duties.

#### 2.5 Consultation

All reports to the Cabinet from any Cabinet Member or an employee on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant Scrutiny Panels, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

### **3. Key Decisions**

#### **3.1 Period of the Forward Plan**

A list of key decisions will be prepared to cover a period of four months. A key decision is an Executive decision which is likely:

- a. to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for



the service or function to which the decision relates (in Wolverhampton, this is defined as expenditure or savings **in excess of £250,000**), and/or

- b. to be significant in terms of its effects on communities living or working in an area comprising **two or more wards** in the area of the local authority.

The Forward Plan details 'key decisions' that will be taken by the Cabinet or one of the Cabinet Panels (the Executive) over the coming months. It will include the following information:

- a. the matter in respect of which a decision is to be made;
- b. where the decision maker is an individual, his/her name and title, if any and where the decision maker is a body its name and details of membership;
- c. the date on which, or the period within which, the decision will be taken;
- d. how, to whom and by when representations (about the "key decision") can be made;
- e. what reports/papers are, or will be, available for public inspection;
- f. whether the report is a private report with reasons.

#### **4. General Exception**

4.1 If a matter which is likely to be a key decision has not been included in the Forward Plan, the key decision may still be taken if:

- a. the decision must be taken because it is impracticable to defer the decision, in the opinion of the Managing Director;
- b. the relevant employee has informed the Chair of the Scrutiny Board or a relevant Scrutiny Panel, or if there is no such person, each member of that Scrutiny Panel in writing, by notice, of the matter to which the decision is to be made;
- c. the Democratic Service Officer has made copies of that notice available to the public at the offices of the Council; and
- d. at least five clear days have elapsed since compliance with (a) and (b).

#### **5. Special Urgency**

5.1 If the date by which a decision must be taken, makes compliance with section 2 above (general exception) impracticable, then the decision can only be taken if:

- a. the decision maker (if an individual) or the Chair of the body making the decision, obtains the agreement of the Chair and Vice-Chair of the Scrutiny Board or a relevant Scrutiny Panel that the taking of the decision cannot be reasonably deferred. If there is no such Chair, or if the Chair is unable to act, then the agreement of the Mayor, or in his/her absence the Deputy Mayor will suffice.
- b. the Democratic Service Officer has made copies of that notice available to the public at the offices of the Council;

## **6. Report to Council where the key decision procedure is not followed**

- 6.1 If the Scrutiny Board or a Scrutiny Panel thinks that a key decision has been taken which was not:
  - a. included in the Forward Plan; or
  - b. the subject of the general exception procedure; or
  - c. the subject of an agreement with a relevant Chair, or the Mayor/Deputy Mayor of the Council under section 23.6 above (special urgency);
- 6.2 The Board or Panel may require the Cabinet to submit a report to the Full Council within such reasonable time as the Board or Panel specifies.

## **7. Cabinet's report to Council**

- 7.1 The Cabinet will prepare a report for submission to the next available meeting of the Full Council. However, if the next meeting of the Full Council is within five days of the decision of the Scrutiny Board or Panel, then the report may be submitted to the meeting after that. The report to Full Council will set out particulars of the decision, the individual or body making the decision, and if the Leader is of the opinion that it was not a key decision the reasons for that opinion.

## **8. Reports on special urgency decisions**

- 8.1 The Leader of the Council will submit a report to Council on an annual basis detailing all late reports not on the Forward Plan and all reports authorised for immediate implementation.

## **9. Record of Decisions**

- 9.1 After any meeting of the Cabinet whether held in public or private, the Democratic Services Officer will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

**10. Cabinet Meetings Relating to Matters Which Are Not Key Decisions**

- 10.1 Cabinet Members will be entitled to receive five clear working days notice of a meeting to which they are summoned, unless the meeting is convened at shorter notice as a matter of urgency.
- 10.2 Unless otherwise agreed by the members of the relevant Scrutiny Panel, the notice of the meeting and the agenda and reports will be sent to all members of the Panel.

**8. Scrutiny Board and Scrutiny Panels Rights to copies of documents**

- 8.1 The Scrutiny Board and Scrutiny Panels will be entitled to copies of any document which is in the possession or control of the Cabinet and which contains material relating to any business transacted at a meeting of the Cabinet, except any document which is in draft form or which contains the advice of a political adviser.

**9. Additional Rights of Access for Councillors**

**9.1 Material relating to previous business**

All Councillors will be entitled to inspect any document which is in the possession or under the control of the Cabinet and contains material relating to any business previously transacted at a meeting unless either (a.) or (b.) below applies.

- a. it appears to the Proper Officer that it discloses exempt information of a description falling within Part 1 of Schedule 12A
- b. it contains the advice of a political adviser.

But a document referred to in (a.) will be available for inspection if:

- the information relates to the financial and business affairs of any particular person (including the Council) except to the extent that the information relates to any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract or
- the information reveals that the Council proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person or to make an order or direction under any enactment.

**9.2 Material relating to key decisions**

All Councillors will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Cabinet which relates to any key decision unless paragraph (a) or (b) above applies.

**9.3 Nature of rights**

These rights of a Councillor are additional to any other right he/she may have.

## ~~THE FORWARD PLAN~~

### Key Decisions

#### ~~23.1~~ Period of the Forward Plan

~~1.1~~ A list of key decisions ~~Forward Plan~~ will be prepared by the Leader to cover a period of four months, ~~beginning with the first day of any month. They will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first day of the second month covered in the preceding plan. The Forward Plan must be published at least 14 days before the start of the period covered.~~

A key decision is an Executive decision which is likely:

- a. to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates (in Wolverhampton, this is defined as expenditure or savings in excess of £250,000), and/or
- b. to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the area of the local authority.

#### ~~23.2~~ Contents of the Forward Plan

~~—The Forward Plan details 'key decisions' that will be taken by the Cabinet or one of the Cabinet Panels (the Executive) over the coming months. It will include the following information: will contain matters which the Leader has reason to believe will be subject of a key decision to be taken by the Cabinet, employees, Area Committees or Forums or under joint arrangements in the course of the discharge of a Cabinet function during the period covered by the Plan. It will describe the following particulars in so far as the information is available or might reasonably be obtained at the date of publication:~~

- ~~(a.)~~ the matter in respect of which a decision is to be made;
- ~~(b.)~~ where the decision maker is an individual, his/her name and title, if any and where the decision maker is a body its name and details of membership;
- ~~(c.)~~ the date on which, or the period within which, the decision will be taken;
- ~~(d)~~ the identity of the principal groups whom the decision maker proposes to consult before taking the decision;
- ~~(e)~~ the means by which any such consultation is proposed to be undertaken;
- ~~(d.f)~~ the steps any person might take who wishes to make representations to the Cabinet or decision maker about the matter in respect of which the decision is to be made, and the date by which

~~those steps must be taken; and how, to whom and by when representations (about the "key decision") can be made;~~

- ~~(g) a list of the documents submitted to the decision maker for consideration in relation to the matter.~~
- ~~e. what reports/papers are, or will be, available for public inspection;~~
- ~~f. whether the report is a private report with reasons.~~

### ~~23.3~~ **Publicity in connection with key decisions**

~~The Head of Paid Service will publish once a year a notice in at least one newspaper circulating in the area, stating:~~

- ~~(a) that key decisions are to be taken on behalf of the Council;~~
  - ~~(b) that a Forward Plan containing particulars of the matters on which key decisions are to be taken will be prepared on a monthly basis;~~
  - ~~(c) that the Plan will contain details of the key decisions to be made for the four month period following its publication;~~
  - ~~(d) that each Plan will be available for inspection at reasonable hours free of charge at the Council's offices and on the Council's web site;~~
  - ~~(e) that each Plan will contain a list of the documents submitted to the decision makers for consideration in relation to the key decisions in the Plan;~~
  - ~~(f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the Forward Plan is available;~~
  - ~~(g) that other documents may be submitted to decision makers;~~
  - ~~(h) the procedure for requesting details of documents (if any) as they become available; and~~
  - ~~(i) the dates on each month in the year following publication of the notice on which each Forward Plan will be published and available to the public at the Council's offices.~~
- ~~Exempt information need not be included in a Forward Plan and confidential information cannot be included.~~

### **2.3.5 General Exception**

2.1 If a matter which is likely to be a key decision has not been included in the Forward Plan, ~~then subject to section 23.6 below (special urgency)~~, the key decision may still be taken if:

- ~~(a.)~~ the decision must be taken because ~~by such a date that~~ it is impracticable to defer the decision, in the opinion of the Managing Director; ~~until it has been included in the next Forward Plan and until the start of the first month to which the next Forward Plan relates;~~
- ~~(b.)~~ the relevant employee Head of Paid Service has informed the Chair of the Scrutiny Board or a relevant Scrutiny Panel, or if there is no such person, each member of that Scrutiny Panel in writing, by notice, of the matter to which the decision is to be made;
- ~~(c.)~~ the Head of Paid Democratic Service Officer has made copies of that notice available to the public at the offices of the Council; and
- ~~(d.)~~ at least five clear days have elapsed since compliance with (a) and (b).

### **3.23.6 Special Urgency**

3.1 If ~~by virtue of~~ the date by which a decision must be taken, makes compliance with section 23.5 above (general exception) ~~impracticable cannot be followed~~, then the decision can only be taken if:

- a. the decision maker (if an individual) or the Chair of the body making the decision, obtains the agreement of the Chair and Vice-Chair of the Scrutiny Board or a relevant Scrutiny Panel that the taking of the decision cannot be reasonably deferred. If there is no such Chair, or if the Chair is unable to act, then the agreement of the Mayor, or in his/her absence the Deputy Mayor will suffice.
- b. the Democratic Service Officer has made copies of that notice available to the public at the offices of the Council;

### **23.7 Report to Council where the key decision procedure is not followed**

~~1. When the Scrutiny Board or a Scrutiny Panel can require a report~~

3.1 If the Scrutiny Board or a Scrutiny Panel thinks that a key decision has been taken which was not:

- ~~(a.)~~ included in the Forward Plan; or
- ~~(b.)~~ the subject of the general exception procedure; or
- ~~(c.)~~ the subject of an agreement with a relevant Chair, or the Mayor/Deputy Mayor of the Council under section 23.6 above (special urgency);

3.2 ~~T~~he Board or Panel may require the Cabinet to submit a report to the Full Council within such reasonable time as the Board or Panel specifies.

#### ~~4.~~**2. Cabinet's report to Council**

4.1 The Cabinet will prepare a report for submission to the next available meeting of the Full Council. However, if the next meeting of the Full Council is within five days of the decision of the Scrutiny Board or Panel, then the report may be submitted to the meeting after that. The report to Full Council will set out particulars of the decision, the individual or body making the decision, and if the Leader is of the opinion that it was not a key decision the reasons for that opinion.

#### ~~5.~~**3. Quarterly rRports on special urgency decisions**

~~In any event the Leader will submit quarterly reports to the Council on the Cabinet decisions taken in the circumstances set out in section 23.6 above (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.~~

5.1 The Leader of the Council will submit a report to Council on an annual basis detailing all late reports not on the Forward Plan and all reports authorised for immediate implementation.

#### ~~6.23.8~~ **Record of Decisions**

6.1 After any meeting of the Cabinet whether held in public or private, the Democratic Head of Paid Services Officer will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

#### ~~7.23.9~~ **Cabinet Meetings Relating to Matters Which Are Not Key Decisions**

7.1 ~~4.~~—Cabinet Members will be entitled to receive five clear working days notice of a meeting to which they are summoned, unless the meeting is convened at shorter notice as a matter of urgency.

7.2 ~~2.~~—Unless otherwise agreed by the members of the relevant Scrutiny Panel, the notice of the meeting and the agenda and reports will be sent to all members of the Panel.

#### ~~23.108.~~ **Scrutiny Board and Scrutiny Panels**

8.1 ~~4.~~—Rights to copies of documents



**8.1** The Scrutiny Board and Scrutiny Panels will be entitled to copies of any document which is in the possession or control of the Cabinet and which contains material relating to any business transacted at a meeting of the Cabinet, except any document which is in draft form or which contains the advice of a political adviser.

**9. ~~23.11~~ Additional Rights of Access for Councillors**

**9.1 ~~4.~~ Material relating to previous business**

All Councillors will be entitled to inspect any document which is in the possession or under the control of the Cabinet and contains material relating to any business previously transacted at a meeting unless either (a.) or (b.) below applies.

~~(a.)~~ it appears to the Proper Officer that it discloses exempt information of a description falling within Part 1 of Schedule 12A

~~(b.)~~ it contains the advice of a political adviser.

But a document referred to in (a.) will be available for inspection if:

- the information relates to the financial and business affairs of any particular person (including the Council) except to the extent that the information relates to any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract or
- the information reveals that the Council proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person or to make an order or direction under any enactment.

**9. ~~2.~~ Material relating to key decisions**

All Councillors will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Cabinet which relates to any key decision unless paragraph (a) or (b) above applies.

**9. ~~3.~~ Nature of rights**

These rights of a Councillor are additional to any other right he/she may have.

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**Overview and Scrutiny Procedure Rules**

1. **The number and terms of reference of the Scrutiny Board and the Scrutiny Panels.**
  - 1.1 The Council will have a Scrutiny Board and the Scrutiny Panels set out in Article 7 and will appoint to them as it considers appropriate from time to time. The Health Scrutiny Panel may need to undertake joint arrangements with other local authority scrutiny committees as are necessary to facilitate the overview and scrutiny of health functions. Where this is required, these arrangements will be established by Full Council on a case-by-case basis.
  - 1.2 The terms of reference for the Scrutiny Board and Panels are set out in Article 7.
  - 1.3 The general responsibilities of each of the Scrutiny Panels are outlined below. Detailed terms of reference, specific to each Panel, are in Article 7.
    - a. To assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues and by liaison and discussion with the Cabinet.
    - b. To conduct research, community and other consultation in the analysis of policy issues and possible options.
    - c. To consider and implement mechanisms to encourage and enhance community participation in the development of policy options.
    - d. To question Cabinet Members and/or Council employees about their views on issues and proposals affecting the area.
    - e. To liaise with individuals and external organisations operating in the area, whether national, regional or local, to ensure that the interests of the citizens of Wolverhampton are enhanced by collaborative working.
    - f. To review and scrutinise the decisions made by and performance of the Cabinet and Council employees both in relation to individual decisions and over time.
    - g. To review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas and to receive and consider other reports received from external auditors and external regulatory Inspectors and to work with the Cabinet to respond to recommendations from reviews and inspections.
    - h. To undertake reviews of the Councillors Call for Action where referred by the Monitoring Officer.
    - i. To question Cabinet Members and/or Council employees about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects.

## **Overview and Scrutiny Procedure Rules**

- j. To make recommendations to the Cabinet and/or appropriate Regulatory or other Committee and/or Council arising from the outcome of the scrutiny process.
- k. To review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Panel and local people about their activities and performance.
- l. To consider call-ins related to their area of responsibility.
- m. To question and gather evidence from any person (with their consent).
- n. To deal with any other matter which is by law required to be dealt with by an “overview and scrutiny committee”.

## **2. Who may serve on the Scrutiny Board and Scrutiny Panels**

### **2.1 Councillors**

All Councillors except Cabinet Members may be members of the Scrutiny Board or a Scrutiny Panel. However, no Councillor may be involved in scrutinising a decision in which he/she has been directly involved.

### **2.2 Co-opted Members**

The term Co-opted Members is restricted to:

- a. Statutory Parent Governor, Church Diocesan and Youth Council representatives, appointed to serve on the Children, Young People and Families Scrutiny Panel by the Annual Council Meeting.
- b. Wolverhampton HealthWatch representatives appointed to serve on the Health Scrutiny Panel.

The membership of Scrutiny Panels and Scrutiny Review Groups by representatives of external organisations or individuals will be restricted to those Co-opted Members appointed at Annual Council.

The Children, Young People and Families Scrutiny Panel shall include in its membership the following representatives:

- a. One voting Church of England diocesan representative.
- b. One voting Roman Catholic diocesan representative.
- c. Two voting parent governor representatives\*.
- d. One non-voting Youth Council representative.

\*Details of the eligibility and appointment arrangements relating to parent governor representatives are set out in section 26.17.

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When the Panel deals with matters other than those relating to education functions, these representatives shall not vote on those other matters, though they may stay in the meeting and speak.

The Health Scrutiny Panel shall include in its membership three representatives of Wolverhampton HealthWatch.

It is a requirement of accepting a position as a Co-opted Member that those persons should sign and abide by the Councillors' Code of Conduct.

A review, inquiry or task and finish group may appoint representatives of external organisations to support their work as appropriate, and may invite 'witnesses' to present evidence to meetings. These are not Co-opted Members.

### **3. Times and locations of meetings of the Scrutiny Board and Scrutiny Panels**

3.1 The Council will approve a programme of Ordinary Meetings for the Scrutiny Board and each Scrutiny Panel. In addition, extraOrdinary Meetings may be called from time to time as and when appropriate. A Board or Panel meeting may be called by the Chair or one quarter of the total number of voting Councillors or by the Head of Paid Service if he/she considers it necessary or appropriate.

3.2 Meetings shall take place at the Civic Centre or such other location(s) as may be agreed.

### **4. Quorum**

4.1 The quorum for the Scrutiny Board and Scrutiny Panels shall be as set out for Regulatory or other Committees in the Council Procedure Rules in Part 3.

### **5. The Chairs of the Scrutiny Board and Scrutiny Panels**

5.1 The Chair and Vice-Chair will be appointed by the Council from amongst eligible Councillors.

### **6. Work programme**

6.1 Each Scrutiny Panel will, subject to guidance from the Scrutiny Board, be responsible for setting and reviewing their priorities and work programme for the year.

### **7. Agenda items**

7.1 Any member of the Scrutiny Board or a Scrutiny Panel shall be entitled to give notice to the Head of Paid Service that he/she wishes an item relevant to the functions of the Panel be included on the agenda for the next available meeting of the Board or Panel. On receipt of such a request the

## **Overview and Scrutiny Procedure Rules**

Head of Paid Service will ensure that it is included on the next available agenda.

### **8. Ensuring that overview and scrutiny reports are considered by the Cabinet**

- 8.1 Once a Scrutiny Board or Scrutiny Panel report on any matter which is the responsibility of the Executive has been completed, it shall be included on the agenda of the next available meeting of the Cabinet or, by agreement with the Chair of the Board or Panel, the next meeting of the Cabinet which is scheduled to consider the subject matter of the report. If for any reason the Cabinet does not consider the Board or Panel report the matter will be referred to Council for review, and the Head of Paid Service will call a Council meeting to consider the report and make a recommendation to the Cabinet.
- 8.2 The Scrutiny Board and Scrutiny Panels will have access to the Executive's timetable for decisions and intentions for consultation. The Board and Panels may consider any such item in advance of a decision by the Cabinet and may require the Cabinet to have regard to their views when considering the item. The Board and Panels will also use the decision schedule to identify items for scrutiny prior to decision in accordance with paragraph 12.2.

### **9. Rights of Scrutiny Board and Scrutiny Panel members to documents**

- 9.1 In addition to their rights as Councillors, members of the Scrutiny Board and Scrutiny Panels have additional right to documents, and to notice of meetings, as set out in the Access to Information Procedure Rules in Part 4.
- 9.2 Nothing in this section prevents more detailed liaison between the Cabinet and the Scrutiny Board and Scrutiny Panels as appropriate depending on the particular matter under consideration.

### **10. Councillors and employees giving account**

The Scrutiny Board and Panels may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any Cabinet Member, the Head of Paid Service and/or any Designated Officer to attend before it to explain in relation to matters within their remit:

- a. any particular decision or series of decisions;
- b. the extent to which the actions taken implement Council policy; and/or
- c. their performance,
- d. and it is the duty of those persons to attend if so required.

**11. Attendance by others**

11.1 The Scrutiny Board and Scrutiny Panels may invite people other than those people referred to in paragraph 10 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and Councillors and employees in other parts of the public sector and may invite such people to attend.

**12. Scrutiny and Call-in**

12.1 Scrutiny of Executive decisions will be undertaken by the Scrutiny Board and Scrutiny Panels (NB: this does not include decisions made by regulatory committees, such as Licensing and Planning, which are not subject to call-in provisions). It has two principal elements:

- a. consideration of forthcoming decisions, known as pre-decision scrutiny, through which the Scrutiny Board or Panel can scrutinise a decision yet to be made and, if appropriate, shape the final decision through comment and advice to the Executive;
- b. consideration of Executive decisions already made, whether by the Cabinet or an individual Cabinet Member, through call-in or post-implementation review.

12.2 Pre-decision scrutiny

Although decisions made by the Executive must be open to scrutiny, the Council wishes the primary focus of its scrutiny process to be on shaping and informing decisions through pre-decision scrutiny.

12.3 The Scrutiny Board and Panels will have access to the Executive's schedule of forthcoming decisions and proposals for consultation. Often, the provision of additional or explanatory data and information can avoid the need for formal consideration of a decision or issue. The initial emphasis, therefore, will be on the free flow of information from Council employees in response to requests for clarification or elaboration from Councillors.

12.4 Thereafter, as part of its work programme, the Board or an individual Panel may request a report on any forthcoming decision that falls within its purview, in advance of its consideration by the Executive. Having considered a particular issue, the Board or Panel may require the decision-maker to have regard to its views as part of the decision-making process.

12.5 Subject to the proposals considered by the decision-maker being substantially the same as the information previously presented to the Scrutiny Board or Panel, matters that have been considered through pre-decision scrutiny may not be called in for post-decision scrutiny under the provisions outlined in paragraph 12.3.

12.6 Any item being considered as pre-decision scrutiny will therefore not be eligible for call-in once a decision is made by the Executive. Reports to be

## **Overview and Scrutiny Procedure Rules**

considered as pre-decision scrutiny by the Scrutiny Board or a Scrutiny Panel will carry the message:

‘This item is being considered is pre-decision scrutiny and will therefore not be available to call in once a decision is made by the Executive.’

### **13. Parameters for post-decision scrutiny (call-in or review)**

13.1 An amber decision, made by the Cabinet or a Cabinet Panel, may be called in for scrutiny prior to its implementation. A green decision, made by an individual Cabinet Member in consultation with an employee, can be reviewed by the Scrutiny Board or the relevant Scrutiny Panel, although this may be after implementation.

13.2 The following decisions may not be called in:

- a. a red decision, made by the Council;
- b. a red decision, approved by the Cabinet for consideration by the Council;
- c. a decision made by an employee under delegated authority;
- d. a amber decision made under the urgency provisions outlined in paragraph 17;
- e. a amber decision, where it has previously been subject to pre-decision scrutiny (as outlined in paragraph 2.4).
- f. a green decision, made by a Cabinet Member in consultation with an employee

13.3 The decision to effect a call-in can be made by any of the following:

- a. the Chair of the Scrutiny Board
- b. the Vice-Chair of the Scrutiny Board
- c. the Leader or Deputy Leader of the main opposition group.

### **14. Review of green decisions**

14.1 The Scrutiny Board or relevant Scrutiny Panel can decide to review a green decision, considering whether it should have been made as a green decision, as well as reviewing the merits of the decision itself. Such reviews must be notified to the accountable Cabinet Member and employee within three working days of the decision being reported to the Cabinet (Resources) Panel and will be incorporated into the Scrutiny Board or Panel’s work programme.

### **15. Scrutiny of Amber Decisions**

15.1 Decisions made by the Cabinet or a Cabinet Panel (known as Amber Decisions) will be summarised in the minutes of the relevant meeting and published on the Council’s website, normally within five working days of the meeting occurring.

15.2 Within the parameters outlined in paragraph 12.3, call-in of an amber decision can be made within three working days of the decision being



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published. Once this period has expired, and if no call-in has been received, the decision can be implemented.

### **16. Arrangements for considering call-ins**

- 16.1 If an amber decision has been formally called in under paragraph 12.5, the Scrutiny Board or appropriate Scrutiny Panel should convene to consider the matter within ten working days of the call-in being received. In the event that the relevant Scrutiny Panel cannot be convened within ten working days, or if the Councillor calling in the decision so requests, the Chair of the Scrutiny Board can determine that the call-in will be considered by the Board and convene a meeting accordingly. The Board meeting should still take place within ten working days of the call-in being received.
- 16.2 An amber decision that has been called in, may not be implemented until the call-in process is complete.
- 16.3 The Scrutiny Board or Panel will consider the called-in decision and supporting information, including receiving oral and written comments from both the appropriate Cabinet Member(s) and Senior Manager(s). The Board or Panel will exercise one of the following options:
- a. note the decision, which can then be implemented immediately;
  - b. ask the Cabinet or Cabinet Panel to reconsider the decision (a decision can only be reconsidered once);
  - c. refer the decision to the Council's next meeting to see if it wishes the decision to be reconsidered.
- 16.4 The relevant Cabinet Member(s) and Senior Manager (s), given reasonable notice, have a duty to attend the Scrutiny meeting to respond to questions and provide information about the call-in. In the event that they are unable to attend, they should ensure a nominated substitute (for Cabinet Members) or appropriate representative (for Senior Management ) is able to attend in their place.
- 16.5 If the decision is referred to Council and the Council does not object to the decision, it can be implemented immediately. The Council may not substitute its own decision unless the original decision is contrary to the policy framework or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer the matter back to the next meeting of the Cabinet or Cabinet Panel, detailing the Council's views on the decision. The Cabinet or Cabinet Panel will then choose whether to amend the decision or not, before reaching a final decision and implementing it.

### **17. Call-In and Urgency**

- 17.1 The call-in procedure set out above shall not apply where the decision being taken by the Cabinet or Cabinet Panel is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interest. The record of the decision, and notice by which it is made public shall state whether in the opinion of

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the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Monitoring Officer 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 Monitoring Officer, the Deputy Monitoring Officer's consent shall be required. In the absence of both, the Head of Paid Service or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

- 17.2 The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

### **18. Procedure at Scrutiny Board and Scrutiny Panel Meetings**

- 18.1 The Scrutiny Board and Scrutiny Panels shall consider the following business:
- a. consideration of the minutes of the last meeting;
  - b. declarations of interest;
  - c. consideration of any matter referred to the Board or Panel for a decision in relation to call in of a decision;
  - d. responses of the Cabinet to reports of the Board or Panels and
  - e. the business otherwise set out on the agenda for the meeting.
- 18.2 Where the Board or Panel conducts investigations (e.g. with a view to policy development), it may ask people to attend to give evidence at meetings which are to be conducted in accordance with the following principles:
- a. that the investigation be conducted fairly and all Councillors of the Board or Panel be given the opportunity ask questions of attendees, and to contribute and speak;
  - b. that those assisting the Board or Panel by giving evidence be treated with respect and courtesy; and
  - c. that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- 18.3 Following any investigation or review the Board or Panel shall prepare a report, for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.

**19. Substitution of Councillors at Scrutiny Board**

- 19.1 Any permanent Councillor of the Scrutiny Board may nominate another Councillor to attend a meeting of the Scrutiny Board where:
- a. the permanent Councillor will be unable to attend for the entire duration of the meeting of the Board;
  - b. the permanent Councillor will be unable to attend at the commencement of, or for any part of a meeting or;
  - c. the permanent Councillor will be required to be absent from any part of a meeting or during consideration of a particular item as a result of the need to declare a prejudicial interest.
- 19.2 Where a substitute Councillor is nominated to attend a meeting of the Scrutiny Board.
- a. The substitute Councillor will have all the powers and duties of a permanent Councillor of the Board whilst attending the meeting or part thereof in place of the permanent Councillor and may speak and vote.
  - b. The substitute Councillor may be replaced during the course of a meeting by the permanent Councillor on the proviso that as far as is practically possible the substitute Councillor will be required to remain in the meeting for the duration that the items(s) for which they are substituting are under discussion.
  - c. All substitutions to be notified to the Democratic Services Section by the permanent Councillor as soon as possible prior to the commencement of the meeting either in writing or via email.

**20. Matters within the remit of more than one Scrutiny Panel**

- 20.1 Where a matter for consideration by a Scrutiny Panel also falls within the remit of one or more other Panels the decision as to which Panel will consider it will be resolved by the Scrutiny Board.

**21. Arrangements for the appointment of parent governor representatives**

- 21.1 The role and responsibilities of local authority parent governor representatives
- 21.2 The overall role of parent governor representatives (PGR) is to represent parents and not parent governors and to hold the authority to account for education policy and decision-making. The responsibilities of the PGR are listed below:
- a. act as an apolitical voice for parents in the area, representing to the local education authority the main education issues which concern parents of pupils in schools maintained by the authority'

## **Overview and Scrutiny Procedure Rules**

- b. PGRs are not expected to represent the views of all parents across the local authority through any sort of delegated mandate. However, there is an expectation that as best you can that you remain in touch with your wider constituency in order that you can reflect diverse views;
- c. liaise with the other PGRs on the Children, Young People and Families Scrutiny Panel;
- d. attend and contribute to the Children, Young People and Families Scrutiny Panel to which they have been appointed;
- e. establish good relations with other Councillors members and officers;
- f. feedback discussions of and decisions on education matters from the Children, Young People and Families Scrutiny Panel to parents;
- g. sign and abide by the Councillor Code of Conduct;
- h. act with due propriety according to standards laid down for conduct in local government.

### **21.3 Eligibility criteria for local authority parent governor representatives**

Any parent governor (who is still a parent of a child in a maintained school within the authority or the parent of a registered pupil educated at a school maintained by the local authority at the time of election) can stand for election, even if they only have a short time left to serve.

Employees of the local authority, at any of its schools, and local councillors, are not eligible to apply.

A person can only be a parent governor representative in one local authority at any one time.

If a person resigns or is disqualified as a PGR or they become a local councillor or member of school staff they will not be eligible to apply for a vacancy.

A person will not be disqualified if their term of office as a parent governor comes to an end in the normal way, or they cease to be a parent governor of the school due to changes to the constitution of the governing body or the closure of the school.

It is the responsibility of parent governor representatives to inform the local authority of any circumstance which they believe disqualifies them from office. Where there is a disqualification (or a PGR cannot complete the term of office for some other reason) the local authority can decide whether to appoint a successor for the unexpired portion of the term or for a full term. In any event when there is a vacancy (mid or full-term) an election should be held within six months.

### **21.4 Election of local authority parent governor representatives**

The Council is responsible for making all the necessary arrangements for and to determine all other matters relating to the holding of an election of a local

## **Overview and Scrutiny Procedure Rules**

authority parent governor representative. The Council, through the Monitoring Officer, will appoint a returning officer to ensure that as far as possible that the election of a PGR is conducted fairly and complies with the requirements detailed below (source: s4, Parent Governor Representatives (England) Regulations 2001):

- '(1) A local education authority shall make all the necessary arrangements for, and determine all other matters relating to, the holding of an election of a parent governor representative but nothing in this regulation shall prevent an authority from appointing another body to conduct or oversee that election.
- (2) A local education authority may make arrangements
  - (a) dividing parent governor representatives into different categories representing (i) particular types of school, or (ii) maintained schools in a particular area; and
  - (b) where they have done so, restricting the electorate for each such category to parent governors of the same type of school or parent governors of maintained schools in that area (but they need not do so).
- (3) Where a vacancy for a parent governor representative is required to be filled by election the local education authority shall announce that vacancy and at the time of that announcement shall
  - (a) appoint a returning officer who shall ensure that so far as possible the election is conducted fairly;
  - (b) take such steps as are reasonably practicable to secure that every person who is known to them to be eligible to vote in the election of a parent governor representative is (i) informed of the vacancy and that it is required to be filled by election; (ii) informed that he is entitled to vote at the election; (iii) informed of any arrangements made in respect of the election under regulation 4(2) (iv) informed of the details of the electoral timetable and procedures; (v) informed of the qualifications which a person requires in order to be elected as a parent governor representative, and of the term of office of a parent governor representative; and (vi) provided with a description of the role of a parent governor representative.
- (4) Any election of a parent governor representative which is contested shall be held by secret ballot.
- (5) No ballot paper in such an election shall contain any indication of an affiliation with a political party.
- (6) Where a vacancy for a parent governor representative arises, the local education authority shall

## **Overview and Scrutiny Procedure Rules**

- (a) determine, for the purposes of the election, any question as to a person's entitlement to vote or eligibility to stand for election;
  - (b) provide for every person who is eligible to vote in the election to have an opportunity to do so by post;
  - (c) secure that the results of the election are announced not more than one week after the date of the election, and not more than three months after the announcement of the vacancy.
- (7) Where a vacancy remains unfilled because no, or not enough, candidates seek election, the local education authority shall comply with the requirements of this regulation again within one year of the original vacancy having arisen and at six monthly intervals thereafter, calculated from the first anniversary of the original vacancy having arisen, until the vacancy is filled.
- (8) Nothing in these Regulations shall require a ballot to be held if the number of vacancies to be filled is equal to or exceeds the number of candidates for election.'

### **21.5 Returning Officer's discretion**

Once appointed by the Monitoring Officer in response to a vacancy, the Returning Officer shall make all necessary arrangements and determine all matters relating to the holding of an election of a parent governor representative and shall have discretion not to arrange a ballot where the number of places to be filled is equal to or exceeds the number of parent governor representatives candidates for election.

### **21.6 Disqualification due to non-attendance of meetings**

The Chair of the Children, Young People and Families Scrutiny Panel has the discretion to disqualify a parent governor representative who does not attend panel meetings for a period of six months.

## **22. Councillor Call for Action Protocol**

### **Introduction**

The “Councillor Call for Action” (CCfA) was introduced under Section 119 of the Local Government and Public Involvement in Health Act 2007 (the Act), and came into force on 1 April 2009. The statutory requirement to implement CCfA by 1 April 2009 applies to all Councils in England (with the exception of Parish Councils) regardless of their Cabinet arrangements.

The Act enables any Councillor to refer to the relevant Committee any local government matter or any crime and disorder matter which affects their Ward.

The power to refer a matter is available only where the matter is of direct concern to the Ward which the Councillor represents. A Councillor can refer a matter even if no citizen has asked him/her to consider it, and there is no requirement for Councillors in multi-member Wards to agree – any of them can refer a matter.

### **Limitations**

It is important to recognise that CCfA is not guaranteed to solve a given issue. CCfA provides a method for discussing such issues and, through discussion, trying to overcome them.

### **Issues excluded from referral as a CCfA**

The Overview and Scrutiny (Reference by Councillors) (Excluded Matters) (England) Order 2008 excludes the following matters from referral as a CCfA:

- a. Individual complaints concerning personal grievances or commercial issues.
- b. Any matter relating to an individual or entity where there is already a statutory right to a review or appeal (other than the right to complain to the Local Government Ombudsman), for example:
  - Planning and licensing applications and appeals
  - Council Tax/Housing Benefits complaints and queries
  - Issues currently under dispute in a court of law
- c. Any matter which is vexatious, discriminatory or not reasonable to be included on the agenda for, or to be discussed at, a meeting of the overview and scrutiny committee or any of its sub-committees.<sup>2</sup>

In addition, the Council has determined that the following matters be also excluded from CCfA:

- (i) CCfA should not seek to ask the Council to determine:-
  - personal or commercial issues

- specific or individual employee relations
  - Disciplinary or grievance matters
  - Matters which are subject to formal or statutory appeal processes or are sub-justice;
  - Individual appeal cases, for example, Planning, Licensing, Housing or Education applications or appeals;
  - Decisions of the Standards and Audit Committees or Regulatory Committees.
- (ii) CCfA should not contain:
- offensive, intemperate, inflammatory, sarcastic or provocative language or language to which those reading could reasonably take offence
  - false or defamatory statements
  - information which is protected by an interdict or court order
  - commercially sensitive or confidential material
  - the names of individuals, or information whereby
  - they may be easily identified, in relation to criminal accusations.
- (iii) CCfA should be submitted in good faith and be decent, honest and respectful.
- (iv) CCfA will be rejected if defamatory, frivolous or offensive.
- (v) During politically sensitive periods, such as before an election, politically controversial material will be restricted.
- (vi) CCfA which do not follow these guidelines will be considered inadmissible, in which case signatories will be informed in writing of the reasons why.
- (vii) CCfA which are the same or substantially similar and which are lodged by or on behalf of the same person or organisation will be considered inadmissible unless more than a year has passed since the original CCfA was considered by the relevant Committee. Advice on admissibility can be obtained from the Democratic Services Section whose contact details are provided on the Website. In cases of dispute, the relevant Committee shall decide whether a CCfA is admissible.

A referral, provided it is not an excluded matter (see above) will ensure that the matter is included on the agenda of the relevant Committee. It is then up to the Committee to decide whether or not to take the matter further. A referral made to the



relevant Committee is seen as being at the end of the CCfA process (**the last resort**) and not the first step.

### **Steps to be taken, prior to making a Councillor Call for Action referral**

Prior to a Councillor referring a matter as a CCfA to the relevant Committee, a Councillor **must** have tried to resolve the issue/problem themselves using all mechanisms and resources available to them at Ward level. Councillors should:

- If a local crime and disorder matter, raise the issue through the Wolverhampton Safer Partnership to find a way to resolve the issue.
- Ensure that all relevant partner organisations have been informed of the issue and given enough time to resolve it, for example through formal letters written on behalf of constituents, discussion at public meetings, petitions or communication with local MPs.
- Ensure that all relevant internal potential routes to solution have been followed, for example informal discussions with employees and/or Councillors.
- Ensure that this is not an issue that is currently being or should be pursued via the Council's complaints procedure.
- Ascertain whether or not any other form of local scrutiny is investigating the issue.

### **How to make a Councillor Call for Action referral**

If the issue/problem is still not resolved, a Councillor can refer it to the relevant Committee as a "Councillor Call for Action". To do this the Councillor should:

- Complete a CCFA Request Form by hand or electronically, outlining what the issue is and what steps have been taken towards a resolution. The request for a CCfA should include:
  - The name of the Councillor and Ward they represent.
  - Title of the CCfA
  - Why they think the issue should be looked at by the relevant Committee.
  - A brief synopsis of what the main areas of concern are.
  - What evidence do you have in support of your CCfA?
  - Which areas or community groups are affected by the CCfA?
  - What prior action has been undertaken to try and resolve the issue prior to requesting a CCfA?

- Is the CCfA currently the subject of legal action by any party (to your knowledge) or is being examined by a formal complaints' process?
- Are there any deadlines associated with the CCfA of which the relevant Committee needs to be aware?
- The Democratic Services Section will receive the referral form either by post or electronically, log it to track its progress and assess the issue to ensure that it is not a matter excluded from referral to scrutiny.
- The Democratic Services Section will inform the Chair of the relevant Committee that the item will be included on the next Committee agenda.
- The Councillor submitting the CCfA will be invited to attend the meeting of the relevant Committee to speak in connection with the issue.

A successful referral will ensure that the CCfA will be placed on the next agenda of the appropriate Scrutiny Panel. The Panel will then decide whether or not to take the matter further.

### **Decision of the relevant Scrutiny Panel whether to take the matter further**

In deciding whether or not to take the matter further, the Scrutiny Panel will consider:

- Anything that the Councillor has done in relation to this matter; and
- Representations made by the Councillor as to why the Committee should take the matter up. (Councillors have the option of either presenting their CCfA form without supporting papers or by preparing a report setting out their views. Any reports prepared by Councillors would be circulated along with the agenda and other reports for the meeting). This information will need to take account of the disclosures of exempt information as prescribed in Part 1 of Schedule 12A of the Local Government Act 1972.

The criteria the Committee will use to decide whether or not to take the matter further include:

Is the Scrutiny Panel satisfied that all reasonable attempts have been made to resolve the issue by the Ward Councillor? And do the responses received by the referring Councillor demonstrate that the matter is not being progressed?

- Has the Scrutiny Panel considered a similar issue recently – if yes, had the circumstances or evidence changed?
- Is there a similar or related issue which is the subject of a review on the current work programme? It may be more appropriate to link the new issue to an existing review, rather than hold a separate CCfA hearing. Relevant time pressures on resolving the CCfA should be taken into account.

- Have all relevant service areas or partner organisations been informed and been given enough time to resolve the issue? What response has the Councillor received?
- Is this a case that is being or should be pursued via the Council's corporate complaints procedure?
- Is it relating to a "quasi-judicial" matter or decision such as planning or licensing?
- Is the issue part of an individual's own personal agenda (an issue of genuine local concern should have an impact on the local community)?
- Does the matter referred have the potential for scrutiny to produce recommendations which could realistically be implemented and lead to improvements for anyone living or working in the referring Councillor's Ward?

In considering the CCfA, the Scrutiny Panel may invite the Head of Paid Service, Directors, Heads of Service or external organisation to discuss the issue with the Panel and answer any questions, if the Panel considers this relevant.

If the Scrutiny Panel decides not to accept the CCfA referral it must inform the Councillor and provide reasons.

If the Scrutiny Panel decides to accept the CCfA referral, it will decide how it intends to take the matter forward and include the CCfA in its work programme. This could include:

Before holding a formal hearing:

- Asking the service area(s)/partner organisation(s) to respond to the CCfA.
- Establishing a Task and Finish Group to undertake a more in depth review.

At the formal hearing:

- Asking for further evidence and/or witnesses to be brought to a future meeting then making recommendations to the relevant service Committee/partner organisation.

### **Potential outcomes**

Following a formal hearing, there are a number of potential outcomes from the Scrutiny Panel meeting:

- The Scrutiny Panel could determine not to make a report (perhaps because it is not considered the right time to consider a particular issue), with the Ward Councillor notified in writing;
- The Scrutiny Panel could determine it is a complex issue that requires further investigation and commission a scrutiny review of the issue;

- The Scrutiny Panel could write a report and make recommendations on the CCfA to the relevant Cabinet Panel or partner organisation.

Once the Scrutiny Panel has completed its work on the CCfA referral, the Councillor who made the CCfA referral will receive a copy of any report or recommendations made. The reply will also be printed on the Council's website (unless there are reasons why the Committee treats the matter as an exempt item and as a result the report will not be made public).

### **Timescales**

Once a CCfA has been assessed as not being a matter which is excluded from referring to scrutiny, the item will be included on the next available relevant Committee agenda.

If the relevant Committee agrees to take the matter forward, the matter will usually be placed as an item on the next available agenda. In exceptional circumstances, for example where there are unavoidable time constraints, a separate meeting may be convened.

Should a CCfA hearing result in recommendations to the Cabinet being made, a response to the recommendations, setting out any action it intends to take, within 28 days of the recommendations being placed on an agenda.

Should a CCfA hearing result in recommendations to partner organisations, such organisations will also be requested to make a response to the recommendations, although it must be recognised they are under no legal obligation to do so.

## Appendix 1

### Councillor Call for Action Request Form

This form should be used by any Councillor who wishes to consider a Councillor Call for Action in their Ward.

<b>Your contact details:</b> Name (print):
Address:
Contact number:
Email address:

<b>The Ward you represent:</b>
--------------------------------

<b>Title of your Councillor Call for Action:</b>
--

<b>Date of Submission:</b>
----------------------------

Would you like the opportunity to speak to the relevant Committee ? Yes <input type="checkbox"/> No <input type="checkbox"/>
Have you approached the relevant Committee on the same issue in the past six months? Yes <input type="checkbox"/> No <input type="checkbox"/>
Would you like your response by: Email <input type="checkbox"/> Letter <input type="checkbox"/>

Why you think the issue should be looked at by the relevant Committee:

Please give a brief synopsis of the main areas of concern are:

What evidence do you have in support of your CCfA:

Which areas or community groups are affected by the CCfA:

How have you tried to resolve the issue :

Is the CCfA currently the subject of legal action by any party (to your knowledge) or is being examined by a formal complaints' process?

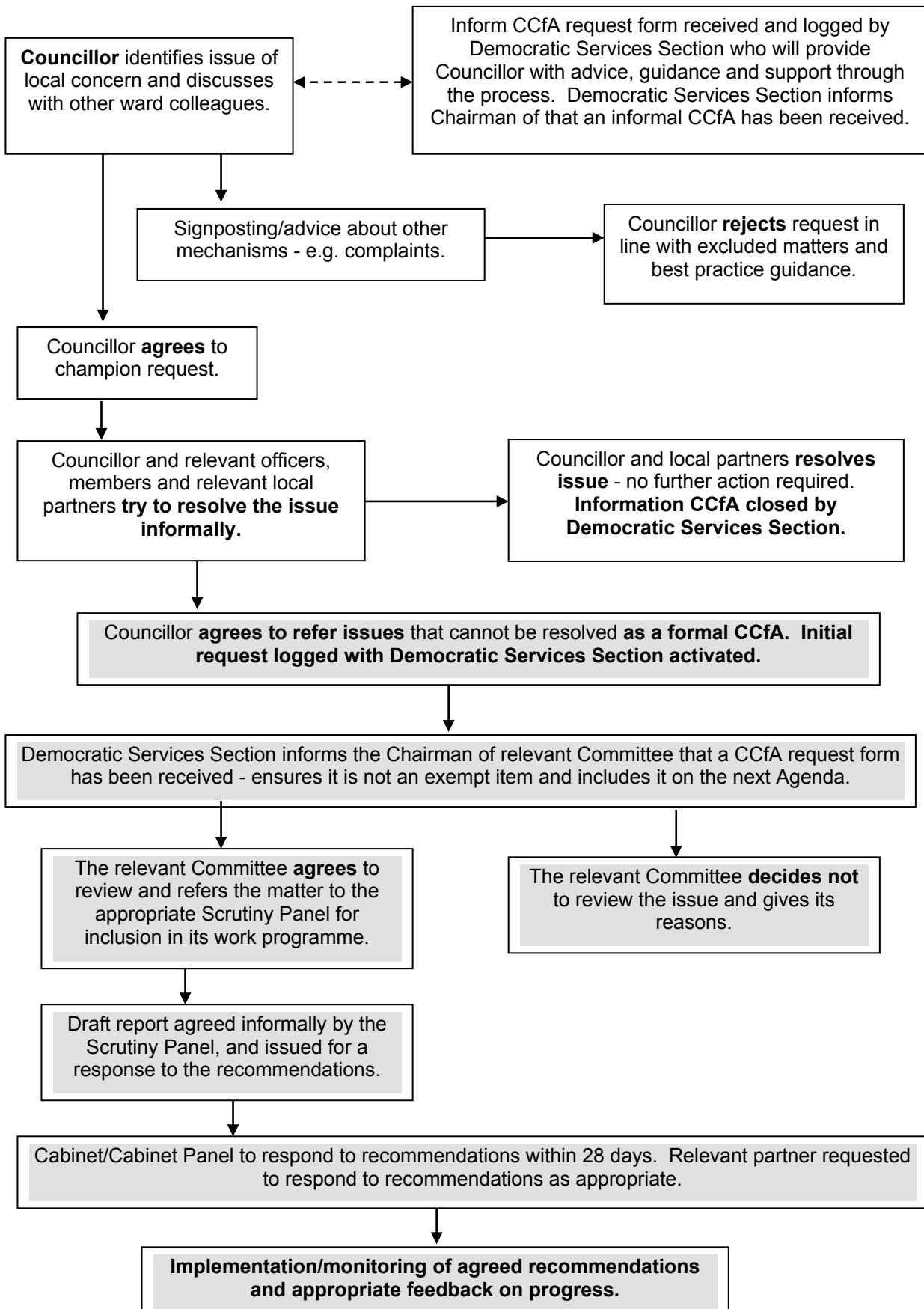
Are there any deadlines associated with the CCfA of which the relevant Committee needs to be aware:

**Please complete and return the form to:**

Democratic Services  
Governance Directorate  
Civic Centre  
Wolverhampton  
WV1 1SH

## Appendix 2

### SUMMARY OF CCfA MECHANISM



## Appendix 3

### Explanatory Notes

#### 1. Definition of a local government matter and a local crime and disorder matter

Local government matter For the purpose of the Act a local government matter, in relation to a Councillor of a local authority is one which:

- relates to the discharge of any function of the authority;
- affects all or part of the electoral area for which the referring Councillor is elected or any person who lives or works in the area (i.e. it must be specific to a particular locality); and
- is not an excluded matter.

Local crime and disorder matter A local crime and disorder matter, in relation to a Councillor of a local authority, has been defined to mean a matter concerning:

- (a) crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment); or
- (b) the misuse of drugs, alcohol and other substances that affects the electoral area represented by the Councillor, or the people who live or work in that area.

#### 2. Definitions of “vexatious” “persistent” “discriminatory” and “not reasonable”

Statutory regulations deal with matters that can be excluded from CCfA, stating that “any matter which is vexatious, discriminatory or not reasonable to be included on the agenda for, or to be discussed at, a meeting of the Scrutiny Board is to be excluded”.

##### Vexatious/Persistent

Deciding whether a request is vexatious is a flexible balancing exercise, taking into account all the circumstances of the case. There is no rigid test or definition, and it will often be easy to recognise. The key question is whether the request is likely to cause distress, disruption or irritation, without any proper or justified cause.

Issues around persistency are implied by this definition. However, a persistent request may well be entirely valid – it may relate to a systematic problem that has not been effectively resolved. Similarly, a request which some Councillors may regard as vexatious, for political reasons, may actually be entirely reasonable.



CCfAs need to be looked at on their merits, rather than on the basis of who is bringing them, or whether somebody thinks there is an ulterior motive for them being brought.

Where a request for a CCfA is clearly vexatious, detailed reasons for coming to this decision will be given to the Councillor concerned. There could, however, be instances where changes to the scope of the CCfA, or its focus, could make it more acceptable while still meeting the Councillor's requirements.

### Discriminatory

A modern interpretation of the word "discrimination" is provided at Section 45 of the Equality Act 2006, in relation to religion and belief, as follows:

A person (A) discriminates against another (B) if on the grounds of the religion or belief of B or of any other person except A, A treats B less favourably than he treats others. This definition can easily be amended to deal with other forms of discrimination, such as discrimination for reasons of sex and/or race. So a discriminatory CCfA might be one which implies or states that a group of people or an area receives better, or worse, services on account of that group's predominant religion, race, sex or other characteristic, as covered by discrimination legislation.

### Not reasonable

It is suggested that, in the interests of transparency, authorities do not interpret "not reasonable" as being the same as the legal word "unreasonable". It is best to consider it as a qualifier to the word "vexatious", as a vexatious request is likely not to be reasonable and a request that is not reasonable is likely to be vexatious.

### 3. Structure of the CCfA hearing

A CCfA hearing will be based on the current structure for dealing with call-in hearings.

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## **Access to Information Procedure Rules**

### **1. Introduction and Scope**

- 1.1 These rules apply to all meetings of the Full Council, the Scrutiny Board, Scrutiny Panels, Area Structures, the Standards Committee, the Audit Committee, Regulatory or other Committees and meetings of the Cabinet and Cabinet Panels.

### **2. Additional Rights to Information**

- 2.1 These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

### **3. Rights to Attend Meetings**

- 3.1 Members of the public may attend all meetings subject only to the exceptions referred to in paragraph 10.

### **4. Notice of Meeting**

- 4.1 Except in cases of special urgency the Council will give at least five clear days' notice of any meeting by posting details of the meeting at the Civic Centre, St Peter's Square, Wolverhampton, WV1 1SH and on the Council's website. This will exclude the day of publication of the agenda and day of the meeting, along with weekends and bank holidays.

### **5. Access to Agenda and Reports before the Meeting**

- 5.1 The Council will make copies of the agenda and reports open to the public available for inspection at the Civic Centre and on the Council's website, at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda (where reports are prepared after the summons has been sent out, the Head of Paid Service shall make each such report available to the public as soon as the report is completed and sent to Councillors).

### **6. Supply of Copies**

- 6.1 The Council will make available copies of:
- a. any agenda and reports which are open to public inspection;
  - b. any further statements or particulars necessary to indicate the nature of the items in the agenda; and

- c. if the Head of Paid Service thinks fit, copies of any other documents supplied to Councillors in connection with an item to any person on payment of a charge for postage and any other reasonable costs.
- d. A copy of all agendas, minutes and reports will be made available on the Council's website at least five clear days before the meeting

## **7. Access to Minutes, Agendas and Reports after the Meeting**

7.1 The Council will make available copies including on the Council's website, of the following for at least six years after a meeting:

- a. the minutes of the meeting or records of decisions taken, together with reasons, for all meetings of the Cabinet, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information.
- b. a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- c. the agenda for the meeting; and
- d. reports relating to items when the meeting was open to the public.

## **8. Background Papers**

8.1 List of background papers

The Head of Paid Service will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- a. disclose any facts or matters on which the report or an important part of the report is based; and
- b. which have been relied on to a material extent in preparing the report

but does not include published works or those which disclose exempt or confidential information (as defined in paragraph 10 below) and in respect of Cabinet reports, the advice of a political advisor.

8.2 Public inspection of background papers

The Council will make available for public inspection for four years after the date of the meeting including on the Council's website one copy of each of the documents on the list of background papers.

## **9. Summary of Public's Rights**

- 9.1 A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at the Civic Centre, St Peter's Square, Wolverhampton WV1 1SH.

## **10. Exclusion of Access by the Public to Meetings**

### **1. Confidential information – requirement to exclude public**

The public must be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that confidential information would be disclosed.

### **2. Exempt information – discretion to exclude public**

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

### **3. Meaning of confidential information**

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

### **4. Meaning of exempt information**

Exempt information is defined in the Local Government (Access to Information) (Variation) Order 2006 which amends Part 1 of Schedule 12A to the Local Government Act 1972.

The categories of exempt information are:-

- (i) Information relating to any individual.
- (ii) Information which is likely to reveal the identity of an individual.
- (iii) Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- (iv) Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.

- (v) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- (vi) Information which reveals that the authority proposes –
  - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
  - (b) to make an order or direction under any enactment.
- (vii) Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

#### Qualifications

- (viii) Information falling within categories (i) to (vii) above is **not** exempt if it is required to be registered under:
  - (a) the Companies Act 1985;
  - (b) the Friendly Societies Act 1974;
  - (c) the Friendly Societies Act 1992;
  - (d) the Industrial and Provident Societies Acts 1965 to 1978;
  - (e) the Building Societies Act 1986;
  - (f) the Charities Act 1993.
- (ix) Information is **not** exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.
- (x) Information which –
  - (a) falls within any of paragraphs 1 to 7 above; and
  - (b) is not prevented from being exempt by virtue of paragraph 8 or 9 above,

is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

#### 5. Exempt information relating to the Standards Committee only

Additional categories of exempt information relating to the Standards Committee only are:

- a. Information which is subject to any obligation of confidentiality.
- b. Information which relates in any way to matters concerning national security.
- c. The deliberations of the Standards Committee (or its Sub- Committee) in reaching any finding on a matter referred under the provisions of Section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of the Local Government Act 2000.

## **11. Exclusion of Access by the Public to Reports**

- 11.1 If the Head of Paid Service thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with paragraph 10 above, the meeting is likely not to be open to the public. Such reports will be marked “Not for publication” together with the category of information likely to be disclosed.

## **12. Application of Rules to the Cabinet**

- a. Paragraph 13.1 below applies to the Cabinet and Cabinet Panels.
- b. If the Cabinet meets to take a key decision, as defined in Article 13.3 of this Constitution, then it must also comply with –paragraphs 1 – 11 unless paragraph 23.5 (general exception) or paragraph 23.6 (special urgency) apply.
- c. If the Cabinet meets to discuss a key decision to be taken collectively, with an employee other than a political assistant present, within 28 days of the date according to the Forward Plan by which it is to be decided, then it must also comply with paragraphs 1 – 11 unless paragraph 23.5 (general exception) or paragraph 23.6 (special urgency) apply. This requirement does not include meetings, whose sole purpose is for employees to brief Councillors.

## **13. Procedure before Taking Key Decisions**

- 13.1 Subject to paragraph 23.5 (general exception) and paragraph 23.6 (special urgency), a key decision may not be taken unless:
- a. the required details pertaining to the decision have been published at least 28 clear days in advance;
  - b. where the decision is to be taken at a meeting of the Cabinet, notice of the meeting has been given in accordance with paragraph 22.4 (notice of meetings).

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## **Protocol for Recording, Filming and Social Media at Meetings**

The Council welcomes engagement by the public and through the media with the decision-making processes that determine the policies and strategies that shape provision of services in Wolverhampton. Audio and video/visual recording, photography, blogging, tweeting or use of other social media at meetings open to the public (hereafter referred to as 'broadcasting activities') are allowed subject to the following restrictions:

- a. All broadcasting activities should take place from the public gallery or the designated press seating in the meeting room.
- b. Anyone undertaking broadcasting activities must comply with any instructions given by the Chair of the meeting.
- c. The use of flash photography, additional lighting or professional microphones (i.e. by recognised media groups or for educational purposes) in connection with audio/visual recording at meetings will not be permitted without prior permission.
- d. The Democratic Services team will ensure signs are prominently displayed at meetings to remind attendees that broadcasting activities may be undertaken and that the Council has no control over where material may appear (for example posted on the internet). Meeting agendas will also carry this message.
- e. Where the Chair of a meeting reasonably considers the broadcasting activity is disrupting the meeting, the operator of the equipment will be required to stop.
- f. Anyone refusing to stop when requested to do so may be requested by the Chair to leave the meeting. If the person refuses to leave, then the Chair may adjourn the meeting or make other appropriate arrangements for the meeting to continue without disruption. These will be in line with disorderly conduct procedures set out in the Constitution.
- g. Anyone asked to leave a meeting because they have refused to comply with the Chair's requests may be refused permission to engage in broadcasting activities at future meetings.
- h. Where a recording is made that features a minor (under the age of 18), it is the recorder's responsibility to gain the permission of the appropriate parent/guardian, both for the initial recording and for any subsequent dissemination of it (e.g. on social media), and to ensure compliance with any prevailing legislation in relation to such activity.
- i. Any decision taken by the Chair on the interpretation of this protocol is final.
- j. The media and public may only be excluded from a meeting in respect of business relating to confidential or exempt information if a resolution is

passed under Section 100A of the Local Government Act 1972. The media and public will be told about the nature of the exclusion relating to the business to be discussed. No broadcasting activities will be permitted during this exclusion. All cameras, recording and sound equipment must then be removed from the meeting room.

- k. Recognised media organisations and educational institutions may be given greater flexibility to record/film meetings for the purposes of news bulletins, programmes and education. These requests must be directed through the Council's Communications Team and approved by the Leader plus the Mayor (in the case of meetings of the Full Council) or the Chair (for all other meetings).

## **Budget and Policy Framework Procedure Rules**

### **1. Introduction**

- 1.1 In these Rules “the Cabinet” means the Cabinet or Cabinet Panels as appropriate.
- 1.2 The Council will be responsible for the adoption of the budget and policy framework as defined in Article 4 of the Constitution.
- 1.3 The budget, plans and strategies defined in Article 4 will be developed and adopted by the Council at various times during each year. The Cabinet will determine the detailed timetable for the preparation of the budget to ensure compliance with statutory requirements. The role of the Cabinet in the preparation of the budget is set out in the Financial Procedure Rules contained in this Constitution.
- 1.4 The Cabinet will determine the detailed timetable for the preparation of the plans and strategies for which they are responsible.
- 1.5 Timetables will comply with the Access to Information Procedure Rules and notice of key decisions and consultation arrangements must be included in the Forward Plan.

### **2. Process for developing the budget and policy framework**

The process by which the budget and policy framework shall be developed is:

- 2.1 The Cabinet will publish its initial proposals, having first canvassed the views of local stakeholders in an appropriate manner. Any representations made to the Cabinet shall be taken into account in formulating the initial proposals, and shall be reflected in any report dealing with them. If the matter is one where the Scrutiny Board or a Scrutiny Panel has carried out a review of policy, then the outcome of that review shall be reported to the Cabinet and considered in the preparation of initial proposals.
- 2.2 The Cabinet’s initial proposals will then be referred to the relevant Scrutiny Panel for further advice and consideration. The Panel shall canvass the views of local stakeholders if it considers it appropriate in accordance with the matter under consideration, and having particular regard not to duplicate any consultation carried out by the Cabinet. The Cabinet will inform the Panel of the time for response when the proposals are referred to it.
- 2.3 Having considered the report of the Panel, the Cabinet, if it considers it appropriate, may amend its initial proposals before submitting them to the Full Council meeting for consideration. It will also report to Full Council on how it has taken into account any recommendations from the Panel.

2.4 The Full Council will consider the proposals of the Cabinet and may:

- a. approve or adopt them;
- b. amend them;
- c. refer them back to the Cabinet for further consideration;
- d. substitute its own proposals in their place.

In considering the matter, the Full Council shall have before it the Cabinet's proposals and any report from any relevant Panel.

2.5 If the Full Council accepts the proposals of the Cabinet without amendment the Council will approve the budget or plan with immediate effect. If the Council does not accept the proposals of the Cabinet it may only make an in-principle decision.

2.6 The decision of the Full Council will be published and a copy of the decision notice shall be given to the Leader. An in-principle decision will automatically become effective five working days from the date of the Council's decision unless the Leader informs the Head of Paid Service in writing prior to the date on which the decision is to be effective that he objects to the decision becoming effective. The notification must state the reasons for the objection.

2.7 Where such notification is received, the Head of Paid Service shall convene a further meeting of the Full Council to reconsider its decision and the decision shall not be effective pending that meeting. The Full Council meeting must take place within 5 working days of the receipt of the Leader's written objection.

2.8 At that meeting the in-principle decision of the Full Council shall be reconsidered in the light of the Leader's written objection which shall be available to Councillors. The Full Council may:

- a. approve the proposals of the Cabinet or
- b. approve a different decision which does not accord with the proposals of the Cabinet.

2.9 The decision of the Full Council shall be published and shall become effective immediately.

2.10 Once the budget and policy framework is approved by the Full Council it will be the responsibility of the Cabinet to implement it.

2.11 In approving the budget and policy framework, the Full Council will also specify the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken by the Cabinet, in accordance with paragraphs 3 and 4 of these Rules (virement and in-year

adjustments). Any other changes to the budget and policy framework are reserved to the Full Council.

### 3. Virement

The rules relating to virement are set out in the Financial Procedure Rules set out in Part 3.

### 4. In-year changes to policy framework

4.1 The responsibility for approving the budget and policy framework lies with the Full Council and decisions by the Cabinet, employees, or joint arrangements must be in line with it. No changes to any plan which is part of the policy framework may be made by those bodies or individuals except those changes:

- a. which are necessary to meet a budgetary constraint;
- b. which are necessary to ensure compliance with the law, ministerial direction or government guidance;
- c. which are necessary to repair any omission in the plan;

### 5. Decisions outside the budget or policy framework

5.1 Subject to the provisions of paragraph 3 (virement) and paragraph 4 (in year changes) the Cabinet, employees or joint arrangements may only make decisions which are in line with the budget and policy framework.

5.2 If a decision maker wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by Full Council, then that decision may only be taken by the Full Council, subject to paragraph 6 (urgent decisions).

5.3 If the decision maker wishes to make such a decision, he/she shall first take advice from the Monitoring Officer and/or the Section 151 Officer as to whether the decision he/she wishes to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget.

5.4 If the advice of either of those employees is that the decision would not be in line with the budget and/or policy framework, then the decision must be referred by the decision maker to the Full Council for decision unless the decision is urgent and the procedure set out in paragraph 6 is applied.

### 6. Urgent decisions outside the budget or policy framework

6.1 A decision maker may make a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by the Full Council if the decision is a matter of urgency. However, the decision may only be made:

- a. if it is not practical to convene a quorate meeting of the Full Council within the necessary timescale and
  - b. if the Chair of a relevant Scrutiny Panel agrees that the decision is a matter of urgency.
- 6.2 The reasons why it is not practical to convene a quorate meeting of the Full Council and the Chair's consent to the decision being made as a matter of urgency must be noted on the record of the decision. In the absence of the Chair of a relevant Scrutiny Panel the consent of the Mayor and in the absence of both, the Deputy Mayor will be sufficient.
- 6.3 Following the decision, the decision maker will provide a full report to the next available Full Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

## **7. Call-in of decisions outside the budget or policy framework**

- 7.1 Where a Scrutiny Panel is of the opinion that a Cabinet decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the budget, then the Panel shall seek advice from the Monitoring Officer and/or Section 151 Officer.
- 7.2 The Monitoring Officer's and/or Section 151 Officer's advice shall be sent to the Cabinet with a copy to every Councillor. The Cabinet must meet to decide what action to take in respect of the advice. The Cabinet must report to Full Council in the event that the Monitoring Officer and/or the Section 151 Officer advises that the decision is or would be a departure from the budget or policy framework.

The Cabinet must report to the Scrutiny Panel in the event that the Monitoring Officer and/or Section 151 Officer advises that the decision is not or would not be a departure.

- 7.3 If the decision has yet to be made, or has been made but not yet implemented and the advice from the Monitoring Officer and/or the Section 151 Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the Scrutiny Panel may refer the matter to Full Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Full Council shall meet within 10 days of the request by the Scrutiny Panel. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or Section 151 Officer. The Council may either:
- a. endorse a decision or proposal of the Cabinet as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Full Council will be published in the normal way;

Or

- b. amend the Council's budget or policy framework to encompass the decision or proposal and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Full Council will be published in the normal way;

Or

- c. where the Full Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing budget policy framework to accommodate it, the Council will require the Cabinet to reconsider the matter in accordance with the advice of either the Monitoring Officer/ and/or Section 151 Officer.

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## **Methodology for Appointing to the Offices of Mayor and Deputy Mayor**

The Annual Meeting of the Council each year will elect a Mayor and appoint a Deputy Mayor, to ensure a dignified succession to these offices. The appointments will be made based on seniority (i.e. years of service as a Councillor). The following methodology will apply.

### **Step 1**

After any municipal election in May and immediately before the Annual Meeting each year all Councillors will be placed in a list according to their seniority. Seniority is defined according to the total number of years or part years served as a Councillor with City of Wolverhampton Council or any of its predecessor authorities. (Years do not need to have been served consecutively. A Councillor who served a term from 2004 to 2008, and then from 2009 to 2013, has eight years' service.) Where one or more Councillors have accrued the same number of years/part years of service, they will be listed alphabetically.

A Councillor who has previously served as Mayor will only be considered again if all other Councillors have declined the opportunity (i.e. irrespective of whether he or she has more years of service since they last served as Mayor than another Councillor who has not yet been Mayor). This rule will not apply in exceptional circumstances (e.g. if a Mayor needs to be appointed midway through the municipal year). Previous Mayors will be included in the order of seniority based on the number of years since they previously held the office.

NB: in practice, the seniority list will be maintained on a rolling basis, with the incoming Deputy Mayor provisionally identified early in each calendar year.

### **Step 2**

1. The nomination for the post of Deputy Mayor for the next ensuing municipal year will be offered to Councillors in strict order of seniority.
2. Where a Councillor is, unable or unwilling to accept the nomination for whatever reason the offer will pass to the next most senior Councillor and so on.

### **Step 3**

The current Deputy Mayor will assume the office of Mayor at the Annual Meeting.

The newly-elected Mayor will preside over the appointment of the Deputy Mayor-designate as Deputy Mayor.

At the immediate following Annual Meeting the current Mayor will preside over the election of the current Deputy Mayor to the office of Mayor for the ensuing municipal year in accordance with the protocol outlined above.

It is custom and practice at Wolverhampton that the Mayor and Deputy Mayor will be nominated and elected unopposed.

Financial Procedure Rules

## 27.STATUS AND OVERVIEW

The Council, as a publicly-funded organisation, must demonstrate the highest standards of financial control and stewardship of public resources. The Financial Procedure Rules, along with the Budget and Policy Framework and the Procurement Procedures in the Constitution, are a set of procedures that everybody working for or on behalf of the Council must observe in order to achieve those high standards.

### Status of the Financial Procedure Rules

1. The Financial Procedure Rules are an essential part of the Council's financial control framework. They apply to all business carried out by, or on behalf of, the Council and the West Midlands Metropolitan Authorities Pension Fund, whether by Councillors, employees, or third parties (including partnerships of which the Council is part) where appropriate (as determined by the Section 151 Officer-). Separate Financial Procedures shall be issued by the Section 151 Officer for use by the Council's schools, drawing as appropriate on this document.
2. With regard to the West Midlands Metropolitan Authorities Pension Fund, in order to reflect the delegations to the Pensions Committee under the Council's Constitution when applying these Rules, the Pensions Committee should be substituted for the Cabinet or the Cabinet (Resources) Panel. In addition, the Pension Fund investment activity is governed by the Pension Fund's Statement of Investment Principles and Investment Compliance Manual and therefore these Financial Procedure Rules do not apply to this activity but any arrangements require approval of the Council's Section 151 Officer.
3. **Failure to comply with the Financial Procedure Rules and Procurement Procedures may lead to disciplinary action in the case of employees, or investigation by the Monitoring Officer and/or the Standards Committee in the case of Councillors.**
4. It is the responsibility of Directors to ensure that all employees reporting to them, directly or indirectly, are aware of and comply with the Financial Procedure Rules.
5. Directors must notify the Section 151 Officer of any failures to comply with the Financial Procedure Rules as soon as they become aware of them.
6. Where any individual or group has a responsibility under the Financial Procedure Rules, that responsibility may not be delegated unless the Financial Procedure Rules explicitly allow it.
7. Nothing in these Rules absolves, or is intended to absolve, any person of any statutory responsibilities.

8. Over and above complying with these Rules, employees and Councillors are expected at all times to demonstrate prudence and good stewardship of the Council's resources, and to act in the best interests of the Council at all times.
9. Employees must comply with all requests from the Section 151 Officer (or his/her delegate) for information required to discharge his/her statutory duties or fulfil his/her responsibilities under these Rules.
10. These Rules should be read in conjunction with the Budget and Policy Framework in this Constitution.

~~11.11 These Rules must be read in conjunction with the~~ [Procurement Procedures](#) [Contract Procedure Rules](#) and the Human Resources Policies and Procedures.

12. Employees should contact ~~the nominated Head of Finance~~ [Strategic Finance](#) for advice if they are unclear about any part of these Rules.

## **Terminology**

1. Throughout this document, the following words are used as set out below:

“Approved Budget” –

- ~~Revenue Budgets:~~ the approved budget is the most recent budget for the current financial year that has been approved by the relevant person in accordance with the Financial Procedure Rules and the Budget and Policy Framework.
- Capital Budgets: the approved budget is the most recent budget over the period of the capital programme that has been approved by the relevant person in accordance with the Financial Procedure Rules and the Budget and Policy Framework.

“Director of Finance” - the Council's appointed Officer under section 151 of the Local Government Act 1972 and who is responsible for the proper administration of the Council's financial affairs. Also referred to as the Section 151 Officer, the Director of Finance's role is independent and reports to Council. This role can also be fulfilled by another employee where authorised by the Director of Finance to act on their behalf.

“Budget” – the Council's plan for a given financial year, expressed in financial terms. This includes all revenue and capital expenditure of all funds, whether presented collectively or separately.

“Budget Manager” – an employee of the Council (usually a Service Director, Head of Service or Manager) who is held responsible and accountable for a part of the Council's expenditure (and, where applicable, income), and who has delegated authority to make certain decisions about expenditure as set out in these Rules.

“Capital Scheme ~~(Master Project)~~” – a project or group of projects identified in the approved budget for the capital programme.

“Employee” – a person with a contract of employment with the Council, or a person employed on an interim or agency basis to carry out equivalent duties.

“Money Laundering Reporting Officer” – the employee designated under the Council’s Anti-Money Laundering Policy and Procedures.

“Person” – a Councillor or employee of the Council, or an individual acting as if they were an employee of the Council, or a group of Councillors, employees or such individuals.

“Provision” – an amount of money set aside by the Council in respect of a future requirement to transfer resources, arising from one or more past events, where the timing or amount of that transfer is not known with certainty.

“Reserve” – an amount of money set aside voluntarily by the Council to fund or partially-fund future expenditure plans.

“Virement” – a transfer of budget from one service or capital scheme (~~master project~~) to another.

### **Financial Administration and Control Responsibilities**

1. The Cabinet (Resources) Panel shall be responsible for overseeing the execution of financial policy, financial administration and control in the Council, and for supervising the provision of financial services, all subject to direction from the Council and Cabinet.
2. The Section 151 Officer shall be responsible for each of the following:
  - ~~(a.)~~ advising on the interpretation of and monitoring compliance with the Financial Procedure Rules;
  - ~~(b.)~~ financial training for all Councillors and employees in the Financial Procedure Rules and associated financial arrangements;
  - ~~(c.)~~ overseeing professional financial training, standards and ethics;
  - ~~(d.)~~ liaison with the Council’s external auditors on all matters relating to the Council’s financial arrangements

## **1.2 BUDGETS AND EXPENDITURE**

### **Expenditure**

1. No person shall commit the Council to any expenditure unless that expenditure is included in the approved budget without prior approval of the Section 151 Officer.
2. No Councillor shall commit the Council to any expenditure, except when acting as a group named within these Rules (or under appropriate delegation) and in accordance with these Rules.
3. No person shall commit the Council to expenditure on any of the following:

- (a.) a service or capital scheme (~~master project~~) not individually identified in the approved budget;
- (b.) grants to any outside organisation or individual not individually identified in the approved budget unless approved by Cabinet (Resources) Panel where specific criteria are met.

~~4. No person shall commit the Council to revenue expenditure in a year for which there is no approved budget without the prior approval of the Section 151 Officer.~~

**4.5** Where the Council makes payment of one or more grants to a third party, the responsible Budget Manager shall ensure that procedures are in place regarding appropriate accounting records and delivery of agreed outputs. The Budget Manager shall make clear to the recipient that the Council retains the right to claw back monies where such procedures are not adequately observed.

### **Budget Preparation**

1. The budget shall be prepared in accordance with the Budget and Policy Framework [Procedure Rules](#).
2. Each year, the Cabinet shall determine strategic guidelines for the following year's budget.
3. The budget shall be prepared in accordance with the Cabinet's strategic guidelines, and any guidance issued by or on behalf of the Section 151 Officer.
4. The Cabinet shall determine a recommended budget, which it will report to the Council in accordance with statutory timescales, and no later than March of the preceding financial year. This will include recommendations on Council Tax, housing rents, and other equivalent items of income. In the case of capital budgets, recommended budgets may be put to Council by Cabinet (Resources) Panel.
5. Before submitting its recommended budget to Council, the Cabinet shall refer it to the appropriate Scrutiny Panels and to [public](#) consultation, allowing sufficient time to reconsider and if appropriate revise it prior to submitting it to Council.
6. Following approval of the budget by Council, the Section 151 Officer shall prepare and issue a Budget Book, presenting the approved budget in a suitable format.

### **Budget Managers**

1. For each service and capital scheme (~~master project~~) for which he/she is responsible, each Strategic Director shall nominate an individual named employee to be responsible and accountable for the expenditure and income



of that service. This named employee shall be the 'Budget Manager' for that service.

2. Each Strategic Director shall notify the Section 151 Officer of the Budget Manager(s) for his/her services and capital schemes ~~(master projects)~~ and their nominated delegates in case of absence.
3. The Section 151 Officer (or his/her delegate) shall maintain the definitive record of Budget Managers.
4. In the event of a Budget Manager ceasing to be employed by the Council, the Strategic Director shall identify a new Budget Manager(s) for the services and capital schemes ~~(master projects)~~ in question immediately. This and all other changes in Budget Manager responsibilities shall be notified to the Section 151 Officer immediately.
5. The Budget Manager shall be delegated responsibility to incur expenditure within the limit set for that service or capital scheme ~~(master project)~~ in the approved budget; and be held responsible for the generation of the service or capital scheme ~~(master project)~~ income included in the approved budget.

~~6 If, in a given financial year, the net expenditure for a revenue service is greater than that included in the approved budget, and the level of over spend exceeds a threshold determined by the Section 151 Officer, or the Section 151 Officer otherwise requests it, the Budget Manager for that service shall submit a report to the Cabinet (Resources) Panel explaining why the over spend has occurred and what actions have been or will be taken to prevent a recurrence of that over spend.~~

~~7 If the total expenditure for a capital scheme (master project) is greater than that included in the approved budget, and the level of over spend exceeds a threshold determined by the Section 151 Officer, or the Section 151 Officer otherwise requests it, the Budget Manager for that capital scheme (master project) shall submit a report to the Cabinet (Resources) Panel explaining why the over spend has occurred and what actions have been or will be taken to prevent similar over spends on other capital schemes (master projects).~~

~~86~~ Directors, Budget Managers and all employees that they nominate to process transactions on their behalf are responsible for complying with the requirements of [the Council's computerised budget monitoring system\(s\) Agresso](#).

## **Budget Monitoring**

1. Budget Managers, in liaison with the Section 151 Officer (or his/her delegate) shall monitor their expenditure and income, with reference to their budget, on an ongoing basis.

2. It shall be the responsibility of Budget Managers to obtain the appropriate information, in the appropriate timescales, to enable them to fulfil their responsibilities under these Rules.
3. If it appears that a Budget Manager is likely to exceed the revenue budget of one of his/her services/~~capital schemes (master projects)~~, he/she shall raise this with the Section 151 Officer (or his/her delegate) and take corrective action at the earliest opportunity.
4. If it appears that a Budget Manager is likely to exceed the annual or total budget of one of his/her capital schemes he/she shall raise this with the Section 151 Officer (or his/her delegate) and take corrective action at the earliest opportunity.
- 5.4 If, in a given financial year, the net expenditure for a revenue service is greater than that included in the approved budget, and the level of over spend exceeds a threshold determined by the Section 151 Officer, or the Section 151 Officer otherwise requests it, the Budget Manager for that service shall submit a report to the Cabinet (Resources) Panel explaining why the over spend has occurred and what actions have been or will be taken to prevent a recurrence of that over spend.
56. If the total expenditure for a capital scheme is greater than that included in the approved budget, and the level of over spend exceeds a threshold determined by the Section 151 Officer, or the Section 151 Officer otherwise requests it, the Budget Manager for that capital scheme shall submit a report to the Cabinet (Resources) Panel explaining why the over spend has occurred and what actions have been or will be taken to prevent similar over spends on other capital schemes. The approved budget is taken to be the total budget over the time frame included in the capital programme.
647. If the Section 151 Officer considers that the consequences of any such forecast over spend are material to the finances of the Council, or any fund of the Council, he/she shall submit a report to the Cabinet explaining the circumstances.
- 78.5 Budget monitoring reports shall be submitted to the Cabinet (Resources) Panel, co-ordinated by the Section 151 Officer, on a regular basis. These shall include forecasts for the current year, and separate identification of, and explanation for, all forecast variances against the approved budget in excess of £100,000 (whether favourable or adverse).

## **Outturn**

1. The Section 151 Officer shall submit a report to the Cabinet (Resources) Panel setting out the Council's outturn within four months of the financial year end.

2. ~~Where~~ Carry forwards of unused revenue budget from one financial year to another ~~shall only be made~~ are permitted only with the approval of the Section 151 Officer, and shall be reported to the Cabinet (Resources) Panel along with the outturn for the year in question.
3. The Section 151 Officer shall be responsible for determining the method of financing of capital schemes ~~(master projects)~~.

### **Emerging Financial Liabilities**

1. If a Strategic Director or Budget Manager believes that the Council may have a financial liability which is not provided for in the approved budget or an existing provision or reserve, he/she shall bring this to the attention of the Section 151 Officer immediately.

### **Virements**

1. Budget Managers shall be delegated the authority to action in-year virements of budget only where all of the following apply:
  - a. ~~(a)~~ — the total value of the virement does not exceed £50,000\*;
  - b. ~~(b)~~ — the virement is to an existing service or capital scheme ~~(master project)~~ identified in the approved budget;
  - c. ~~(c)~~ — the Budget Managers of both services or capital schemes ~~(master projects)~~ have approved the virement;
  - d. ~~(d)~~ — the Section 151 Officer (or his/her delegate) has approved the virement;
  - e. ~~(e)~~ — the virement would not result in an overall increase in the budget of the general fund, the housing revenue account or the capital programme;
  - f. ~~(f)~~ — in the case of revenue budgets, the virement is within one of the following groups of headings:
    - (i) Employees;
    - (ii) All other controllable expenditure.
  - ~~(g)~~ the virement does not relate to the payment of grants to any outside organisation or individual
  - ~~(h.)~~ virements to or from the budget have not been disallowed under the Virement Responsibilities paragraphs below.

\* This limit is to be applied to the full-year equivalent budget, to the increase in gross expenditure or income (whichever is greater), and at service or capital scheme ~~(master project)~~ level.

### **Virement Responsibilities**

- 1 The Section 151 Officer shall be delegated the authority to action in-year virements of budget where the virement reflects a transfer of management responsibility, with no other changes in the objective or nature of the expenditure and income in question. In these circumstances, none of the

conditions set out in the Virements section above shall apply, except (d) and (e).

2 ~~Where Council have approved a budget for a capital programme on a non-specific basis, the Cabinet (Resources) Panel shall have delegated authority to approve the allocation of this capital budgets to individual capital schemes (master projects), only where those budgets were originally approved on a non-specific basis and have not yet been allocated. Any schemes to which budget is allocated in this way do not need to have been in the approved budget prior to the Panel granting such approval.~~

~~3 The Cabinet (Resources) Panel shall have delegated authority to approve the payment of grants to individual recipients, only where all of the following apply:~~

- ~~(a) there is an appropriate heading in the approved budget;~~
- ~~(b) such heading clearly refers to payment of grants, but not to specific recipients;~~
- ~~(c) The total amount of grant payable to a recipient in any financial year does not exceed £50,000.~~

43 All virements approved under the Virements section above shall be reported to the Cabinet (Resources) Panel on a regular basis, in a format considered suitable by the Section 151 Officer.

54 All other virements must be approved by the Cabinet (Resources) Panel. Approval must be sought by submission of a written report to the Panel, setting out the amounts requested and the reason why the virement is required.

65 Virements made under the Virements section above shall be regarded as having changed the approved budget accordingly.

76 Council, Cabinet or Cabinet (Resources) Panel may disallow virements to or from a budget heading for the purposes of the Virements section above.

### **Supplementary Budgets**

1 An overall increase or decrease in the Council's total budget, or the budget of the general fund, housing revenue account, or capital programme when considered separately, must be approved by Council (subject to the paragraph below).

2 Where all of the following apply, an overall increase or decrease in the Council's total budget may be approved by Cabinet ~~(Resources) Panel~~, and not require the approval of Council:

- (i) There is no increase or decrease in the net budget;
- (ii) New or additional external income has been identified which was not included in the approved budget;
- (iii) Such income has conditions attached by the person providing the income that severely constrain its possible range of uses;

(iv) The Section 151 Officer agrees that approval may be granted by Cabinet (Resources) Panel.

(iv) 3. Where approval to a supplementary budget is sought for the purpose of grant payment to an outside organisation or individual, this should be explicitly identified in the Cabinet report and approval.

### **Payment of Grants to an Outside Organisation or Individual.**

No person shall commit the Council to expenditure on grants to any outside organisation or individual not individually identified in the approved budget.

Where a payment of grant is not individually identified in the approved budget, ~~the~~ Cabinet (Resources) Panel shall have delegated authority to approve the payment of grants to individual recipients, only where all of the following apply:

- (a) there is an appropriate heading in the approved budget;
- (b) such heading clearly refers to payment of grants, but not to specific recipients.

Where new external funding is received for the purpose of payment of grant to an outside organisation or individual, approval should be sought to this payment through the supplementary budget process.

- (c) The total amount of grant payable to a recipient in any financial year does not exceed £50,000.

### **Fees and Charges**

- 1 All fees and charges within the Council's control, influenced by or associated with the Council, shall be approved by the Cabinet (Resources) Panel.
- 2 The Section 151 Officer shall prepare, not less than once in any twelve month period, a comprehensive fees and charges report to the Cabinet (Resources) Panel, ~~which~~ This shall include recommendations on revisions to all fees and charges within the Council's control, influenced by or associated with the Council (with the exception of fees and charges relating solely to the Housing Revenue Account). This shall include reference to all relevant fees and charges for which no change is proposed.
- 3 All fees and charges shall take into account the full costs of the service in question, including recharges for support services and capital charges, subject to any approvals under paragraph 6.
- 4 All fees and charges shall be fully reviewed at least once in any twelve month period.
- 5 At the point of review, all fees and charges shall take into account the increase (expressed in percentage terms) in the estimated costs of the service in question (taken over the forthcoming twelve months), subject to any approvals under paragraph 6.

- 6 Any deviation from paragraphs 3 or 5 shall in itself require the approval, on an individual fee or charge basis, of Cabinet (Resources) Panel.
- 7 In considering whether to grant an approval, the Cabinet (Resources) Panel shall consider the following factors: underlying cost and the extent of cost recovery and or subsidy, comparison with other providers of similar or equivalent services, affordability and effect on demand, as well as any other relevant considerations.
- 8 All fees and charges shall be approved on a VAT-exclusive basis.
- 9 The Section 151 Officer (or his/her delegate) shall maintain a register of all fees and charges currently receivable by, influenced by or associated with the Council.

### **Revenue Contributions to Capital Outlay (RCCOs)**

- 1 No employee shall commit to the use of revenue resources to finance capital expenditure, nor make an entry in the accounts to reflect such use, without the prior and specific approval of the Section 151 Officer.
- 2 In the above paragraph, 'revenue resources' include amounts that are held in reserves, having been previously transferred from a revenue account.

### **Accounting**

- 1 The Section 151 Officer shall determine the Council's accounting policies, and, where appropriate, estimation techniques.
- 2 The Section 151 Officer shall prepare the Council's annual financial statements in accordance with statutory requirements and other proper practice.
- 3 The Audit Committee shall approve the Council's financial statements.
- 4 The Section 151 Officer shall ensure that the Council complies with relevant tax legislation, and that the Council maintains adequate accounting records in respect of its tax affairs.
- 5 No employee shall undertake accounting duties unless that employee falls within the span of control of the Section 151 Officer, according to the organisational structure in place at the time. For the purposes of this paragraph, 'employee' includes individuals acting as if they were an employee of the Council.
- 6 For the purposes of the above paragraph, accounting duties shall be taken to include, but not be limited to: providing financial advice to Councillors and employees; preparing budgets; preparing financial information to be

used in budget monitoring; preparing financial forecasts (except where that employee is a Budget Manager and is acting in that role). It shall not be taken to include making entries in the accounts and is not intended to prevent Budget Managers discussing relevant financial matters with Councillors when carrying out their service management responsibilities.

- 7 The application of 5 and 6 do not apply to the Pensions Committee activities, but any arrangements are subject to approval of the Council's Section 151 Officer.

### **~~Revenue Contributions to Capital Outlay (RCCOs)~~**

~~1 No employee shall commit to the use of revenue resources to finance capital expenditure, nor make an entry in the accounts to reflect such use, without the prior and specific approval of the Section 151 Officer.~~

~~2 In the above paragraph, 'revenue resources' include amounts that are held in reserves, having been previously transferred from a revenue account.~~

### **Accounting Records**

- 1 The Section 151 Officer will designate the software packages that shall be the Council's definitive accounting record.
- 2 For the purposes of this section, 'accounting record' shall be taken to mean the record of all of the following: actual expenditure and income; commitments; forecast expenditure; the approved budget; balances; cash flows.
- 3 No other accounting records shall be created or maintained, except with the approval of the Section 151 Officer.
- 4 Any person entering data into the definitive accounting record (whether directly or by way of one of its feeder systems) shall be responsible for ensuring the accuracy of that data, including the correct coding.
- 5 Coding of transactions shall always reflect the objective and nature of the expenditure or income in question.
- 6 All accounting records shall be retained in line with the current corporate policy and guidance for document retention, or longer if instructed by the Section 151 Officer (or his/her delegate).
- 7 The Section 151 Officer (or his/her delegate) shall be responsible for ensuring that access to the accounting system is controlled and restricted appropriately.

### **Grants**

~~1~~ ~~4~~ No person shall apply for a grant on behalf of the Council without the prior approval of the Section 151 Officer.

~~2~~ No person shall, ~~nor~~ commit the Council to any expenditure intended to be funded by grant until that grant has been formally confirmed by the grant provider and a supplementary budget has been approved.

~~23~~ Budget Managers shall be responsible for ensuring that grant conditions are met and appropriate records maintained in support of grant claims. The Section 151 Officer shall determine the format and contents of records to be maintained.

~~43~~ The Section 151 Officer (or his/her delegate) shall maintain a register of all grants receivable by the Council.

### **Leasing Arrangements**

- 1 No person shall enter into, or commit to enter into, a leasing arrangement or a lease-type arrangement without the prior approval of the Section 151 Officer.
- 2 The financial limits in the [Procurement Procedures Contract Procedure Rules](#) for approving and reporting on contracts apply to the approval and reporting of leases.

### **Treasury Management and Financing**

- 1 No person shall do, or commit to do, any of the following without the prior approval of the Section 151 Officer:
  - (i) lend or borrow funds under the control of or due to the Council;
  - (ii) enter into any credit agreement;
  - (iii) enter into an arrangement that is or may be classed as a loan at nil interest;
  - (iv) enter into a financial guarantee;
  - (v) enter into any transactions involving financial futures, swaps, options, hedging and other similar financial instruments;
  - (vi) take any course of action that would give rise to a financial asset or liability of the Council except where this is in the course of delivering services or capital schemes ~~(master projects)~~ included in the approved budget and it is in accordance with the other requirements of this paragraph.

#### Refinancing?

- 2 All investments of money under the Council's control shall be made in the name of the Council or the name of nominees approved by the Cabinet (Resources) Panel or Pensions Committee as appropriate.
- 3 All securities and the title deeds of all property in the ownership or name of the Council or its nominees shall be held in custody of the Director of Governance.
- 4 All borrowing shall be carried out in the name of the Council by the Section 151 Officer and only he/she is authorised to invest any surplus funds under



arrangements approved by the Cabinet (Resources) Panel or Pensions Committee.

- 5 The Section 151 Officer shall be the Council's registrar of stocks, bonds and mortgages and shall maintain records of all borrowing of money by the Council.
- 6 All employees acting as trustees by virtue of their official position shall deposit all securities, etc., relating to the trust with the Director of Governance unless the deed otherwise provides.
- 7 The Council has adopted the CIPFA Code on Treasury Management in the Public Services. In accordance with this, the Section 151 Officer shall submit to both the Council and Cabinet (Resources) Panel:
  - (i) an annual report on the strategy and plan to be pursued in the coming year;
  - (ii) a mid-year review;
  - (iii) an annual report on the performance of the treasury management function, on the effects of the decisions taken and the transactions executed in the past year, and on any circumstances of non-compliance with the Council's treasury management policy statement and treasury management practices.
  - (iv) regular monitoring reports on treasury management activities and risks.
- 8 The reports set out above shall include reports on the Council's treasury management indicators and prudential indicators.
- 9 The Council shall approve the prudential indicators for the Council.
- 10 The Section 151 Officer shall prepare and maintain the Council's treasury management policy and practices.
- 11 The Cabinet (Resources) Panel shall be responsible for scrutiny of the Council's treasury management policies and practices.

### **Provisions and Reserves**

- 1 The Section 151 Officer shall be responsible for advising Councillors on the Council's policy on provisions and reserves.
- 2 No provisions or reserves shall be established or dissolved without the prior agreement of the Section 151 Officer and approval by Cabinet (Resources) Panel.
- 3 No money shall be transferred to or from provisions or reserves without the prior agreement of the Section 151 Officer and approval by Cabinet (Resources) Panel.
- 4 Budget Managers, in conjunction with the Section 151 Officer (or his/her delegate) shall review all provisions and reserves relating to their services for

adequacy and relevance, both at the financial year end and as part of the budget preparation process.

- 5 The Section 151 Officer shall determine, in conjunction with the Cabinet, an appropriate level of general reserves as part of the budget preparation process, and shall advise the Council on the adequacy of the proposed level of reserves (in accordance with the requirements of section 25 of the Local Government Act 2003).

### **Medium Term Financial Forecasts**

- 1 The Section 151 Officer, in conjunction with Budget Managers, shall prepare medium term financial forecasts, spanning a period of no less than three future financial years, at regular intervals. These shall be reported to the Cabinet.

### **Reporting to Councillor Meetings**

- 1 All reports, with financial implications, to the following Councillor meetings must be submitted to the Section 151 Officer (or his/her delegate) prior to the meeting at which the report is to be received, allowing reasonable time for him/her to consider the report.
  - Council
  - Cabinet and Cabinet Panels
  - Scrutiny Board and Scrutiny Panels
  - Audit Committee
- 2 Any proposal included in a report to a Councillor meeting that has or could have financial implications must clearly state the actual financial implications if known; or a best estimate if not known; or an explanation of why an estimate cannot be provided.
- 3 All financial implications in any report to a Councillor meeting must be approved by the Section 151 Officer (or his/her delegate) prior to inclusion in the agenda papers.
- 4 The report must also include a statement of the headings within the approved budget on which those financial implications would impact. This should be clearly referenced to headings in the approved budget.
- 5 Financial implications must be evaluated in accordance with the budget guidelines (~~prepared under 5.3~~) existing at the time.
- 6 Reports with inadequate financial implications may be withdrawn from the a \_\_\_\_\_genda at the discretion of the Section 151 Officer.

### **Bad Debt Write Offs**

- 1 Debt recovery will be pursued in accordance with the Council's current Debt Management and Anti-Poverty policies.

- 2 For invoices raised before 1 April 2014
  - (i) The Section 151 Officer shall have delegated authority to write off sums due to the Council against the corporate bad debt provision where the sum due is less than £5,000 and the Section 151 Officer believes that there is negligible prospect of recovery.
  - (ii) Where the sum due is more than £5,000 the Section 151 Officer shall recommend to Cabinet (Resources) Panel whether the sum is to be charged to the corporate bad debts provision  
——The Section 151 Officer shall have delegated authority to write off sums due to the Council against the corporate bad debt provision regardless of value in cases of bankruptcy and liquidation.
  - (iii) [Factoring?](#)
- 3 For invoices raised after 1 April 2014:
  - (i) The Section 151 Officer shall have delegated authority to write off sums due to the Council against the originating budget code where the sum due is less than £5,000 and the Section 151 Officer believes that there is negligible prospect of recovery.
  - (ii) The Section 151 Officer is the final arbiter if the Budget Manager disputes the write-off against the originating budget code.
  - (iii) Where the sum due is more than £5,000 the Section 151 Officer shall recommend to Cabinet (Resources) Panel whether the sum is to be charged to the originating budget code or the corporate bad debts provision.
  - (iv) The Section 151 Officer shall have delegated authority to write off sums due to the Council against the corporate bad debt provision regardless of value in cases of bankruptcy and liquidation.
- 4 All write-offs shall be reported to the Cabinet (Resources) Panel on a regular basis, in a format determined by the Section 151 Officer.
- 5 All recommendations by the Section 151 Officer for write offs of sums above £5,000 against the corporate bad debt provision or the originating service budget must be approved by the Cabinet (Resources) Panel on a regular basis throughout the year. Approval should be sought by submission of a written report to the Panel, setting out the amounts to be written off and the reason why writing off is considered to be an appropriate course of action, on an individual account basis.

### **1.3 INTERNAL AUDIT**

- 1 The Section 151 Officer shall ensure that an adequate and effective internal audit of all Council activities is carried out in accordance with the most recent CIPFA Statements on Internal Audit Practice and relevant legislation.
- 2 For audit purposes, the Section 151 Officer, Head of Audit Services or their authorised representative shall be entitled, without necessarily giving prior notice, to require and receive:

**a. ~~(a)~~**—access to any records (both computer and manual), documents and correspondence relating to any financial or other relevant transactions, including documents of a confidential nature.

**b. ~~(b)~~**—access at all times to any Council premises or land, ~~Ww~~where land or premises are in the control of a contractor such access shall be in accordance with the contract;

**c. ~~(c)~~**—the production or identification by any employee of any cash, stores, or other property belonging to the Council, under the employee's control;

**d. ~~(d)~~**—explanations concerning any matter under examination.

- 3 Wherever any matter arises which involves actual or potential financial irregularities, misappropriations or indications of corruption, the Section 151 Officer and/or Head of Audit Services should be notified immediately and he/she shall take such action as he/she considers necessary by way of investigation, report and referral to the Police. The Section 151 Officer and/or Head of Audit shall, where necessary, consult with the Director of Governance concerning referral to the Police and notify the Head of Paid Service and the Council's external auditor in significant cases of fraud or corruption.
- 4 The Head of Audit Services shall produce audit reports as appropriate, and when an audit report is issued, the Strategic Director(s) concerned shall respond in writing on any recommendations made without delay

## **1.4 OFFICIAL ORDERS AND PAYMENT OF ACCOUNTS**

### **Official Orders**

- 1 Official requisitions, orders and goods received notifications shall be in a form agreed by the Section 151 Officer, and the Council's corporate computerised ordering and payments system(s) must be used when procuring work, goods and services.
- 2 Each Strategic Director shall determine the list of employees authorised to operate the Council's corporate computerised ordering and payments system(s) in his/her service group.
- 3 **Official orders must be issued for all work, goods or services to be supplied to the Council subject to any exceptions as the Section 151 Officer may approve individually.**
- 4 Official Orders shall not be issued unless there is provision for the expenditure in an approved budget or a supplementary budget estimate has been approved/obtained, and the appropriate action taken to conform with these Rules and the Procurement Procedures-Contract Procedure Rules.
- 5 Where corporate contracts exist for the provision of work, goods or services

they must be used. Any departure from these arrangements where a contract exists shall only be made where the appropriate Budget Manager in consultation with the Head of Procurement considers there are specific advantages to be obtained from using alternative arrangements.

- 6 Urgent orders may be given over the telephone, facsimile or other communication methods where exceptions have been agreed with the Section 151 Officer.
- 7 Orders requiring a number of deliveries or service calls over a period of time, shall be for a maximum duration of twelve months from the date the order is placed. If required, a new order shall be placed for each and every subsequent twelve month period.
- 8 Budget Managers and authorised employees must comply with the council's current policy and procedures for use of purchasing cards and any associated guidance issued by the Head of Procurement,

### **Payment Of Accounts**

- 1 **Where an order is required and no such order has been raised, payment will not be made.**
- 2 Apart from petty cash and any exceptional payments agreed by the Section 151 Officer, the method of payment of sums due from the Council shall be by electronic means, drawn on the Council's bank accounts, or by cheque.
- 3 Approval of Discretionary Housing Benefit payments is delegated to the Head of Revenues and Benefits

### **1.5 FINANCIAL ARRANGEMENTS FOR CONTRACTS**

- 1 **All contracts on behalf of the Council must be arranged and executed in accordance with the [Procurement Procedures Contract Procedure Rules](#).**
- 2 Payments on account to contractors for works contracts shall be authorised only on a suitable Certificate signed by the Budget Manager (or their nominee) which shall show the total amount of the contract and value of the work executed to date, retention money, amounts paid to date, and the amounts now certified.
- 3 Where a contract provides for payments to be made by instalments, a cost plan shall be prepared by the appropriate Budget Manager for such contracts and payments monitored against that plan. If it appears at any time that any approved contract cost will be exceeded due either to significant variations of either specification or price, a report setting out the circumstances and the revised estimated contract cost shall be submitted to the Cabinet as soon as possible.

- 4 The final certificate for a contract (as determined in the [Procurement Procedures Contract Procedure Rules](#)) shall not be passed for payment until the responsible Budget Manager (or their nominee) has prepared a summary statement and reconciliation of the contractor's final account and has notified the Section 151 Officer who may wish to examine it. In the event of an examination taking place, the Section 151 Officer shall be entitled to receive such further supporting documentation and explanation as may be necessary.
- 5 All contracts involving special financing arrangements shall be arranged by the Section 151 Officer in consultation with the Director of Governance.
- 6 Directors, Budget Managers and all employees that they nominate to process transactions on their behalf are responsible for complying with the requirements of the Council's computerised procurement and payment system(s).

## 1.6 SALARIES, WAGES, PENSIONS AND ALLOWANCES

- 1 **These Rules must be read in conjunction with the Council's current human resources policies and procedures .**
- 2 The payment of all salaries, wages, pensions, compensation and other emoluments to all employees or former employees of the Council together with payments of pensions and other associated payments from the West Midlands Metropolitan Authorities Pension Fund shall be made by, or under arrangements approved by the Section 151 Officer.
- 3 Each Budget Manager shall ensure that adequate budget funds exist before establishing new posts or committing to additional salary or expense costs.
- 4 Each Budget Manager shall update the Council's computerised human resources and payroll system(s) without delay with all matters affecting employee pay, and in particular:-
  - ~~(a)~~a. \_\_\_\_\_ Establishing new posts, appointments, resignations, dismissals, suspensions, secondments and transfers;
  - ~~(b)~~b. \_\_\_\_\_ Absences from duty for sickness or other reasons, including approved leave;
  - ~~(c)~~c. \_\_\_\_\_ Approved changes in remuneration, other than normal increments and pay awards
  - ~~(d)~~d. \_\_\_\_\_ Information necessary to maintain records of service for pensions, income tax, national insurance and other relevant matters.
- 5 Appointments and promotions of all employees shall be made in accordance with approved policies and practices of the Council and the approved establishments, grades and rates of pay.

- 6 Budget Managers are responsible for ensuring that all time records or other pay documents, and all claims for payment of car allowances, subsistence allowances, travelling and incidental expenses are consistent with the post holder's terms and conditions of employment and current Council policy.
- 7 All travel and expense claims must be evidenced by a receipt; failure to provide a receipt will result in the claim being rejected.
- 8 All claims for mileage should be accompanied by a VAT receipt.
- 9 Except with the approval of the Section 151 Officer all employees and pensioners will be paid by direct credit to a bank or building society account.
- 10 No payment will be made to an individual employed on an interim or consultancy basis through the computerised ordering and payment system until the Budget Holder has seen evidence that they:-
  - ~~(a)~~a. have a unique income tax record; or
  - b. are employed through an established employment agency.
- 11 Payment claims shall be made up to a specified day of each month. Late claims may be refused for payment unless the reason for the delay is exceptional.
- 12 The authorisation of transactions shall be taken to mean that the authorising Budget Manager is satisfied that the claims relate to authorised activities and any expenses claimed have been properly incurred, which should be evidenced with a receipt.
- 13 Directors, Budget Managers and all employees that they nominate to process transactions on their behalf are responsible for complying with the requirements of the Council's computerised human resources and payroll system(s).

## **1.7 BANKING ARRANGEMENTS**

- 1 Under the general direction of the Cabinet (Resources) Panel all arrangements with the Council's bankers shall be made by or approved by the Section 151 Officer who shall be authorised to operate such bank accounts as he/she may consider necessary. No new bank account shall be opened for Council purposes without the approval of the Section 151 Officer.
- 2 Supplies of all bank stationery and bank cards shall be ordered only by the Section 151 Officer (or his/her delegate) who shall also make proper arrangements for their safe custody.
- 3 Cheques drawn on any of the Council's bank accounts shall bear the facsimile signature of the Section 151 Officer.
- 4 The Cabinet (Resources) Panel shall determine the scale of charges for payment by electronic payment cards

## **1.8 IMPREST AND PETTY CASH ACCOUNTS**

- 1 The Section 151 Officer shall provide imprest accounts if considered appropriate for Budget Managers for the purpose of defraying petty cash and other expenses. Proper records of account in a form prescribed by the Section 151 Officer must be maintained by the Budget Manager (or their nominee) and reconciliations must be carried out on a regular basis.
- 2 Where appropriate, the Section 151 Officer may open bank accounts for use by imprest holders who shall ensure that such accounts do not become overdrawn. It shall be a standing instruction to the bank that duplicate copies of bank statements shall be submitted direct to the Section 151 Officer for monitoring purposes.
- 3 No income received on behalf of the Council may be paid into an imprest account, but must be banked or paid to the Council as provided elsewhere in these rules. No personal cheques are to be encashed from imprest accounts.
- 4 Payments shall be limited to items of expenditure of low value as defined by the Section 151 Officer.
- 5 VAT and other receipts for petty cash expenditure shall be obtained when possible and retained by the Budget Manager. Directors shall maintain a list of employees authorised to certify claims from petty cash together with specimen signatures.
- 6 Budget Managers responsible for imprest accounts shall, if so requested, provide to the Section 151 Officer a certificate as to the state of that account.
- 7 On leaving the employment of the Council or otherwise ceasing to be entitled to hold an imprest advance, the imprest holder shall account to their Strategic Director for the amount originally advanced.
- 8 Directors, Budget Managers and all employees that they nominate to process transactions on their behalf are responsible for complying with the requirements of the Council's computerised income management and payment system(s).

## **1.9 INCOME AND DEBT RECOVERY**

- 1 The Section 151 Officer shall approve the arrangements for the collection and banking of all money due to the Council.
- 2 Each Budget Manager shall ensure the prompt raising of debtor accounts for the recovery of income due in accordance with arrangements approved by the Section 151 Officer.
- 3 All items of stationery used in connection with the collection and recording of income shall be in a format specified by the Section 151 Officer, or under



approved arrangements. The Section 151 Officer will determine the arrangements for their control.

- 4 All money received on behalf of the Council shall, without delay, be paid ~~to the Section 151 Officer or,~~ directly into the relevant Council bank account. No deduction may be made from such money without the written approval of the Section 151 Officer.
- 5 Personal cheques shall not be encashed through the Council's bank accounts unless under a scheme approved by the Section 151 Officer.
- 6 Every transfer of official money from one employee to another will be evidenced in the records of the responsible service group(s) by the signature of the receiving employee.
- 7 **All employees receiving cash on behalf of the Council must ensure that they comply with the Council's Anti-Money Laundering Policy and Procedures.**
- 8 All individual cash payments received by the Council, in excess of the limit specified in the Anti-Money Laundering Policy, shall be reported to the Council's Money Laundering Reporting Officer.
- 9 All income streams in excess of £25,000 that were not included in the approved budget shall be reported to the Section 151 Officer at the earliest opportunity.
- 10 All invoices due for payment to the Council must be raised through the computerised debt recovery system(s).
- 11 The Section 151 Officer shall determine the payment terms for invoices.
- 12 No early repayment discounts will be offered, unless authorised by the Cabinet (Resources) Panel, who will determine the level(s).
- 13 The minimum value for the issue of invoices and payment reminders is to be set by the Section 151 Officer.
- 14 The Director of Governance shall determine on the basis of each specific case, whether legal action is to commence against a debtor through the County Court for non-payment of an invoice due to the Council.
- 15 The Director of Governance shall agree with the Section 151 Officer the amount of interest to be charged and added to the amount due, when legal action commences.
- 16 The Director of Governance shall agree, with the Section 151 Officer, the level of costs incurred as a result of legal action that are to be borne by the debtor.

- 17 Directors, Budget Managers and all employees that they nominate to process transactions on their behalf are responsible for complying with the requirements of the Council's computerised income management and debt recovery system(s).

### **Bad Debt Write Offs**

- 1 Debt recovery will be pursued in accordance with the Council's current Debt Management and Anti-Poverty policies.
- 2 For invoices raised before 1 April 2014
  - (i) The Section 151 Officer shall have delegated authority to write off sums due to the Council against the corporate bad debt provision where the sum due is less than £5,000 and the Section 151 Officer believes that there is negligible prospect of recovery.
  - (ii) Where the sum due is more than £5,000 the Section 151 Officer shall recommend to Cabinet (Resources) Panel whether the sum is to be charged to the corporate bad debts provision
  - (iii) The Section 151 Officer shall have delegated authority to write off sums due to the Council against the corporate bad debt provision regardless of value in cases of bankruptcy and liquidation
- 3 For invoices raised after 1 April 2014:
  - (i) The Section 151 Officer shall have delegated authority to write off sums due to the Council against the originating budget code where the sum due is less than £5,000 and the Section 151 Officer believes that there is negligible prospect of recovery.
  - (ii) The Section 151 Officer is the final arbiter if the Budget Manager disputes the write-off against the originating budget code.
  - (iii) Where the sum due is more than £5,000 the Section 151 Officer shall recommend to Cabinet (Resources) Panel whether the sum is to be charged to the originating budget code or the corporate bad debts provision
  - (iv) The Section 151 Officer shall have delegated authority to write off sums due to the Council against the corporate bad debt provision regardless of value in cases of bankruptcy and liquidation
- 4 All write-offs shall be reported to the Cabinet (Resources) Panel on a regular basis, in a format determined by the Section 151 Officer.
- 5 All recommendations by the Section 151 Officer for write offs of sums above £5,000 against the corporate bad debt provision or the originating service budget must be approved by the Cabinet (Resources) Panel on a regular basis throughout the year. Approval should be sought by submission of a written report to the Panel, setting out the amounts to be written off and the reason why writing off is considered to be an appropriate course of action, on an individual account basis.

## **1.10 STORES AND STORES ACCOUNTING**

- 1 It shall be the responsibility of Budget Managers to ensure that there is proper care and custody of the stocks and stores in their service groups and to ensure that all receipts and issues are properly recorded on the official records.
- 2 Stocks held shall not be in excess of normal operational requirements, except in special circumstances with the approval of the Cabinet (Resources) Panel.
- 3 Budget Managers shall, unless other arrangements are agreed with the Section 151 Officer, arrange for continuous or periodical physical stocktaking of stocks by persons independent of storekeeping or stores accounting and shall ensure that all stocks are checked at least once in every year. Any significant differences revealed on items of stock when a comparison is made between physical and book stock shall be reported by the Budget Manager to the Section 151 Officer in order that the appropriate adjustment may be made in the accounts.
- 4 Stores deemed to be surplus to requirements and saleable old materials shall not be disposed of except on written authority of the responsible Budget Manager. Sales of such items shall be made in accordance with these Rules.
- 5 Budget Managers shall supply the Section 151 Officer with such information as is required in relation to stores for accounting and costing purposes and a certificate of the stock held, as at the 31 March each year.
- 6 Budget Managers shall instigate such systems of identification marking as practicable in order to deter theft and make recognition possible.

## **1.11 INVENTORIES**

- 1 Inventories shall be kept by Budget Managers in every service group in a form approved by the Section 151 Officer.
- 2 Inventories shall record all items as specified by the Section 151 Officer. Where there are desirable items these should be recorded in inventories irrespective of price.
- 3 Inventory items should be recorded in inventories immediately on receipt, and where it is appropriate they shall be clearly and permanently marked as the property of the Council.
- 4 It shall be the responsibility of each Budget Manager to ensure that at least an annual verification of the inventory is made and the responsible employee shall certify the fact on the inventory record. Differences shall be dealt with as

in the case of stores, and any action taken shall be recorded in the inventories.

- 5 The Council's property shall not be removed otherwise than in accordance with the ordinary course of the Council's business or used otherwise than for the Council's purposes, except in accordance with specific directions issued by the responsible Budget Manager. Sales of such items shall be made in accordance with these Rules

## **1.12 INSURANCES**

- 1 The Section 151 Officer shall effect all insurance cover.
- 2 The Section 151 Officer shall handle and negotiate all insurance claims, in consultation with Budget Managers where necessary.
- 3 Budget Managers shall give prompt notification to the Section 151 Officer of all new risks, new assets which require to be insured and any alterations affecting existing insurances.
- 4 Budget Managers must as soon as possible notify the Section 151 Officer in writing of any loss, liability or damage or any event likely to lead to a claim and take such other action without delay as may be necessary to satisfy any policy conditions. In the case of fire claims likely to exceed the current limit as specified by the Section 151 Officer, the Section 151 Officer should be notified immediately to arrange the appointment of a loss adjuster. The Council's approved procedures for handling insurance claims together with target times for completion should always be followed.
- 5 The Section 151 Officer shall annually, or at such other period as he/she may consider necessary, review all insurances in consultation with Budget Managers as appropriate. Budget Managers should ensure that they have maintained accurate schedules of equipment to be insured.
- 6 Budget Managers shall consult the Section 151 Officer and the Director of Governance regarding the terms of any indemnity which the Council is requested to give.
- 7 Budget Managers shall keep suitable records to ensure that the inspections of engineering plant under their control, which is normally inspected by an insurance company, are carried out by the company within the periods prescribed by the relevant legislation. In the event of any failure by the insurance company to carry out the inspection within the prescribed periods, the Section 151 Officer shall be notified.

## **1.13 SECURITY**

- 1 Budget Managers are responsible for maintaining proper security at all times for all buildings, stocks, stores, furniture, equipment, cash, etc. under their control. Each Budget Manager shall consult the Section 151 Officer in any

case where security is thought to be defective or where it is considered that special security arrangements may be needed.

- 2 Maximum limits for cash holdings shall not be exceeded without the express permission of the Section 151 Officer.
- 3 Keys to safes and similar receptacles are to be carried on the person of those responsible at all times; the loss of any such keys must be reported to the Section 151 Officer immediately.
- 4 Budget Managers are responsible for maintaining records of assets allocated to individual employees, using the council's computerised recording systems where instructed to do so.

## **1.14 SCHEDULE OF RESPONSIBILITIES**

### **Council**

The Council shall:

- ~~(1)~~• Determine the Budget and Policy Framework.
  - Approve the following year's revenue budget ~~(both revenue and capital)~~
- ~~(2)~~• Approve the following year and medium term budget for capital.
- ~~(3)~~• Approve the following year's levels of Council Tax and housing rents.
- ~~(4)~~• Approve expenditure over and above the total provided for in the current year's budget (supplementary budgets).
- ~~(5)~~• Receive a Treasury Management strategy and plan for the coming year, a mid-year review of these, regular monitoring reports on current Treasury Management activity, and a retrospective report on Treasury Management activity for a financial year.
- ~~(6)~~• Approve the Council's prudential indicators.
- ~~(7)~~• Have the authority to disallow virements to or from a budget heading.

### **Cabinet**

The Cabinet shall:

- Recommend an overall following year budget (both revenue and capital) to Council (see also 15 under Cabinet (Resources) Panel).
- Approve an overall increase or decrease in the Council's total budget, where certain conditions apply.
  - ~~(1)~~—
  - ~~(2)~~• Recommend the levels of Council Tax and housing rents to the Council.
  - ~~(3)~~• Determine strategic guidelines for the following year's budget.
  - ~~(4)~~• Determine a recommended budget, which it will report to the Council in accordance with statutory timescales, and no later than March of the preceding financial year.

- (5)• \_\_\_\_\_ Refer the recommended budget to the appropriate Scrutiny Panels and to consultation, allowing sufficient time to reconsider and if appropriate revise it prior to submitting it to Council.
- (6)• \_\_\_\_\_ Receive reports where there is a forecast over spend that is judged by the Section 151 Officer to be material to the finances of the Council.
- (7)• \_\_\_\_\_ Determine the Council's policy on provisions and reserves
- (8)• \_\_\_\_\_ Approve the establishment or disestablishment of provisions and reserves shall be established or dissolved
- (9)• \_\_\_\_\_ Receive reports setting out the medium term forecast.
- (10)• \_\_\_\_\_ Have the authority to disallow virements to or from a budget heading.
- (11)• \_\_\_\_\_ Receive reports from the Section 151 Officer if he/she considers that the consequences of any forecast over spend are material to the finances of the Council.
- (12)• \_\_\_\_\_ Disallow virements to or from a budget heading.
- (13)• \_\_\_\_\_ Receive reports if it appears at any time that any approved contract cost will be exceeded due either to significant variations of either specification or price

### **Cabinet (Resources) Panel**

The Cabinet (Resources) Panel shall:

- (1)• \_\_\_\_\_ Be responsible for overseeing the execution of financial policy, financial administration and control in the Council, and for supervising the provision of financial services, all subject to direction from the Council and Cabinet.
- (2)• \_\_\_\_\_ Where required, determine a recommended capital budget, which it will report to the Council in accordance with statutory timescales, and no later than March of the preceding financial year.
- (3)• \_\_\_\_\_ Receive budget monitoring reports.
- (4)• \_\_\_\_\_ Receive outturn reports.
- (5)• \_\_\_\_\_ Receive notification of budget carry forwards approved by the Section 151 Officer.
- (6)• \_\_\_\_\_ Approve the allocation of capital budgets to individual capital schemes, ~~(master projects)~~, where those budgets were originally approved on a non-specific basis by Council, and have not yet been allocated.
- ~~(7)• \_\_\_\_\_ Approve an overall increase or decrease in the Council's total budget in the circumstances specified in these rules.~~
- (8)• \_\_\_\_\_ Approve the arrangements for investing any surplus funds
- (9)• \_\_\_\_\_ Receive notification of virements approved by employees.
- (10)• \_\_\_\_\_ Approve virements exceeding the limit set by the Section 151 Officer.
- (11)• \_\_\_\_\_ Approve fees and charges.
- (12)• \_\_\_\_\_ Approve deviations from the Council's standard approach to calculating fees and charges.
- (13)• \_\_\_\_\_ Approve the list of organisations in which funds under the Council's control may be invested.
- (14)• \_\_\_\_\_ Receive a Treasury Management strategy and plan for the coming year, a mid-year review of these, regular monitoring reports on current Treasury Management activity including treasury management and prudential indicators, and a retrospective report on Treasury Management activity for a financial year.

- (15)•\_\_\_\_\_ Receive notification of write offs of sums due to the Council approved by the Section 151 Officer.
- (16)•\_\_\_\_\_ Approve the write off of sums due to the Council that the Section 151 Officer is not authorised to approve.
- (17)•\_\_\_\_\_ Approve the holding of stocks in excess of normal operational requirements.
- (18)•\_\_\_\_\_ Receive reports on significant differences between physical and book stock discovered in the course of a stock take or otherwise.
- (19)•\_\_\_\_\_ Make recommendations to Council concerning the approval of capital budgets.
- (20)•\_\_\_\_\_ Have the authority to disallow virements to or from a budget heading.
- (21)•\_\_\_\_\_ Have the authority to approve the payment of grants to individual recipients, where certain conditions apply.
- ~~(22)•\_\_\_\_\_ Approve an overall increase or decrease in the Council's total budget, where certain conditions apply.~~
- (23)•\_\_\_\_\_ Approve the transfer to or from provisions or reserves
- (24)•\_\_\_\_\_ Give general direction to the Section 151 Officer on all arrangements with the Council's bankers
- (25)•\_\_\_\_\_ Determine the scale of charges for payment by electronic payment cards.
- (26)•\_\_\_\_\_ Authorise early repayment discounts for sums due and determine the level(s).

### **Scrutiny Board and Panels**

The Scrutiny Board and Panels shall:

- (1)•\_\_\_\_\_ Scrutinise the budget recommendations made by the Cabinet.

### **Audit Committee**

The Audit Committee shall:

- (1)•\_\_\_\_\_ Approve the Council's financial statements.

### **Director of Finance**

As Section 151 Officer, the Director of Finance shall:

- (1)•\_\_\_\_\_ Approve commitments to expenditure in future financial years for which there is, as yet, no approved budget.
- (2)•\_\_\_\_\_ Prepare and issue a Budget Book.
- (3)•\_\_\_\_\_ Maintain the list of Budget Managers.
- (4)•\_\_\_\_\_ Submit reports to the Cabinet where an over spend on a service or capital scheme (~~master project~~) is forecast and is judged to be material to the finances of the Council.
- (5)•\_\_\_\_\_ Submit budget monitoring reports to the Cabinet (Resources) Panel.
- (6)•\_\_\_\_\_ Submit outturn report to the Cabinet (Resources) Panel.
- (7)•\_\_\_\_\_ Approve the carry forward of unused budgets.
- (8)•\_\_\_\_\_ Approve lower-value virements in accordance with the conditions set out in the relevant section below.
- (9)•\_\_\_\_\_ Specify the limit above which virements require Councillor approval.
- (10)•\_\_\_\_\_ Maintain the fees and charges register.
- (11)•\_\_\_\_\_ Determine the Council's accounting policies and, where appropriate, estimation techniques.

- (12)• \_\_\_\_\_ Prepare the Council's financial statements in accordance with statutory requirements and other proper practice.
- (13)• \_\_\_\_\_ Ensure that the Council complies with relevant tax legislation, and that the Council maintains adequate accounting records in respect of its tax affairs.
- (14)• \_\_\_\_\_ Designate the software packages that shall be the Council's definitive accounting record.
- (15)• \_\_\_\_\_ Approve the use of any other accounting records.
- (16)• \_\_\_\_\_ Be responsible for ensuring that access to the definitive accounting record is controlled and restricted accordingly.
- (17)• \_\_\_\_\_ Approve grant applications.
- (18)• \_\_\_\_\_ Determine the format and content of records to be maintained in respect of grants.
- (19)• \_\_\_\_\_ Maintain a register of all grants receivable by the Council.
- (20)• \_\_\_\_\_ Approve commitments to enter into leasing or lease-type arrangements.
- (21)• \_\_\_\_\_ Approve lending and borrowing of Council funds, and other sophisticated financial transactions.
- (22)• \_\_\_\_\_ Be the registrar of stocks, bonds and mortgages and maintain records of all borrowing by the Council.
- (23)• \_\_\_\_\_ Submit to the Cabinet (Resources) Panel a Treasury Policy Statement, regular reports on current Treasury Management activity, and a retrospective report on Treasury Management activity for a financial year.
- (24)• \_\_\_\_\_ Be responsible for determining the Council's policy on provisions and reserves, and approve the establishment and dissolution of any provisions or reserves, and the transfers of money to or from provisions or reserves.
- (25)• \_\_\_\_\_ Assist Budget Managers in reviewing the provisions and reserves relating to their service.
- (26)• \_\_\_\_\_ Determine an appropriate level of general reserves as part of the budget preparation process, and advise the Council on the adequacy of the proposed level of reserves.
- (27)• \_\_\_\_\_ Prepare medium term financial forecasts in conjunction with Budget Managers, at regular intervals for reporting to the Cabinet.
- (28)• \_\_\_\_\_ Receive and consider all reports to certain Councillor meetings.
- (29)• \_\_\_\_\_ Approve financial implications contained in any report to Councillor meetings.
- (30)• \_\_\_\_\_ Withdraw reports with inadequate financial implications from the agenda of a Councillor meeting.
- (31)• \_\_\_\_\_ Approve write offs of sums due to the Council in certain circumstances, as set out in the Financial Procedure Rules.
- (32)• \_\_\_\_\_ Determine the format of reports notifying the Cabinet (Resources) Panel of write offs approved by the Section 151 Officer.
- (33)• \_\_\_\_\_ Ensure that an adequate and effective internal audit of all Council activities is carried out.
- (34)• \_\_\_\_\_ Be entitled to require and receive certain information and rights in respect of internal audit.
- (35)• \_\_\_\_\_ Receive notification of actual or potential financial irregularities, misappropriations or indications of corruption, and take such action as he/she considers appropriate.



- (36)•\_\_\_\_ Notify the Head of Paid Service and the Council's external auditor in significant cases of fraud or corruption.
- (37)•\_\_\_\_ Produce audit reports as appropriate.
- (38)•\_\_\_\_ Approve the format of official orders.
- (39)•\_\_\_\_ Approve individual exceptions to the requirement to use official orders.
- (40)•\_\_\_\_ Approve the arrangements for making payment of salaries, wages, pensions, compensation and other emoluments.
- (41)•\_\_\_\_ Approve individual exceptions to the requirement for payment to employees to be made by direct credit.
- (42)•\_\_\_\_ Approve the Council's banking arrangements, including the opening of a bank account for Council purposes.
- (43)•\_\_\_\_ Order cheques and bank cards for the Council, and make proper arrangements for their safe custody.
- (44)•\_\_\_\_ Sign all cheques drawn on the Council's accounts.
- (45)•\_\_\_\_ Provide imprest accounts if considered appropriate, and prescribe the form of records required to be kept in respect of those accounts.
- (46)•\_\_\_\_ Open bank accounts for use by imprest holders, where appropriate, and receive bank statements for those accounts directly.
- (47)•\_\_\_\_ Maintain the list of employees authorised to certify claims from imprest accounts.
- (48)•\_\_\_\_ Approve the arrangements for the collection and banking of all money due to the Council.
- (49)•\_\_\_\_ Approve the arrangements for the issue of debtor accounts.
- (50)•\_\_\_\_ Approve the arrangements for the control of stationery connected with the collection and recording of income.
- (51)•\_\_\_\_ Receive notification of all individual cash payments in excess of the Anti-Money Laundering Policy limit.
- (52)•\_\_\_\_ Receive notification of all income streams in excess of £25,000 that were not included in the approved budget.
- (53)•\_\_\_\_ Receive notification of information required for stock accounting and a certificate of stocks held at each 31 March.
- (54)•\_\_\_\_ Approve the format of inventories.
- (55)•\_\_\_\_ Effect all insurance cover, and negotiate claims.
- (56)•\_\_\_\_ Receive notification of all matters that may impact on insurance cover, or be likely to lead to a claim.
- (57)•\_\_\_\_ Review all insurances in consultation with Budget Managers as appropriate.
- (58)•\_\_\_\_ Receive notification from Budget Managers in the event of any failure by the insurance company to carry out an inspection of relevant engineering plant within the prescribed periods.
- (59)•\_\_\_\_ Approve the holding of cash in excess of the specified maximum limit.
- (60)•\_\_\_\_ Ensure compliance with the requirements of the Council's computerised financial, procurement, human resources and payroll system(s).

**Director of Governance**

The Director of Governance shall:

- (1)•\_\_\_\_ Hold all securities and the title deeds of all property in the ownership of the Council or its nominees.

- (2)•\_\_\_\_\_ Receive notification of all individual cash payments in excess of the Anti-Money Laundering Policy limit.
- (3)•\_\_\_\_\_ 3Determine on the basis of each specific case, whether legal action is to commence against a debtor through the County Court for non-payment of an invoice due to the Council.
- (4)•\_\_\_\_\_ 4Agree with the Section 151 Officer the interest to be charged and added to the amount due, when legal action commences.
- (5)•\_\_\_\_\_ 5Agree, with the Section 151 Officer, the level of costs incurred as a result of legal action that are to be borne by the debtor.
- (6)•\_\_\_\_\_ Ensure compliance with the requirements of the Council's computerised financial, procurement, human resources and payroll system(s).

### **Head of Chief Human Resources Officer**

The Head of Chief Human Resources Officer shall:

- (1)•\_\_\_\_\_ Maintain the council's pay and human resources policies and procedures and issue instructions to Directors and Budget Managers as appropriate.
- (2)•\_\_\_\_\_ Ensure compliance with the requirements of the Council's computerised financial, procurement, human resources and payroll system(s).

### **Strategic Director**

A Strategic Director shall:

- (1)•\_\_\_\_\_ Nominate Budget Managers for each service and capital scheme ~~(master project)~~ for which they are responsible, and notify the Section 151 Officer of all changes.
- (2)•\_\_\_\_\_ Notify the Section 151 Officer immediately of any emerging financial liabilities not provided for in the approved budget or an existing provision or reserve.
- (3)•\_\_\_\_\_ Respond in writing on any recommendations made in an audit report without delay.
- (4)•\_\_\_\_\_ Determine the service group employees who are authorised to use the council's computerised financial procurement, human resources and payroll systems.
- (5)•\_\_\_\_\_ Take action where employees fail to comply with the requirements for use of the council's computerised financial procurement, human resources and payroll systems.

### **Budget Manager**

A Budget Manager shall:

- (1)•\_\_\_\_\_ Be able to incur expenditure up to the limit set within the approved budget for each service or capital scheme ~~(master project)~~ for which they are responsible.
- (2)•\_\_\_\_\_ Be responsible for generating income for services or capital schemes ~~(master projects)~~ for which they are responsible.
- (3)•\_\_\_\_\_ Submit reports to the Cabinet (Resources) Panel explaining over spends where required to do so by the Section 151 Officer.
- (4)•\_\_\_\_\_ Monitor expenditure and income, with reference to the budget and in liaison with the Section 151 Officer, on an ongoing basis.

- (5)•\_\_\_\_\_ Where he/she believes that it is likely that the budget will be exceeded for one of his/her services/s, raise it with the relevant Strategic Director immediately.
- (6)•\_\_\_\_\_ Notify the Section 151 Officer immediately of any emerging financial liabilities not provided for in the approved budget or an existing provision or reserve.
- (7)•\_\_\_\_\_ Approve lower-value virements in accordance with the conditions set out in the relevant section.
- (8)•\_\_\_\_\_ Arrange for reports requesting higher-value virements to be prepared and submitted to the Cabinet (Resources) Panel.
- (9)•\_\_\_\_\_ Review all provisions and reserves relating to their services, in conjunction with the Section 151 Officer.
- (10)•\_\_\_\_\_ Be responsible for ensuring that grant conditions are met and appropriate records maintained in support of grant claims.
- (11)•\_\_\_\_\_ Consult the Head of Procurement in cases of proposed departure from corporate contracts for the provision of work, goods or services
- (12)•\_\_\_\_\_ Authorise payments on account to contractors and prepare the specified documentation
- (13)•\_\_\_\_\_ Prepare contract cost plans and summary statements in the format specified by the Section 151 Officer
- (14)•\_\_\_\_\_ Ensure that adequate budget funds exist before establishing new posts or committing to additional salary or expense costs
- (15)•\_\_\_\_\_ Update the Council's computerised human resources and payroll system(s) without delay with all matters affecting employee pay
- (16)•\_\_\_\_\_ Ensure that all pay records and expense claims are consistent with the post holder's terms and conditions of employment and current Council policy.
- (17)•\_\_\_\_\_ Maintain proper records of account for petty cash in a form prescribed by the Section 151 Officer
- (18)•\_\_\_\_\_ Obtain VAT and other receipts for petty cash expenditure
- (19)•\_\_\_\_\_ Where requested by the Section 151 Officer, provide a certificate as to the state of petty cash accounts
- (20)•\_\_\_\_\_ Ensure the prompt raising of debtor accounts for the recovery of income due
- (21)•\_\_\_\_\_ Instigate such systems of identification marking of stock as practicable in order to detect theft and make recognition possible.
- (22)•\_\_\_\_\_ Ensure that a verification of the inventory is made as specified by the Section 151 Officer, and deal with any discrepancies as for stores.
- (23)•\_\_\_\_\_ Notify the Section 151 Officer of all matters that may impact on insurance cover, or be likely to lead to a claim.
- (24)•\_\_\_\_\_ Maintain accurate schedules of equipment to be insured.
- (25)•\_\_\_\_\_ Consult with the Section 151 Officer and the Director of Governance regarding the terms of any indemnity which the Council is required to give.
- (26)•\_\_\_\_\_ Keep suitable records to ensure that the inspections of engineering plant under their control, which is normally inspected by an insurance company, are carried out by the company within the periods prescribed by the relevant legislation.
- (27)•\_\_\_\_\_ Notify the Section 151 Officer in the event of any failure by the insurance company to carry out the inspection within the prescribed periods.

- (28)• \_\_\_\_\_ Be responsible for maintaining proper security at all times for all assets under their control, and consult the Section 151 Officer where security is thought to be defective.
- (29)• \_\_\_\_\_ Ensure that there is proper care and custody of the stocks and stores in their service, and that all receipts and issues are properly recorded on the official records.
- (30)• \_\_\_\_\_ Arrange for stocktaking of the stocks in their service, and report any significant differences between physical and book stock to the Section 151 Officer.
- (31)• \_\_\_\_\_ Approve (in writing) the disposal of stores deemed to be surplus to requirements and saleable old materials.
- (32)• \_\_\_\_\_ Provide the Section 151 Officer with such information as is required in relation to stores for accounting and costing purposes, and a certificate of the stock held at each 31 March.
- (33)• \_\_\_\_\_ Keep inventories in a form approved by the Section 151 Officer
- (34)• \_\_\_\_\_ Maintain records of assets allocated to individual employees, using the council's computerised recording systems where instructed to do so
- (35)• \_\_\_\_\_ Ensure compliance with the requirements of the Council's computerised financial, procurement, human resources and payroll system(s).

#### **Head of Revenues and Benefits**

The Head of Revenues and Benefits shall:

- (1)• \_\_\_\_\_ Approve Discretionary Housing Benefit payments.

#### **Head of Procurement**

The Head of Procurement shall:

- (1)• \_\_\_\_\_ Maintain the council's procurement policies and procedures and issue instructions to Directors and Budget Managers as appropriate.
- (2)• \_\_\_\_\_ Advise Budget Managers in cases of proposed departure from corporate contracts for the provision of work, goods or services
- (3)• \_\_\_\_\_ Ensure compliance with the requirements of the Council's computerised financial, procurement, human resources and payroll system(s).
- (4)• \_\_\_\_\_ Maintain the council's policy and procedures on the use of purchasing cards.

#### **Head of Audit Services**

The Head of Audit Services shall:

- (1)• \_\_\_\_\_ Require and receive access to any records and Council premises, the production or identification of any cash, stores, or other property belonging to the Council and explanations concerning any matter under examination.
- (2)• \_\_\_\_\_ Be notified immediately wherever any matter arises which involves actual or potential financial irregularities, misappropriations or indications of corruption
- (3)• \_\_\_\_\_ Produce audit reports as appropriate

**SCHEDULE OF FINANCIAL LIMITS**

<b>Budget Monitoring Reports to the Cabinet (Resources) Panel</b>	
Minimum limit for variances requiring separate identification in report	£100,000
<b>Debt Write Offs</b>	
Maximum limit for individual debt write offs by the Section 151 Officer not requiring Councillor approval (except in cases of bankruptcy and liquidation, for which no limit applies)	£5,000
<b>Income</b>	
Minimum limit for individual cash receipts to be notified by Budget Managers to the Section 151 Officer	Limit as specified in the Anti-Money Laundering Policy
Minimum limit for unbudgeted income streams to be notified by Budget Managers to the Section 151 Officer	£25,000
<b>Leases</b>	
Financial limits for the approval and reporting of leases	Limits as specified in the Procurement Procedures
<b>Insurance</b>	
Minimum limit for claims for fire damage to be notified by Budget Managers to the Section 151 Officer	Limit as specified by the Section 151 Officer

<b>Payment Approval - Computerised Payment System(s)</b>	
Strategic Director – Directorate-wide approvals	£1,000,001 and above
Service Director/ <del>Chief Officer</del> <u>Senior Manager</u> – Division-level approvals	£150,001 to £1,000,000
Head of Service – Service-level approvals	£50,001 to £150,000
Manager – Cost Centre Group approvals	£5,001 to £50,000
Delegated Budget Approver – Cost Centre approvals	£0 to £5,000
Auto- Approval of contracted expenditure 'Auto Approval' is the approval of any line of an order under £200 in value providing the order has been raised against an approved contract or an approved supplier catalogue.	Under £200
<b>Debt Raising Approval - Computerised Payment System(s)</b>	
Limit where individual invoices must be approved by a Strategic Director or their nominated Budget Manager	£50,000 and above



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## 1 Introduction

- 1.1 The Contract Procedure Rules (CPRs) are made under the provisions of section 135 of the Local Government Act 1972 and govern the making of contracts for and on behalf of the Council.
- 1.2 The CPRs form part of the Council's Constitution and will be reviewed annually.
- 1.3 These CPRs apply to all contracts entered into by the Council and to all Officers involved in the procurement of supplies, services or the execution of works and provide a basis for true, open and fair competition.
- 1.4 All contracts must be in writing. Officers should not agree to offers from Providers verbally as this can create a binding verbal contract.
- 1.5 These CPRs also apply to all third parties who undertake procurement on behalf of the Council.
- 1.6 These CPRs refer to the OJEU threshold for Services and Supplies which is ~~£164,176~~~~172,514~~ up to 31 December 2017~~5~~. ~~From 1 January 2016 until 31 December 2018 this will be £164,176. From 1 January 2018, the threshold will be as published by the European Commission.~~
- 1.7 Any procurement where the Council is the lead or contracting body will be subject to these CPRs. They may not be waived except in the specific instances referred to in these CPRs. Procuring Officers must ensure that any advisors, agents, consultants and contractual partners acting on their behalf comply with these CPRs. Where other public bodies are acting as the lead or contracting body then their own Contract Procedure ~~rules or Contract~~Rules, Contract Standing Orders or similar rules will apply.
- 1.8 These CPRs should be read in conjunction with the Council's Financial Procedures and other advice, guidance and policies issued by the ~~Head of Procurement~~Service Director Commercial Services.
- 1.9 The CPRs do not supersede the provisions of EU Directives and UK legislation governing procurement especially the Public Contract Regulations ~~2015~~ and subsequent updates and the duty to obtain best value under the Local Government Act ~~1999~~ (and associated Regulations).
- 1.10 Where there is any conflict between legislation and these CPRs, the legislation will always override these CPRs.
- 1.11 A breach of these CPRs will be viewed as a disciplinary matter and will be reported immediately to the Head of Audit, who will investigate and recommend appropriate action.

## 2 General

- 2.1 Every Officer, including temporary, agency and interim staff, or Councillor involved in any decision in respect of any Provider or contract in which they ~~or~~ any immediate member of their family, or close associate has a Pecuniary Interest shall immediately notify the ~~Head of Procurement~~Director of Governance who shall make a record in the register kept for the purpose under s.117 Local Government Act 1972.

2.12.2 In the event of any doubt or uncertainty as to whether a Pecuniary Interest will occur advice should be sought from the Service Director Commercial Services who will consult with the Head of Audit and Director of Governance.

2.22.3 Adequate records, including electronic copies of contracts, shall be kept of each procurement process for a minimum period in accordance with the Council's Records Management Policy and Public Contracts Regulations.

2.32.4 The procurement of certain items, eg legal representation, services in connection with the sale of securities and financial instruments, are not subject to the requirements of Public Contracts Regulations. These procurement processes will follow the ethos of these rules and an Exemption will be required to document the reasons for any deviances from the CPRs.

### 3 Procurement Processes

~~3.1 Where an existing contract that has been collaboratively procured or Framework Agreement established by another Public Body exists this should be considered prior to undertaking a new procurement. The technical or economic reasoning for not using the contract should be recorded.~~

3.23.1 The table that follows sets out how a procurement process must be undertaken based on the total value of the contract;

Anticipated Value of a contract (Excluding VAT)	Procurement Route	Advertising	Evaluation	Approval	Authority to Sign Contract
Below £250 (higher by exception with agreement from Head of Procurement)	Procurement Cards should be used.	Not required.	Lowest price.	Budget Manager in advance of purchase.	Not required
Upto £ <del>10,000</del> <u>9,999</u>	Request for Quotation (RFQ) Obtain at least one written Quotation. Managed by Service team. Advice available from Procurement.	<u>If openly advertised, then contact Procurement to advertise on Council's e-tendering site.</u> <u>and</u> <u>Twitter @BuyWolves</u>  <del>If more than one quote is sought then contact Procurement to advertise on;</del> <del>Council's e-tendering system</del> <del>and</del> <del>Twitter @BuyWolves</del>	Lowest price.	If a new Provider then complete a Supplier Creation Form (on intranet) and submit to the Hub. then Attach quote to requisition in Agresso. then Approval in accordance with Agresso workflow ie; 1) Budget Manager as the Scheme of Delegation 2) Procurement 3) Technical (if necessary)	Not required. Purchase Order via Agresso.

Anticipated Value of a contract (Excluding VAT)	Procurement Route	Advertising	Evaluation	Approval	Authority to Sign Contract
<p>£10,000 to <del>£49,999</del>50000</p>	<p>Request for Quotation (RFQ)</p> <p>Obtain at least three written quotations using the Council's e-tendering system.</p> <p>Managed by Service team.</p> <p>Advice available from Procurement.</p>	<p><del>Upto April 2016 or the introduction of an electronic RFQ system, quotes may be received by email.</del></p> <p><del>After April 2016 the Council's RFQ or e-tendering system.</del></p> <p><del>or</del></p> <p>If openly advertised then contact Procurement to advertise on Council's e-tendering site.</p> <p>and</p> <p>Twitter @BuyWolves</p> <p>If contract value is above £25,000 then contact Procurement to advertise on Contracts Finder website</p>	<p>Lowest price</p> <p>or</p> <p>by exception most economically advantageous based on criteria published with the request for quotation.</p>	<p>If lowest price used then attach all quotes to the requisition in Agresso.</p> <p>or</p> <p>If the most economically advantageous criteria are used then an "Authorisation to Award" form is completed.</p> <p>then</p> <p>If a new Provider complete a Supplier Creation Form (on intranet) and submit to the Hub.</p> <p>then</p> <p>Attach "Authorisation to Award" and quotes to requisition in Agresso.</p> <p>Approval in accordance with Agresso workflow ie;</p> <ol style="list-style-type: none"> <li>1) Budget Manager as the Scheme of Delegation</li> <li>2) Procurement</li> <li>3) Technical (if applicable)</li> </ol>	<p>Purchase Order via Agresso</p> <p>and</p> <p>If the Council's Standard Contract is used then an Officer in accordance with the Scheme of Delegation</p> <p>or</p> <p>If a bespoke contract then Legal Services Authorised Signatory</p>

Anticipated Value of a contract (Excluding VAT)	Procurement Route	Advertising	Evaluation	Approval	Authority to Sign Contract
<p>£50,000 to OJEU threshold for Services and Supplies</p> <p><del>(£164,176£172,514</del> upto 31 December 2017)5-</p> <p>From 1 January 2016 until 31 December 2018 this will be (£64,176)</p> <p>Threshold applies to all contracts including Works and Social or Other services (as defined in Public Contracts Regulations)</p>	<p>Invitation to Tender (ITT)</p> <p>Advice must be sought from Procurement before commencing and a "Starting a Procurement" form completed.</p> <p>Tender process using the Council's e-tendering system.</p> <p>A single stage ITT must be used for all contracts upto the Goods and Services threshold.</p> <p>Managed by Procurement</p>	<p>Council's e-tendering system</p> <p>Twitter @BuyWolves</p> <p>Contracts Finder Website</p>	<p>Most economically advantageous based on criteria published within the Invitation to Tender.</p>	<p>An "Authorisation to Award" form is completed.</p> <p>then</p> <p>If a new Provider complete a Supplier Creation Form (on intranet) and submit to the Hub.</p> <p>then</p> <p>Request a Contracted Product Code from Procurement.</p> <p>then</p> <p>Approval in accordance with Agresso workflow ie;</p> <ol style="list-style-type: none"> <li>1) Budget Manager (as the Scheme of Delegation)</li> <li>2) Technical Approver (if applicable)</li> </ol>	<p>Purchase Order via Agresso</p> <p>and</p> <p>If the contract value is less than £100,000 and the Council's Standard Contract is used then an Officer in accordance with Scheme of Delegation.</p> <p>or</p> <p>If the contract value is more than £100,000</p> <p>or</p> <p>If a bespoke contract then</p> <p>Legal Services Authorised Signatory</p>

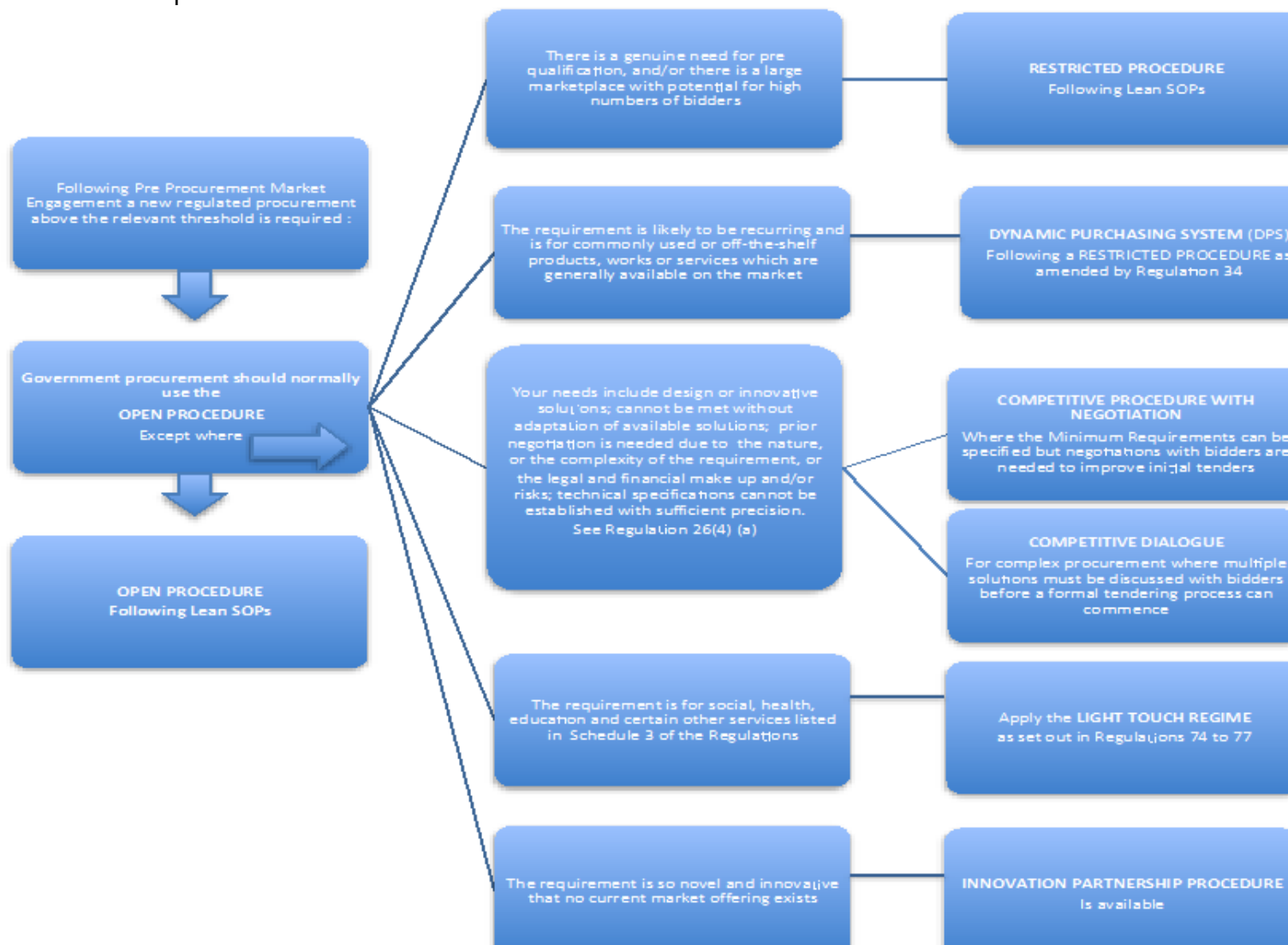
Anticipated Value of a contract (Excluding VAT)	Procurement Route	Advertising	Evaluation	Approval	Authority to Sign Contract
<p>Over OJEU threshold for services and supplies</p> <p>(£164,176-172,514 upto 31 December 2017)5.</p> <p>From 1 January 2016 until 31 December 2018 this will be £164,176)</p> <p>Page 358</p>	<p>Advice must be sought from Procurement before commencing and a "Starting a Procurement" form completed.</p> <p>Approval to commence the procurement exercise should be sought from Cabinet (Resources) Panel including Delegated Authority to award the contract when the evaluation is completed.</p> <p>Tender process using the Council's e-tendering system.</p> <p>An Open procedure single stage ITT to be used</p> <p>or</p> <p>by exception an alternative procedure as stated in the Public Contracts Regulations with a justification approved by the Head of Procurement.</p> <p>Managed by Procurement.</p>	<p>Council's e-tendering system</p> <p>Twitter @BuyWolves</p> <p>Contracts Finder Website</p> <p>and</p> <p>If over the relevant OJEU threshold</p> <p>then</p> <p>Official Journal of European Union (OJEU)</p>	<p>Most economically advantageous based on criteria published within the Invitation to Tender.</p>	<p>An Individual Executive Decision report is completed if Delegated Authority from Cabinet (Resources) Panel has been granted in advance.</p> <p>or</p> <p>A Contract Award form is completed for inclusion in the Procurement Report for Cabinet (Resources) Panel.</p> <p>then</p> <p>If a new Provider complete a Supplier Creation Form (on intranet) and submit to the Hub.</p> <p>then</p> <p>Request a Contracted Product Code from Procurement.</p> <p>then</p> <p>Approval in accordance with Agresso workflow ie;</p> <ol style="list-style-type: none"> <li>1) Budget Manager (as the Scheme of Delegation)</li> <li>2) Technical Approver (if applicable)</li> </ol>	<p>Purchase Order via Agresso</p> <p>and</p> <p>Legal Services Authorised Signatory</p>

3.33.2 A single stage Open procedure should be used for all procurements unless there are exceptional circumstances as set out in the decision tree below (from Crown Commercial Service Procurement Policy Note 12/15). Further information can be found at:

<https://www.gov.uk/government/publications/procurement-policy-note-1215-availability-of-procurement-procedures-decision-tree>

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/450170/PPN12-15\\_Procurement\\_Routes.docx](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/450170/PPN12-15_Procurement_Routes.docx)

3.43.3 For any procedure other than Open then approval must be obtained from the Head of Procurement/ relevant Procurement Category Manager prior to commencement of the procurement.



### 3.53.4 Approval to Commence Starting a Procurement

3.5-13.4.1 Where the Council has an existing contract that is suitable to source the services, supplies or works required this should be used. Approval for not using an existing contract must be sought in advance from the Head of Procurement relevant Procurement Category Manager and the technical or economic reasoning for not using the contract should be recorded.

3.5-23.4.2 Where an existing contract that has been collaboratively procured or Framework Agreement established by another Public Body exists this should be considered prior to undertaking a new procurement. The technical or economic reasoning for not using the contract should be recorded.

3.5-33.4.3 In such cases it is the duty of the Procuring Officer to ensure that the agreement has been procured in a legally compliant manner and that the Council is legally able to access the agreement. The Procuring Officer should also ensure instructions in any access agreement, guidance notes or instructions are followed to ensure the procurement is compliant. Failure to do this will make any contract awarded from the framework and possibly the whole framework invalid.

3.4.4 If the value of a contract is forecast to be £50,000 or greater ~~than £50,000~~ then the relevant Procurement Category Manager must be contacted at the earliest stage possible. A 'Starting a Procurement' form must be completed prior to the commencement of a procurement process.

3.5-43.4.5 In the event where a contract has no specific end date, such as ongoing support or maintenance contracts, then for the purposes of these rules the value should be considered over four years.

3.5-53.4.6 If the value of any contract (including for works or social services etc) is forecast to be greater than the OJEU threshold for Services and Supplies then delegated authority to award the contract should be sought from approval to commence the procurement must be sought from the Cabinet (Resources) Panel. ~~Delegated authority to award the contract when the process is complete should also be requested at the same time.~~ A standard template is available from Procurement.

3.5-63.4.7 Where the contract is complex or high value the Cabinet (Resources) Panel may, by exception, request that a further report is provided setting out the results of the evaluation prior to the contract being awarded.

3.5-73.4.8 A Conflict of Interest declaration must be signed by all parties, including Officers (including temporary, agency and interim staff), involved in the procurement process and submitted to the Head of Procurement relevant Procurement Category Manager prior to a procurement commencing.

3.5-83.4.9 In the event of a conflict of interest the Head of Procurement Service Director Commercial Services shall determine the action to be taken.

### 3.63.5 Publishing Contract Notices

3.6-13.5.1 All procurement documentation must be completed and published with the Contract Notice. This as a minimum should include the specification, contract



terms, evaluation criteria and background documentation. If applicable anonymised staffing and pensions liabilities information must also be issued.

### 3.7.3.6 Pre-Qualification Standard Selection Questionnaires (PQQSSQ)

3.6.1 The Standard Selection Questionnaire (SSQ) is the questionnaire issued by Crown Commercial Service to be used as part of a two-stage procurement process to select providers to be invited to tender. This replaces the previous pre-qualification process (PQQ)

3.7.13.6.2 PQQ's SSQs must not be used for any procurement (~~including for works and social services etc.~~) with a value less than the OJEU Services and Supplies threshold.

3.7.23.6.3 For procurements above the OJEU threshold for Services and Supplies then ~~SSQs~~PQQ's can be used with the approval of the ~~Head of Procurement~~relevant Procurement Category Manager.

3.7.33.6.4 SSQs~~PQQ's~~ must follow the mandated ~~PQQ questionnaire~~ issued by the Crown Commercial Service and the Councils e-tendering system must be used.

### 3.8.3.7 Contents of a Request for a Quotation (RFQ) or an Invitation to Tender (ITT)

3.8.13.7.1 A Request for a Quotation (RFQ) is used for procurements with a value less than £50,000. The evaluation criteria is the lowest price or by exception most economically advantageous tender based on criteria published with the RFQ.

3.8.23.7.2 An Invitation to Tender is used for procurements with a value greater than £50,000 or by exception for complex and high risk procurements of any value. The evaluation criteria is the most economically advantageous tender based on criteria published with the ITT.

3.8.33.7.3 The following information must be included within a RFQ or an ITT:

3.8.43.7.4 Specification.

- A specification must;
  - clearly set out the requirements taking into account quality and standards required to be met and timescales for delivery. Any minimum requirements must be clearly stated.
  - consider the various matters prescribed by the Public Services (Social Value) Act 2012 and in particular how the contract might improve social, economic and environmental well-being.
  - consider the accessibility to Small and Medium size Enterprises (SME) and if necessary the contract should be divided into lots to make it more accessible.
  - consider the Shared Values and Principles included in Wolverhampton VCSE Compact Funding, Commissioning & Procurement Code of Practice where the contract may be suitable for VCSE organisations to deliver.
  - consider the Council's policies including information governance, business continuity, equality and diversity, and safeguarding.

3.8.53.7.5 Price

- How price will be evaluated should be clearly set out.

- Where appropriate the whole life cycle cost, including cost of operation, maintenance and end of life, should be considered.

#### 3.8.63.7.6 Evaluation Criteria

- All evaluation criteria and sub criteria, any financial models and a clear scoring matrix must be included and full details disclosed to potential bidders.
- These criteria cannot be deviated from once it has been published.

#### 3.8.73.7.7 Conditions of Contract

- The Council's standard forms of contract must be used for all supplies and services and the RFQ or ITT must refer to the relevant standard conditions identified on the Council's website.
- For works contracts standard industry forms must be used, for example, JCT, NEC or ICE etc.
- A risk analysis of the scope and specification of the contract should be undertaken and additional requirements such as Disclosure and Barring checks, business continuity and information governance requirements should be identified and included as additional contract conditions if required.
- Where there is a need to deviate from the Council's standard forms of contract or amendments are required to works standard industry forms, due to the risk imposed by the nature of the procurement or where the standard contract is deemed to be unsuitable, contract terms must be drafted by Legal Services prior to the RFQ or ITT being advertised.
- Contracts on supplier's conditions will only be entered into on by exception and must be approved in advance by the Head of Procurement and Legal Services.
- A RFQ or an ITT must include a clause empowering the Council to immediately reject a tender or terminate a contract if the tenderer offers any form of inducement to influence the decision to award the Contract. This right to terminate will apply regardless of whether the inducement was accepted by the Officer or Councillor concerned.

#### 3.8.83.7.8 Durations

- A RFQ should be advertised for a period of time appropriate to the complexity of the procurement and to ensure there are sufficient quotes received to demonstrate that a proper competition has taken place.
- An ITT should be advertised for a period of time appropriate to the complexity of the procurement, as minimum this should be 2 weeks.
- Where the contract value is above the OJEU Thresholds then the appropriate minimum time periods in accordance with the Public Contracts Regulations must be followed.

3.8.93.7.9 If a reduced timescale is required due to genuine urgent need then this must be recorded and approved by the relevant Procurement Category Manager/Head of Procurement prior to the procurement commencing.

#### 3.93.8 Contract value and duration

~~3.9.13.8.1~~ Prior to a procurement being undertaken an estimate of the total contract value over its full duration, including any extension options must be established. A record of how this forecast was calculated should be retained.

~~3.9.23.8.2~~ The value of the contract must not be split to avoid the application of the CPRs and Public Contracts Regulations.

~~3.9.33.8.3~~ Contracts and Framework Agreements must not exceed a four year duration unless a demonstrable economic benefit can be established, recorded and approved by the ~~Head of Procurement~~relevant Procurement Category Manager prior to the procurement commencing.

~~3.10.3.9~~ Transfer of Undertakings Protection of Employment (TUPE) and Pensions

~~3.10.13.9.1~~ Where a service is already being provided and is being retendered or tendered for the first time, the TUPE regulations need to be considered and if necessary staffing details incorporated within the ITT.

~~3.10.23.9.2~~ Advice from Legal Services and the relevant HR Business Partner must be sought at the earliest point that the Procuring Officer becomes aware that a staff transfer may form part of the procurement.

~~3.10.33.9.3~~ Where a transfer of staff will occur Pensions liabilities and arrangements need to be considered and specialist advice sought from Procurement and Strategic Finance.

~~3.11.3.10~~ Appointment of Temporary, Agency and Interim Staff

~~3.11.13.10.1~~ Advice must be sought from the relevant HR Officer prior to commencing the appointment of any temporary, agency and interim staff.

~~3.11.23.10.2~~ The appointment of temporary, agency and interim staff must be in accordance with these CPRs with the addition of an HR business case being approved.

~~3.11.33.10.3~~ The appointment of temporary, agency and interim staff with an equivalent day rate of ~~£500350~~ or more must be approved by the relevant HR Business Partner ~~Head of HR and the Cabinet Member for Governance~~ prior to commencing the appointment and there is no requirement to report to the Cabinet (Resources) Panel.

~~3.10.4~~ A copy of the ~~completed and approved business~~HR Business Partner approval case must be uploaded as an attachment to the Agresso requisition.

~~3.10.5~~ A report will be provided quarterly to the Cabinet Member for Governance setting out the appointments of temporary, agency or interim staff within the period since the previous report.

~~3.11.43.10.6~~ In the event that temporary, agency or interim staff are proposed to transfer employment to become permanent employees then it is likely that transfer, finders or similar fees will be charged by the agency. Approval must be obtained in advance from the relevant HR Business Partner prior to any transfer of employment and payment of relevant fees.

## 4 During a Tender

### 4.1 Pre-procurement engagement

- 4.1.1 Where discussions are held with stakeholders and/or potential bidders prior to the issue of an advert or Contract Notice then these should be recorded.
- 4.1.2 Advice should be sought from the relevant Procurement Category Manager prior to any discussions to ensure that any conflicts of interest are recorded and mitigation measures put in place.

### 4.2 Communications with tenderers during procurement

- 4.2.1 All communications with tenderers after the RFQ, PQQ or ITT has been issued must be conducted via the secure messaging service which forms part of the e-tendering system.

~~4.2.2 Until April 2016 or the introduction of an electronic RFQ system, communication with tenderers in relation to RFQs may be conducted using email.~~

~~4.2.3~~ 4.2.2 Verbal communication should not be carried out except to provide instruction on using the e-tendering system or in exceptional circumstances in the presence of a Procurement Officer who will make a record of the conversation.

### 4.3 Quotation and Tender opening and late submissions

~~4.3.1 Until April 2016 or the introduction of an electronic RFQ system, all quotations in response to RFQs can be returned to the Procuring Officer by e-mail. Following the introduction of an electronic RFQ system then all quotations must be submitted using that system.~~

~~4.3.1~~ 4.3.1 All tenders in response to PQQs or ITTs will be submitted electronically through the Council's e-tendering system and cannot be opened until after the PQQ or ITT closing date.

~~4.3.2~~ 4.3.2 For RFQs which have not used the Council's e-tendering system responses should be returned by email to the Procuring Officer.

4.3.3 All late quotations and tenders must be referred to the ~~Head of Procurement~~ relevant Procurement Category Manager. They will only be accepted in exceptional circumstances if:

- the other tenders have not been opened and;
- there has been a failure of the e-tendering system or if the failure to comply is the fault of the Council.

4.3.4 The final decision on whether a tender will be accepted is at the discretion of the ~~Head of Procurement~~ Service Director Commercial Services.

4.3.5 The date for receipt of tenders may only be extended in exceptional circumstances. This must be approved by the ~~Head of Procurement~~ relevant Procurement Category Manager and the reasons documented.

## 5 Evaluation

- 5.1 Evaluation of PQQ responses, quotations and tenders must be in accordance with the criteria and scoring published with the RFQ, PQQ or ITT. In the event no criteria have been published then the evaluation will be on lowest price.

- 5.2 No information about PQQ responses, quotations and tenders should be shared with competing organisations.
- 5.3 Questions from bidders must be submitted electronically, for RFQs by e-mail or through the e-tendering system where this has been used. Responses to questions must be shared with all bidders unless there is an overriding commercial or confidential reason. Advice should be sought from the relevant Procurement Category Manager if there is any uncertainty.
- 5.4 Clarifications of PQQ responses, quotations and tenders maybe requested from bidders and must be made in writing using the e-tendering system. Advice should be sought from the relevant Procurement Category Manager in advance.
- 5.5 Negotiations with tenderers are only permitted in limited instances with approval of the ~~Head of Procurement~~relevant Procurement Category Manager.
- 5.6 Once a PQQ, RFQ or ITT has been evaluated and the successful organisation selected only minor refinements that do not substantially change the tenderer's proposal or the commercial position can be made. Advice should be sought from the relevant Procurement Category Manager in advance.
- 5.7 Evaluators must come to a consensus on scores awarded, scores must not be averaged.
- 5.8 Justification and reasons for the scores awarded must be recorded in writing and retained in accordance with Council's Records Management Policy and Public Contracts Regulations. This information is to be used for providing feedback to bidders.

## **6 Awarding a Contract**

- 6.1 Approval to enter into a contract
  - 6.1.1 Approval to award the contract must be granted prior to the award being carried out in accordance with the table in section 3.
- 6.2 Mandatory standstill period
  - 6.2.1 For all contracts with a value above the OJEU threshold a mandatory 'standstill period' must be observed between notification of the contract award and conclusion of the contract in accordance with the Public Contracts Regulations.
- 6.3 Letters of Intent to enter a contract
  - 6.3.1 Officers must not issue letters of intent, memorandums of understanding or similar communications without the prior approval of Legal Services.
- 6.4 Contract Conditions
  - 6.4.1 Every contract shall be in writing and properly executed.
  - 6.4.2 Contracts will be signed in accordance with the table in section 3. Contracts should only be signed after the correct approval to award has been granted.
  - 6.4.3 Contracts must be signed or executed under seal by the Legal Services Authorised Officer where required by statute or required by an external funding body or an assessment of the risk necessitates it.

6.4.4 A scanned copy of the signed contract must be sent to the Head of Procurement/relevant Procurement Category Manager for inclusion in the Contracts Register.

6.4.5 A signed paper hardcopy should be sent to Legal Services.

## 6.5 Contract Award Notice

6.5.1 Contract Award Notices must be placed in OJEU and Contracts Finder in accordance with the Public Contracts Regulations. The publication of notices will be undertaken by the relevant Procurement Category Manager.

## 6.6 Feedback to Bidders

6.6.1 Unsuccessful bidders should be informed of the outcome of a procurement process as soon as possible.

6.6.2 Where there are two or more stages in a procurement process, unsuccessful bidders should be provided with feedback on their submission at the point they are excluded from the process.

6.6.3 For RFQs where the only evaluation criteria is the lowest price the unsuccessful bidders should be advised of the total price of the winning bidder.

6.6.4 For PQQs the unsuccessful bidders should be advised of their score against each criteria and weighted marks and reasons they did not meet the standard to be shortlisted.

6.6.5 For ITTs where the evaluation criteria comprises quality, price and if applicable social value then unsuccessful bidders should be advised of their score against each criteria and weighted marks, the relative strengths and weaknesses of its proposal and total score and price of the winning bidder.

6.6.6 Information on the successful bidder's proposal including the method of undertaking the work or a breakdown of the price should not be provided to unsuccessful bidders. If there is any doubt advice should be sought from the Head of Procurement/relevant Procurement Category Manager.

## 7 Exclusion of Providers from contracts

7.1 If any of the following apply to a Provider, any person who has powers of representation, decision or control of the Provider, or an associated Provider, (e.g. within the same group, with same directors or owners etc.), then the Provider will be excluded from being awarded any Council contract or order:

i) Is bankrupt or is the subject of insolvency or winding-up proceedings, where the organisation's assets are being administered by a liquidator or by the court, where it is in an arrangement with creditors, where its business activities are suspended or it is in any similar situation

ii) Have failed to pay taxes, social security contributions, business rates or similar

iii) Have failed to comply with any other agreements with the Council, e.g. failure to meet grant conditions, defaulted on a contract or other legal agreements.

~~6.6.6~~7.2 In the event that any of the above apply then the Provider should be requested to submit an explanation which details actions taken to rectify the situation. It is the Service Director Commercial Services decision, in consultation with the Director of Governance, to assess the Provider's explanation and whether to exclude the Provider.

## 7.8 Exemptions

~~7.4~~8.1 The CPRs ensure that the Council complies with its legal requirements and is fair and transparent with respect to how public money is spent. Only in exceptional circumstances will approval be granted to do something different. Where this is needed an Exemption will be approved by the ~~Head of Procurement~~Service Director Commercial Services and ~~Chief Accountant~~Director of Finance.

~~7.2~~8.2 If the value of the Exemption is greater than the OJEU threshold for Services and Supplies then approval must be sought from the Cabinet (Resources) Panel.

~~7.3~~8.3 An Exemption is an approval that the CPRs cannot be followed for a reason that is out of the Council's control.

~~7.4~~8.4 All Exemptions from these rules must be recorded using the Exemption Form and approved before entering into a contract with a supplier.

~~7.5~~8.5 Circumstances where time is lost through inadequate forward planning or any unnecessary delays will not constitute a reason to issue an Exemption and Officers should make adequate preparation in advance of commencing the procurement exercise.

~~7.6~~8.6 An Exemption will only be approved if it is for one of the following reasons;

~~7.6.1~~8.6.1 Where an existing contract that is suitable for the services, supplies or works required is not used. A business case to justify not using the existing contract for either technical or economic reasons must be demonstrated. This should be attached to the Exemption.

~~7.6.2~~8.6.2 Where there is only one supplier within the market. Evidence that this is the case and what investigation has been done to try and find other suppliers must be demonstrated. This should be attached to the Exemption.

~~7.6.3~~8.6.3 Where the procurement activity is grant funded and the supplier is named as a condition of that funding. A copy of the grant agreement or other evidence should be attached to the Exemption.

~~7.6.4~~8.6.4 Where the Council is buying goods on behalf of another organisation. The procurement will need to be undertaken in accordance with that organisations CPRs or equivalent. A copy of the agreement to undertake this activity should be attached to the Exemption.

~~7.6.5~~8.6.5 Where the Council is matching grant funding and the original grant has been given conditionally on the use of a named supplier, group of suppliers or particular framework. A copy of the grant agreement or other evidence should be attached to the Exemption.

~~7.6.68.6.6~~ 7.6.68.6.6 Where the Council has required an applicant for a grant to provide a detailed breakdown of their costs and in order to do so they have identified a supplier. A copy of the grant agreement or other evidence should be attached to the Exemption.

~~7.6.78.6.7~~ 7.6.78.6.7 Where services need to be procured as a matter of extreme urgency - e.g. in response to an emergency situation - and there is insufficient time to advertise etc.

~~7.6.88.6.8~~ 7.6.88.6.8 Where software is being procured that must be compatible with an existing ICT system and the cost of change is uneconomic. A business case justifying this should be attached to the Exemption.

~~7.6.98.6.9~~ 7.6.98.6.9 Contracts offered by the Chief Legal Officer (or designee) for the appointment of counsel.

8.7 If an Exemption is not approved then a change to what is being proposed will need to be undertaken to comply with the CPRs. If it is impossible to do this then a non-compliance will be recorded by Procurement, notified to the Audit team and an action plan to correct what is wrong will need to be put in place.

8.8 Where there are repeated requests for Exemptions or where non-compliances are occurring in a service team then the relevant Budget Manager and Procurement Category Manager will produce a plan to assess the situation and propose remedial action to be taken. This plan will be provided to the relevant Head of Service and Service Director Commercial Services.

8.9 These occurrences will also will be reported to the Audit team for investigation.

~~7.7~~

~~7.88.10~~ 7.88.10 A list of Exemptions that have been approved will be reported to Cabinet (Resources) Panel every six months. -every quarter.

## **89 Contract Management, Variations and Extensions**

8.49.1 Prior to the award of a contract an Officer who will be responsible for managing the contract must be identified, known as the Contract Manager.

8.29.2 Reporting and monitoring processes appropriate to the size and nature of the contract must be put in place to ensure that all obligations are fulfilled by the contracted parties.

8.39.3 Contracts may only be varied to implement minor changes either increasing or decreasing the service and for services of a similar nature.

8.49.4 Contracts should only be extended if options for extensions were included in the original contract.

8.59.5 Contract variations and extensions must follow the same authorisation process as though they were new procurements i.e. less than the OJEU threshold for Services and Supplies requires approval in accordance with the Scheme of Delegation, over the OJEU threshold for Services and Supplies requires approval from Cabinet (Resources) Panel. The services and supplies threshold applies to all contracts including works and where the "light touch" regime applies.

8.69.6 If the value of the original contract plus the sum of any extension or variation exceeds the thresholds within these CPRs with the result that a different



procurement process should have been used then an Exemption will need to be requested.

**910 Social Care Contracts**

9.410.1 It is recognised that either because of service user choice or the nature of the market for specialist placements that for some types of social care contracts that competitive procurement processes cannot be undertaken.

9.210.2 Only contracts for the following have specific exclusions from these CPRs;

9.310.3 Residential Care

9.3.410.3.1 Residential Care placements are exempt from the full requirements of the CPRs. Sections 1,2,7,8 and 89 apply.

9.3.210.3.2 The Council will contract with Residential Care Providers using a standard contract. The contract will set out a breakdown of the price. Any deviations from this standard contract must be approved in advance by the relevant Director who will consult with the Head of Commissioning.  
~~Procurement Category Manager: People and the relevant Commissioning Manager.~~

9.3.310.3.3 If a weekly fee for a placement is higher than in the table below then approval must be gained from the relevant Director who will consult with the Head of Commissioning.  
~~Procurement Category Manager: People and the relevant Commissioning Manager~~ prior to agreeing the placement with the Provider;

Primary Care Need	Fee per week
Looked after Children	£3,000
Physical disability, learning disability or mental health (children and adults)	£2,000
Older people	Current Council standard rate for the relevant category

9.3.410.3.4 For out of area placements for older people the fee per week must be either the current Council standard rate or the standard rate for the relevant local authority area. Out of area placements with a fee per week above this then approval must be gained from the relevant Director who will consult with the Head of Commissioning.  
~~Procurement Category Manager: People and the relevant Commissioning Manager~~ prior to agreeing the placement with the Provider.

10.3.5 Where there is an emergency need and approval cannot practically be requested in advance then this should be notified to the relevant Director and Head of Commissioning.  
~~Procurement Category Manager: People and the relevant Commissioning Manager~~ as soon as possible and in all cases within 72 hours of the placement commencing.

~~9.3.5~~10.3.6 In the event of the above in 10.3.2 to 10.3.5 occurring then the relevant Procurement Category Manager should be advised as soon as practical.

~~9.4~~10.4 Social Care Frameworks

~~9.4.1~~10.4.1 In addition to the requirements of 3.5.3 where a framework relating to Social Care is used, e.g. foster care placements, Form F Assessments and children's residential care, then the following will apply;

- Where placements are made outside of the Framework Agreements approval must be gained from the relevant Director who will consult with the Procurement Category Manager: People and the relevant Commissioning Manager/Head of Commissioning prior to agreeing the placement with the Provider.
- Prior to making a placement a breakdown of the price must be obtained from the Provider and value for money demonstrated. Advice should be sought from the relevant Procurement Category Manager: ~~People~~ where the costs are more than the typical expected costs.

~~9.5~~10.5 Educational Placements

~~9.5.1~~10.5.1 Where the Council is required to pay for Education Placements these are generally required to be paid in advance and are not subject to competitive tendering.

~~9.5.2~~10.5.2 Prior to making a placement a breakdown of the price must be obtained from the Provider and value for money demonstrated. Advice should be sought from the relevant Procurement Category Manager: ~~People~~ where the costs are significantly more than the typical expected costs.

## **4011 Finance Leases excluding Land and Property**

~~40.1~~11.1 Where a contract requires the Council to enter into a finance or lease agreement then advice should be sought from the relevant Finance Business Partner in advance.

11.2 In addition to the approvals required as set out in the table in 3.2, finance and lease agreements must be approved by the ~~Chief Accountant~~Director of Finance prior to signing.

## **12 Loans, advance payments and similar arrangements**

~~40.2~~12.1 As stated in the Financial Procedure Rules no Officer, including Interim and temporary staff, or Councillor shall, or commit to, enter into any loan, advance payment or similar arrangements without approval of the Director of Finance acting as the Section 151 Officer.

## **4113 Disposal of Assets excluding Land and Property**

~~41.1~~13.1 The disposal of assets excluding land and property must comply with the following;

Value of Assets	Process	Approval
Less than £10,000	Minimum of three written quotes	Strategic Director or Director
More than £10,000	Open competition using the Council's e-tendering system  or  Third party auction	Director of Finance

[41.213.2](#) The value of the assets should be calculated on the value per disposal requirement, irrespective of how the items are disposed e.g. a group of similar items with a total value of £20,000 will require approval by the Director of Finance although the disposal maybe of individual items with values each of less than £10,000.

[41.313.3](#) Advice should be taken from the ~~Head of Procurement~~[relevant Procurement Category Manager](#) if it is determined that a third party auction is a suitable route for disposal.

[41.413.4](#) The highest value unconditional bid received should be accepted unless, in the view of the relevant Budget Manager and [the relevant](#) Procurement Category Manager, a conditional bid offers better value to the Council.

[41.513.5](#) The chosen process must be approved in advance by the [relevant](#) Strategic Director, Director or Director of Finance, ~~as appropriate~~.

## [4214](#) **Concessions and Revenue Earning Contracts**

[42.414.1](#) Prior to the Council awarding a concession or entering into a revenue earning contract, whether in its own right or with a commercial partner, approval of the commercial arrangements and contract terms and conditions must be obtained from the Director of Finance and from Legal Services.

[42.214.2](#) Where the concession or revenue has a value greater than the OJEU threshold for Services and Supplies or has a significant risk profile (as assessed by the Director of Finance and Legal Services) then approval is required from Cabinet (Resources) Panel prior to entering into the agreement.

[42.314.3](#) Where the Council is a bidder and submitting a proposal or tender in response to a contract opportunity then approval must be obtained from the relevant Strategic Director and the Director of Finance.

[42.414.4](#) Where the contract has a value greater than the OJEU threshold for Services and Supplies or has a significant risk profile (as assessed by the Director of Finance and Legal Services) then approval is required from Cabinet (Resources) Panel prior to submitting the proposal or tender.

[42.514.5](#) Advice from Legal Services must be sought prior to commencing any work on compiling a proposal or tender to determine if the Council has the power to enter into the contract.

## **13.15 Land and Property Transactions**

### **13.15.1 General Procedure for Land and Property Transactions**

**13.15.1.1** Before land or property or an interest in land or property is offered for sale or lease the advice of Corporate Landlord will be sought and the Strategic Director Place/The Service Director City Assets or a nominee (“the Director”) shall ensure that due regard is had to the Council’s guidance for the disposal of Council land and property. The Director shall ensure a suitably RICS qualified valuer’s estimate of the likely price or rent has been obtained. The Council will normally expect that best consideration is obtained in accordance with the relevant legislation.

**13.15.1.2** The advice of Corporate Landlord must be sought for all land and property transactions and/or proposals. The Director shall ensure due regard is given to this advice. The expectation is the advice should normally be followed unless there are specific circumstances that justify any variation in which case this will require the approval of Cabinet or Cabinet (Resources) Panel.

### **13.15.2 Property Related Matters**

**13.15.2.1** Where a contract or proposal is likely to have any property implications for the Council, such as the leasing, acquisition or use of premises (whether Council owned or otherwise), the advice of Corporate Landlord must be sought and followed.

### **13.15.3 Scheme of Delegations for Property Transactions**

**13.15.3.1** The following scheme of delegation for all land and property transactions must be followed:

Delegation to the Director:-

- Disposal of land by leases/lettings up to 7 years and annual rent up to £50,000.
- Agreement of rent reviews up to a rent of £100,000 pa.
- The grant or taking of annual Wayleaves.
- The grant or taking of Licences to Occupy, Tenancies at Will, Licences to Assign, Alter and Underlet.
- Tenancy Agreements and associated Deeds related to the letting of residential properties managed by Wolverhampton Homes

**13.15.3.2** Delegated decisions through an Individual Executive Decision Notice to the nominated Cabinet Member for City Assets in consultation with the Director. Details of all transactions must be reported to the Corporate Landlord Board at the next available opportunity.

- The granting or taking of an Exclusivity Agreement
- Disposal of property by licence/lease of more than 7 years and up to 25 years and at an annual rent up to £100,000.

- Acquisition of property by licence/lease up to 25 years and annual rent up to £100,000, subject to agreed service requirement and provision in the budget.
- Minor disposals by freehold sale or long lease at a premium, easement, dedication, release of covenants or other legal interest up to a value of £50,000.
- Disposal by freehold sale, long lease, easement, dedication, release of covenants or other legal interest for a capital sum at a value not exceeding £2,000,000 where principle of disposal has been previously agreed by Cabinet (Resources) Panel.
- Sales of freehold reversion under Leasehold Reform Act 1967.
- Acquisition or appropriation of property in accordance with agreed policy and subject to provision in budget.
- Surrender of leases for Estate Management needs or where financial difficulty is demonstrated.
- Variations to lease covenants/clauses, settling of rent above £100,000 pa under rent reviews, licence/lease renewals in excess of 7 years and variations to existing agreements where financial difficulty is demonstrated.
- Service of notices required to be served on lessees of the City Council terminating or altering the terms of a residential tenancy.
- Agreement of compensation and other collateral agreements following the Compulsory Purchase of land.

[13.3.3](#)[15.3.3](#) Cabinet (Resources) Panel Decisions

- All other property acquisitions and disposals.

[13.3.4](#)[15.3.4](#) Details of all transactions must be recorded and filed appropriately.

4416 **Glossary of Terms**

Concession	Contracts where the consideration consists either solely in the right to exploit the work or service, or in this right to exploit together with payment.
Contract	An agreement between two or more parties relating to supplies, services, utilities or the execution of works for payment or otherwise by an agreement intended to bind those parties.
Contract Notice	An advert giving details of the contract being procured. The issue of the Contract Notice starts the PQQ, RFQ or ITT process.
Contracts Register	A database of all Council Contracts maintained by Procurement.
e-tendering system	The computer system used by the Council to undertake procurement activities
Framework Agreement	An agreement or other arrangement which establishes the terms under which the Provider will enter into one or more Contracts with the city council or other Public body during the period in which the Framework Agreement applies.
OJEU	Official Journal of the European Union.
OJEU threshold	The European Union Threshold pertaining to the values of Supplies, Services or Works which is published by the EU Commission and updated bi-annually in January.
OJEU threshold for Services and Supplies	<del>£172,514 upto 31 December 2015. From 1 January 2016 until 31 December 2018 this will be</del> <u>£164,176 until 31 December 2017</u>
Procuring Officer	The service team Officer who is responsible for the procurement process. This also includes third parties who are procuring on behalf of the Council.
<b>Procurement Category Manager</b>	<b>Manager in the Procurement Team with line management responsible for the Procurement Officers.</b>
Procurement Officer	The member of the Procurement Team who has been assigned to the procurement exercise.
Provider	An organisation that supplies goods to, provides services to or undertakes works for the Council.
Revenue earning contract	A Contract where either part of the consideration is a share for the Council of any income generated by the Provider or where the Council is acting as a Provider to another party.

## **EMPLOYEE EMPLOYMENT PROCEDURE RULES**

### **1 Recruitment and appointment**

#### **1.1 Declarations**

(a) The Council will draw up a statement requiring any candidate for appointment as an employee to state in writing whether he/she is the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor or employee of the Council; or of the partner of such persons.

(b) No candidate so related to a Councillor or an employee will be appointed without the authority of the relevant Senior Manager or an employee nominated by him/her.

#### **1.2 Seeking support for appointment**

(a) The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.

(b) No Councillor will seek support for any person for any appointment with the Council.

#### **1.3 Recruitment of Head of Paid Service and Senior Managers**

Where the Council proposes to appoint a Senior Manager and it is not proposed that the appointment be made exclusively from among their existing employees, the Council will:

1.3.1 draw up a statement specifying:

(a) the duties of the employee concerned; and

(b) any qualifications or qualities to be sought in the person to be appointed;

1.3.2 make arrangements for the post to be advertised in such way as is likely to bring it to the attention of persons who are qualified to apply for it; and

1.3.3 make arrangements for a copy of the statement mentioned in paragraph 1.3.1 to be sent to any person on request.

#### **1.4 Appointment of Head of Paid Service, Section 151 Officer, Monitoring Officer and Strategic Directors**

1.4.1 The Council will appoint the Head of Paid Service, Section 151 Officer, Monitoring Officer and Strategic Director following the recommendation of a Special Appointment Committee of the Council.

1.4.2 The Council may only approve the appointment of the Head of Paid Service, Section 151 Officer, Monitoring Officer and Strategic Directors where no well-founded objection has been made by any Cabinet Member.

## **1.5 Appointment of Directors and Service Directors**

1.5.1 A Special Appointment Committee of the Council will appoint Directors and Service Directors

1.5.2 An offer of employment as a Director or Service Director shall only be made where no well-founded objection has been made by any Cabinet Member.

## **1.6 Special Appointment Committees**

1.6.1 A Special Appointment Committee will be established to appoint the Head of Paid Service, Section 151 Officer, Monitoring Officer and Strategic Directors on a politically balanced basis and will usually comprise the Leader and Deputy Leader of the Council, any appropriate Cabinet Member, the Cabinet Member with lead responsibility for Human Resources and their opposition counterparts or their substitutes. The recommendation of the Special Appointments Committee must be confirmed by Full Council.

1.6.2 The Special Appointment Committee for any other Director or Service Director will be established on a politically balanced basis and will usually comprise the appropriate Cabinet Member, Opposition counterpart, Lead Councillor and Opposition Lead Councillor of the appropriate Scrutiny Panel or their substitutes.

1.6.3 Any Special Appointment Committee will be representative in terms of race, gender and disability wherever possible and have completed unconscious biased training.

1.6.4 Any Special Appointment Committee will follow the procedure required by the Local Authorities (Standing Orders) (England) Regulations 2001 ("the Regulations") as amended by The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

1.6.5 The Director of Governance will be the Proper Officer for the purposes of the Regulations. If that post is vacant then the Head of Paid Service will be the Proper Officer.

1.6.6 Any Special Committee established for the purposes of disciplinary action of the Head of Paid Service, the Monitoring Officer or the Section 151 Officer will follow the procedure required by the Local Authorities (Standing Orders) (England) Regulations 2001 ("the Regulations") as amended by The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

## **1.7 Other appointments**

1.7.1 Employees **below** Service Director.



Appointment of employees below Service Director (other than assistants to political groups) is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by Councillors.

1.7.2 Assistants to political groups. Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

Post	Appointment	Conditions
Head of Paid Service	Special Appointment Committee	Requires approval of Full Council
Monitoring Officer	Special Appointment Committee	Requires approval of Full Council
Section 151 Officer	Special Appointment Committee	Requires approval of Full Council
Strategic Directors	Special Appointment Committee	Requires approval of Full Council
Directors	Special Appointment Committee	Report to Cabinet Resources for information
Service Directors	Special Appointment Committee	Report to Cabinet Resources for information
Posts below Service Director	In accordance with the Council's Human Resources Policies and Procedures	In accordance with the Council's Human Resources Policies and Procedures
Political Assistants	Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group	

## 2. DISCIPLINARY ACTION

### 2.1 Disciplinary action against the Head of Paid Service, Monitoring Officer and Section 151 Officer

2.1.2 Special Committees will be established and their proceedings will be regulated as set out in paragraphs 1.6.1 to 1.6.4 of these Rules.

2.1.3 The Head of Paid Service, Monitoring Officer and Section 151 Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and will terminate no later than the expiry of two months beginning on the day on which the suspension takes effect unless notice is given to extend the period of suspension.

### 2.2. Disciplinary action against other employees

2.2.1 Councillors will not be involved in disciplinary action against any employee below Service Director except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time.

### **3. Dismissal of Head of Paid Service, Strategic Directors, Directors and Service Directors**

3.1 The Council will only dismiss the Head of Paid Service, Monitoring Officer and Section 151 Officer following the recommendation of an Independent Panel. The Council may only approve the dismissal of the Head of Paid Service, Monitoring Officer and Section 151 Officer where no well-founded objection has been made by any Cabinet Member.

3.2 Dismissal of all other Strategic Directors, Directors and Service Directors will follow the Council's Disciplinary Policy and Procedure

3.3 The Council must appoint an Independent Panel (the Panel) under Section 102(4) of the Local Government Act 1972 to advise the Council on matters relating to the dismissal of the Head of Paid Service, Monitoring Officer and Section 151 Officer.

3.4 The Panel must comprise of at least two Independent Persons appointed under section 28(7) of the Localism Act 2011.

3.5 Full Council must not approve any recommendation of dismissal of the Head of Paid Service, Monitoring Officer or Section 151 Officer without considering:

- (a) any advice, views or recommendations of the Panel
- (b) the conclusions of any investigations into the proposed dismissal and
- (c) any representations from the relevant officer.

3.6 Full Council must approve any recommendation of dismissal of the Head of Paid Service, Monitoring Officer and Section 151 Officer before notice of dismissal is given.

3.7 The Director of Governance, will be the Proper Officer for the purposes of the Regulations. If that Proper Officer is the subject of the proceedings then the Head of Paid Service will be the Proper Officer.

### **4. Dismissal of other employees**

4.1 Councillors will not be involved in the dismissal of any employee except where such involvement is necessary for any investigation or inquiry into alleged misconduct, through the Council's disciplinary, capability and related procedures

4.2 Paragraph 4.1 of these Rules will not apply to assistants to political groups.

Post	Investigation	Conditions	Appeal
Head of Paid Service	<p>Following an investigation, findings are presented to Special Committee who have the power to impose sanctions other than dismissal.</p> <p>In the case of potential dismissal, Independent Panel advises Full Council</p>	Decisions to dismiss must be taken by Full Council	
Monitoring Officer	<p>Following an investigation, findings are presented to Special Committee who have the power to impose sanctions other than dismissal.</p> <p>In the case of potential dismissal, Independent Panel advises Full Council</p>	Decisions to dismiss must be taken by Full Council	
Section 151 Officer	<p>Following an investigation, findings are presented to Special Committee who have the power to impose sanctions other than dismissal.</p> <p>In the case of potential dismissal, Independent Panel advises Full Council</p>	Decisions to dismiss must be taken by Full Council	

Strategic Directors, Directors, Service Directors, posts below Director level	In accordance with the Council's Disciplinary Policy and Procedure	In accordance with the Council's Disciplinary Policy and Procedure	In accordance with the Council's Disciplinary Policy and Procedure
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## **Disciplinary Procedure for Head of Paid Service, Monitoring Officer and Section 151 Officer**

### **1 General**

- 1.1 The disciplinary procedure set out below is for use in cases relating to the Head of Paid Service, Monitoring Officer and Section 151 Officer (“the employee”)
- 1.2 Any decisions in such matters must be in accordance with the law, in particular the provisions of the Local Authorities (Standing Orders) (England) Regulations 2001, as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (“the Regulations”). The Regulations state that the Head of Paid Service, Monitoring Officer and Section 151 Officer may not be dismissed by an authority unless the procedure set out in the following paragraphs has been complied with.
- 1.3 Disciplinary procedures should be handled as quickly as possible, subject to the need to investigate the case thoroughly and to give the employee a reasonable opportunity to reply fully to the allegations.
- 1.4 The employee has the right to be represented at all stages throughout the Disciplinary Procedures by a union representative or work colleague.

### **2. Investigation**

- 2.1 Where a question of discipline is raised in connection with the Head of Paid Service or Section 151 Officer, the Monitoring Officer will be the Proper Officer and refer the matter to the Special Committee (“the Committee”). The Committee will consider the allegations and will meet with the employee to discuss them.
- 2.2 Where a question of discipline is raised in connection with the Monitoring Officer, the Head of Paid Service will be the Proper Officer and refer the matter to the Special Committee (“the Committee”). The Committee will consider the allegations and will meet with the employee to discuss them.
- 2.3 The Committee will then decide to either:
  - appoint an Independent Investigator (“the Independent Investigator”) to investigate the allegations and report to the Committee with their findings and recommendations. The Committee will also consider whether suspension is necessary for a maximum period of two months or
  - take no further action.
- 2.4 If the Committee decides to appoint an Independent Investigator a list of suitably qualified individuals is provided by the JNC Joint Secretaries and the Officer may choose from three names provided. If genuine conflicts of interest are raised, these will be considered by the Committee but if the employee

does not agree within 14 days the Council should be free to appoint their choice from the list.

- 2.5 The employee will be given full details of the allegations against them prior to the appointment of the Independent Investigator and shall be informed of their appointment as soon as is reasonably practicable thereafter.
- 2.6 The Independent Investigator will conduct a thorough review of the allegations and the evidence and will provide a report within 20 working days of the commencement of the investigation.

### **3. Suspension**

- 3.1 Suspension may be appropriate where the employees continued presence at work might compromise the investigation or impair the efficient exercise of the Council's functions. The Chair of the Committee may suspend the employee on full pay pending further investigation when allegations of misconduct are raised.
- 3.2 Suspension will be confirmed in writing to the employee stating the reasons for any such suspension. The suspension may be for a maximum period of two months only from the date the suspension takes effect. The Chair of the Committee may direct that the suspension is terminated or extended beyond the two-month period.
- 3.3 The employee shall be informed of the reason for suspension, or continued suspension and shall have the right to present information before such a decision is taken.

### **4. The Hearing**

- 4.1 The Committee will hold a Hearing. The employee shall be given at least ten working days' notice of the Hearing at which they will be entitled to be present and represented. They may make written submissions to the Hearing and may call witnesses.
- 4.2 Once the Independent Investigator has presented their findings, the employee may ask questions of the Independent Investigator and any witnesses called by them. The employee will then present his or her case and call any witnesses. The Committee may ask questions throughout the process.
- 4.3 The Committee will then consider whether the allegations are substantiated and, if so, whether any one of the following outcomes is appropriate:
  - a) to take no further action; or
  - b) dismissal; or
  - c) disciplinary action short of dismissal, such action may include:

- Written warning – including requirements on how to improve performance. This warning will remain on file for a period of 12 months.
  - Final written warning – including requirements on how to improve performance. This warning will remain on file for a period of 2 years.
  - any other reasonable sanction deemed appropriate by the Committee;
- 4.4 If the Committee determines that the outcome referred to in (b) above is appropriate, the procedures referred to in section 5 below must be followed. The Committee may determine the outcomes referred to in (a) and (c) above.
- 4.5 The Proper Officer under the Regulations, will notify every member of the Cabinet of:
- a) the name of the person who the Committee wishes to dismiss;
  - b) any other particulars relevant to the dismissal which has been notified to the proper officer;
  - c) and the period within which any objection to the dismissal is to be made by the Leader of the Council on behalf of the Cabinet to the proper officer;
- 4.6 Notice of the dismissal of the employee must not be given by the Council until either -
- a) the Leader of the Council has, within the period specified in the notice under sub-paragraph (c) of paragraph 4.5, notified the proper officer that neither he nor any other member of the cabinet has any objection to the dismissal;
  - b) the proper officer has notified the Council that no objection was received by him within that period from the Leader; or
  - c) the Council is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

## **5. The Independent Panel**

- 5.1 Where the Hearing recommends dismissal, an Independent Panel (“the Panel”) shall be convened by the Proper Officer no later than 15 working days after the Hearing to review the case and make recommendations to Full Council.
- 5.2 The Proper Officer must invite Relevant Independent Persons to be considered for appointment to the Independent Panel with a view to appointing at least two such persons to the Panel.
- 5.3 “Relevant Independent Person” means any Independent Person who has been appointed under section 28(7) of the Localism Act 2011.
- (a) Relevant Independent Person who has been appointed by the Authority and who is a local government elector;
  - (b) any other Relevant Independent Person who has been appointed by the Authority; and

(c) a Relevant Independent Person who has been appointed by another authority or authorities.

- 5.4 The Authority is not required to appoint more than two Relevant Independent Persons but may do so.
- 5.5 The Authority must appoint any Panel at least 20 working days before the relevant meeting at which the Full Council will consider whether or not to approve any recommendation for the dismissal of the employee
- 5.6 The Proper Officer shall give at least five working days' notice of the Panel meeting to the employee, who shall be entitled to attend and make representations. The Independent Investigator shall also attend the meeting but the Panel will not conduct a rehearing of the evidence.
- 5.7 The Proper Officer will report the advice, views and recommendations of the Panel to all Councillors and the employee at least five working days before the date of the relevant meeting of the Full Council that will consider whether or not to approve the dismissal.
- 5.8 Where a recommendation to dismiss the employee has been made as, the consideration of that recommendation by Full Council will fulfil the appeal function. The appeal hearing by the Full Council at the relevant meeting will take the form of a review of the case. The employee will have the opportunity to make further representations to the Full Council at the relevant meeting. The Council, before the taking of a vote on whether or not to approve dismissal, must take into account, in particular:
- (a) Any advice, views or recommendations of the Panel (and should they consider it necessary, the relevant Independent Persons may give their advice, views and recommendations separately);
  - (b) The conclusions of any investigation into the proposed dismissal;
  - (c) The conclusions and recommendations of the Committee following the Hearing; and
  - (d) Any representations from the employee.
- 5.9 After taking into account the above matters at the relevant meeting, the Council may take any one of the following actions:
- (a) to approve the recommendation for dismissal or
  - (b) to reject the recommendation for dismissal but impose sanctions described in paragraph 4.3 (c) above, or
  - (c) to reject the recommendation for dismissal and take no further action

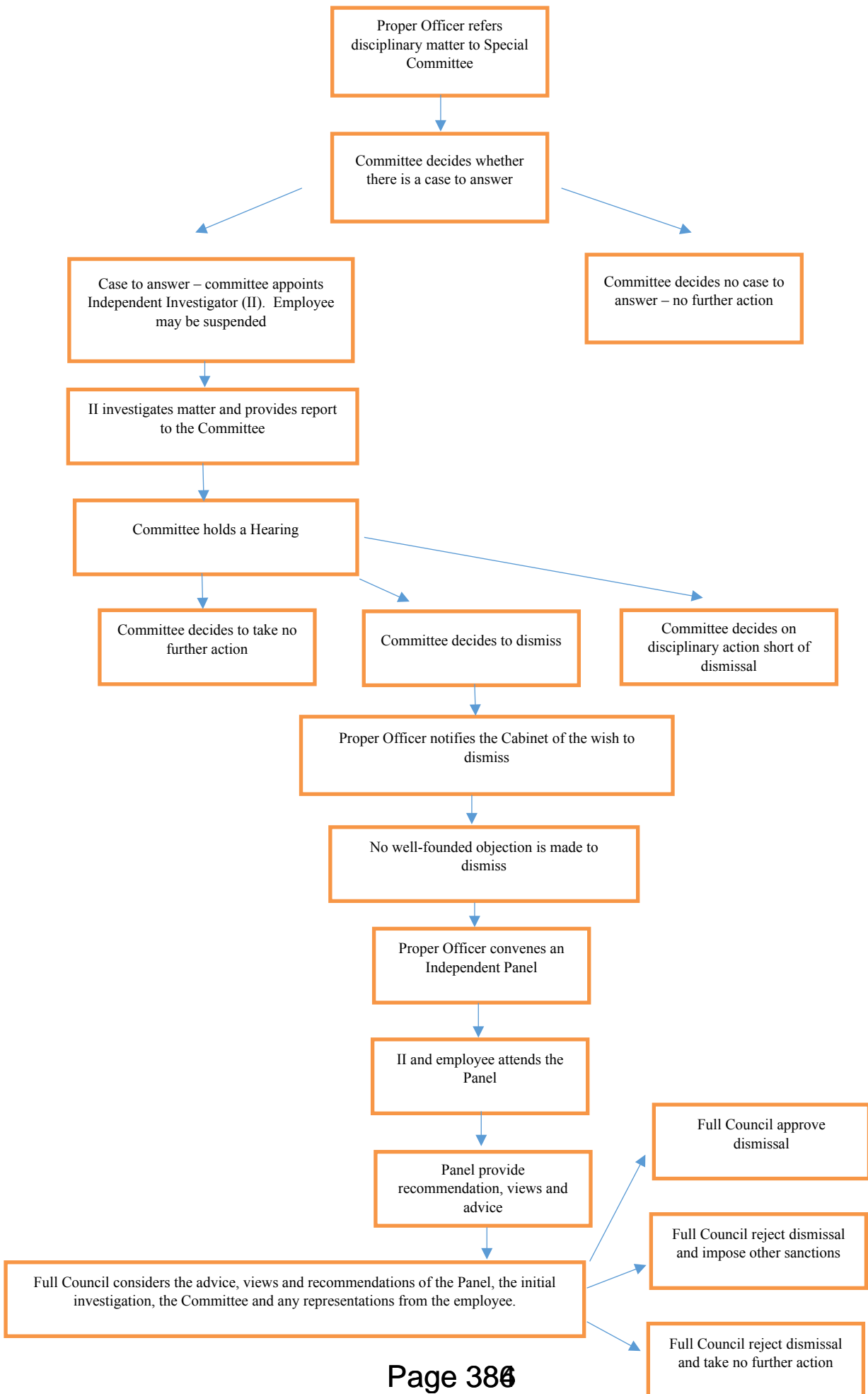
## **6. Appeal**

- 6.1 Appeal against Dismissal – see 5.8 and 5.9 above.
- 6.2 Where the Committee has taken action short of dismissal as referred to in paragraph 4.3 (c) above, the employee will have a right of appeal to the



Appeals Panel. The Appeals Panel shall be politically balanced and comprise three councillors appointed by the Proper Officer who are members or substitute members of the Committee who were not involved in the Hearing. The employee will have the opportunity to make further representations to the Appeals Panel at its meeting.

- 6.3 After considering all relevant matters relating to the appeal, the Appeals Panel may take any one of the following actions:
- (a) to reject the appeal and confirm the Committee's decision, or
  - (b) to allow the appeal, in part, and impose an alternative sanction short of dismissal, or
  - (c) to allow the appeal and take no further action against the employee



## **Code of Conduct for Councillors**

### **1. Application**

This Code of Conduct applies to you whenever you are acting in your capacity as a Councillor of City of Wolverhampton Council, including:-

- 1.1 at formal meetings of the Council, its Committees and Sub-Committees, Cabinet and Cabinet Panels
- 1.2 when acting as a representative of the Council
- 1.3 in taking any decision as a Cabinet Member
- 1.4 in discharging your functions as a Ward Councillor
- 1.5 at briefing meetings with Council employees and
- 1.6 at site visits
- 1.7 when corresponding with the Council other than in a private capacity

### **2 General Conduct**

You must:-

- 2.1 provide leadership to the Council and communities within its area by personal example and
- 2.2 respect others and not bully any person
- 2.3 recognise that employees (other than political assistants) are employed by and serve the whole Council
- 2.4 respect the confidentiality of information which you receive as a Councillor –
  - a. not disclosing confidential information to third parties unless required by law to do so or where there is a clear and over-riding public interest in doing so; and
  - b. not obstructing third parties' legal rights of access to information
- 2.5 not conduct yourself in a manner which is likely to bring the Council into disrepute
- 2.6 use your position as a Councillor in the public interest and not for personal advantage
- 2.7 accord with the Council's reasonable rules on the use of public resources for private and political purposes

- 2.8 exercise your own independent judgement, taking decisions for good and substantial reasons –
- a. attaching appropriate weight to all relevant considerations including, where appropriate, public opinion and the views of political groups
  - b. paying due regard to the advice of officers, and in particular to the advice of the statutory officers, namely the Head of Paid Service, the S.151 Officer and the Monitoring Officer and
  - c. stating the reasons for your decisions where those reasons are not otherwise apparent
- 2.9 account for your actions, particularly by supporting the Council's scrutiny function
- 2.10 ensure that the Council acts within the law.

### **3 Disclosable Pecuniary Interests**

You must -

- 3.1 comply with the statutory requirements to register, disclose and withdraw from participating in respect of any matter in which you have a disclosable pecuniary interest
- 3.2 ensure that your register of interests is kept up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your disclosable pecuniary interests
- 3.3 make verbal declaration of the existence and nature of any disclosable pecuniary interest at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent
- 3.4 "Meeting" means any meeting organised by or on behalf of the Council, including –
  - a. any meeting of the Council, or a Committee or Sub-Committee of Council
  - b. any meeting of the Cabinet and any Cabinet Panel meeting
  - c. in taking a decision as a Cabinet Member
  - d. at any briefing by employees; and
  - e. at any site visit to do with business of the Council

## **4 Other Interests**

- 4.1 In addition to the requirements of Paragraph 3, if you attend a meeting at which any item of business is to be considered and you are aware that you have a “non-disclosable pecuniary interest or non-pecuniary interest” in that item, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent
- 4.2 You have a “non-disclosable pecuniary interest or non-pecuniary interest” in an item of business of your Council where –
- a. a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the Council’s administrative area, or
  - b. it relates to or is likely to affect any of the interests listed in the Table in the Appendix to this Code, but in respect of a member of your family (other than a “relevant person”) or a person with whom you have a close association and that interest is not a disclosable pecuniary interest.

## **5 Gifts and Hospitality**

- 5.1 You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £50 which you have accepted as a Councillor from any person or body other than the Council.
- 5.2 The Monitoring Officer will place your notification on a public register of gifts and hospitality.
- 5.3 This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the Council for this purpose.

## **6. Disclosure and Barring Service (DBS) Checks**

- 6.1 The Council takes its safeguarding responsibilities seriously. To this end, on 15 October 2013, Cabinet (Resources) Panel decided that criminal records checks would be carried out for all Councillors following election. Enhanced checks will be carried out for those Councillors who may, by virtue of their particular responsibilities, have unsupervised contact with children. (As of June 2015, this applied to the Cabinet Member for Children and Young People, the Cabinet Member for Education, and members of the Corporate Parenting Panel. This list will be amended, as necessary, by the Head of Paid Service and the Monitoring Officer.) Standard checks will be carried out for all other Councillors.

- 6.2 Checks will be carried out every four years (normally to co-incide with election or re-election). In the case of a by-election, a check will be carried out at the time of election and then again if the Councillor is re-elected, unless that date is within 12 months of the original check. Additional checks may be carried out for any Councillor at the discretion of the Head of Paid Service and the Monitoring Officer.
- 6.3 The Council recognises that information released in DBS certificates can be extremely sensitive and personal. Receipt, handling and consideration of the certificates will therefore be carried out in accordance with the Disclosure and Barring Service's code of practice.

## Appendix

### Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a Councillor has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows:-

<i>Interest</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a Councillor, or towards the election expenses of M.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992).</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to M's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	Any beneficial interest in securities of a body where—

- (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and
- (b) either:-
  - (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
  - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose –

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a Councillor;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial



Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

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## **Planning Code of Conduct for Councillors and Employees**

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## **1. Introduction**

- 1.1 This Code has been written to advise all those concerned with planning matters at City of Wolverhampton Council. Planning is not an exact science, rather, it relies on informed judgement within a policy context. It can be highly contentious because its decisions affect the lives and the private interests of individuals, landowners, and developers. This is heightened by the openness of the system (it actively invites public opinion before taking some decisions) and the legal nature of development plans and decisions notices. It is important, therefore, that the process is open and transparent.
- 1.2 One of the key purposes of the planning system is to enable good development in the public interest. The Council should make planning decisions openly, impartially, with sound judgement, and for justifiable reasons. The process should leave no ground for suggesting that a decision has been partial, biased, or not well-founded.
- 1.3 Councillors and employees are requested to read this Code thoroughly and to put it into practice consistently. It is intended to review the Code regularly so that it remains useful and relevant. If any points are unclear or need review, please contact the Director of Governance or his/her nominated officer, the Head of Planning or Democratic Services. The responsibility for complying with the Code lies with the individual Councillor.

## **2. General Principles**

- 2.1 Councillors are reminded that they are required to comply with the statutory provisions on the disclosure of interests, the Council's Constitution and the Council's Code of Conduct for Councillors, which forms part of the Constitution.
- 2.2 Employees involved in the processing and determination of planning matters must also act in accordance with the Council's Constitution and with the relevant sections of the Royal Town Planning Institute's Code of Professional Conduct and the Employee's Code of Conduct.
- 2.3 Whilst this Planning Code deals primarily with planning applications, its principles also apply to consideration of other planning matters. An overriding principle is that when local authorities are dealing with planning matters they should only take into account material planning considerations and ignore irrelevant matters. A key principle is that Councillors should represent the interests of the City as a whole.

## **3. General Roles of Councillors and Employees**

- 3.1 Councillors and employees have different, but complementary roles; both serve the public but Councillors are responsible to the electorate, whilst employees are responsible to the Council as a whole. A successful relationship between Councillors and employees can only be based upon

mutual trust and understanding of each other's position. This relationship must never be abused or compromised.

3.2 When Councillors come to make a decision on a planning matter they must:

- a. Act fairly and openly;
- b. Approach each application with an open mind;
- c. Carefully weigh up all relevant issues;
- d. Determine each application on its own merits;
- e. Avoid contacts with interested parties which might be taken to indicate that they were unduly influenced by one party or another;
- f. Ensure that there are clear and substantial reasons for their decisions, and that those reasons are clearly stated;
- g. Avoid expressing a fixed view on a case before it is heard by the Planning Committee;
- h. Declare any interests.

3.3 The employee's function is to advise and assist Councillors in matters of planning policy and in their determination of planning applications, enforcement issues and any other planning matters by:

- a. Providing impartial and professional advice;
- b. Making sure that all relevant information necessary for the decision to be made is given;
- c. Providing a clear, accurate and succinct analysis of the issues;
- d. Setting planning applications, enforcement issues and other planning matters against the broader Development Plan policies and other relevant material considerations;
- e. Giving a clear recommendation;
- f. Carrying out the Committee's decisions.

#### **4. Declarations of Interest**

4.1 The Localism Act 2011 repealed the previous standards regime. It required the Council to introduce a code dealing with the conduct expected of Councillors. The Code has to be consistent with the Nolan Seven Principles of Standards in Public Life:

Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership.

4.2 This document is supplementary to the City Council's Code for Councillors. The Act abolished the previous regime of personal and prejudicial interests and replaced them with "Disclosable Pecuniary Interests". In addition to Disclosable Pecuniary Interests there are other interests which are commonly known as Non-Disclosable Pecuniary or Non-Pecuniary interests and which are referred to below.

#### 4.3 **Disclosable Pecuniary Interests (DPI's)**

The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 defines DPI's and these are set out in the Schedule in the City Council's Code of Conduct.

Where a Councillor has a DPI or his/her spouse/civil partner/person with whom he/she is living as husband or wife or as if they were civil partners has a DPI (and the Councillor is aware that the other person has a DPI) he/she should declare the interest, must not participate and must not vote.

The Councillor must also decide whether to withdraw from the meeting. In deciding whether to withdraw from the room the Councillor must consider whether his/her continued presence would be incompatible with the Seven Principles of Standards in Public Life.

#### 4.4 **Other Interests (Non-Disclosable Pecuniary or Non-Pecuniary Interests)**

There will be some circumstances in which the Councillor has an interest but it is not a DPI. Those are commonly known as personal interests (but not as defined under the previous regime).

- a. A Councillor has a personal interest where the decision relates to or is likely to affect the interests listed in the Schedule to the City Council's Code , not in respect of the Councillor or their spouse/partner etc but in respect of another member of their family or a person with whom they have a close association.
- b. Also a Councillor has a personal interest where a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of the Councillor or a member of their family or a person with whom they have a close association to a greater extent that it would affect the majority of Council Tax payer, ratepayers or inhabitants of the ward or electoral area for which they have been elected or otherwise of the Council's administrative area. Membership of a Trade Union constitutes a personal interest

#### 4.5 It is the responsibility of the individual Councillor to consider whether to declare a personal interest and whether the interest warrants withdrawal from the meeting when the matter arises.

The table below sets out the action that should be taken (unless there are dispensations)

Type of interest	Action to be taken
Non-Pecuniary Interests/ Non-Disclosable Pecuniary Interests	Declare at start of meeting or as soon as it becomes apparent. Participate and vote unless continued presence incompatible with the Seven Principles of Standards in Public Life
Disclosable Pecuniary Interest	Do not influence the decision in any way.  Do not participate or vote.  Withdraw if continued presence incompatible with the Seven Principles of Standards in Public Life

4.6 Sanctions in respect of Disclosable Pecuniary Interests  
There are various sanctions available including criminal proceedings. The Council's decision could be challenged and the Council could be liable to pay compensation. In extreme cases the Councillor would also be held liable to pay compensation.

## 5. Pre-Application and Pre-Decision Discussions

- 5.1 The Localism Act, particularly Section 25, has given Councillors more freedom to engage in pre-application and pre-decision discussions. Nevertheless, in order to avoid perceptions that Councillors might have fettered their discretion, such discussions should take place within the following guidelines:
- a. Councillors and employees should make it clear at the outset that the discussions will not bind the Council to making a particular decision and that any views expressed are personal and provisional.
  - b. Employees should be present with Councillors in meetings. Councillors should avoid giving separate advice on the development plan or material considerations as they may not be aware of all the issues at an early stage. Neither should they become drawn into any negotiations which should be done by employees (keeping interested Councillors up to date) to ensure that the authority's position is co-ordinated.

## 6. Attendance at Public Meetings

- 6.1 When attending public meetings, Councillors must be accompanied by an employee and they should take great care to maintain their impartial role as a Councillor. They should listen to the points of view expressed by the speakers and the public. Councillors must not state a conclusive decision on any pre-application proposals and submitted planning applications. To do so

could lead to allegations of prejudice or bias and prevent the Councillor from taking part in the decision making process.

## **7. Lobbying and Predetermination**

7.1 It is likely that on occasion Councillors will be approached by prospective and actual applicants (and agents) or members of the public with a view to them lending support to the proposal, or indeed opposing it. When Councillors are lobbied they need to exercise great care to maintain the Council's reputation, the Councillor's own integrity and the public perception of the planning process.

7.2 It was considered that previous rules stifled discussions. Section 25 of the Localism Act 2011 has changed the previous rules of pre-determination and lobbying to some degree. It acknowledges that Councillors are often under pressure to play an active part in local discussions and so there is more scope for involvement in local issues.

"Past history of a closed mind is now irrelevant unless there is also evidence of a closed mind at the actual time of the decision".

7.3 Earlier comments or actions may be taken into account with what happens at the meeting. So if a Councillor had supported the application before the meeting, and then appears to try to push through the application at the meeting, an appearance of a closed mind would be found. Conversely comments made before the meeting would be irrelevant if there was demonstrated to be careful and open-minded consideration at the meeting.

7.4 If they are approached, Councillors may wish to refer the person to another Councillor who is not a member of the Planning Committee or to the Planning Case Officer. If the lobbying persists then Councillors should expressly state that whilst they can listen to what is said, if they give any commitment (for or against) in respect of the application/proposal without all relevant information, it could prevent the Councillor from taking part in the decision making process.

7.5 Other than for formal site visits, Councillors should not enter the premises or sites which are, or are likely to be, the subject of a planning application.

## **8. The Party Whip**

8.1 Councillors must not accept an instruction from anyone to determine an application in a particular manner, but must determine the issue on its merits. Therefore, it is inappropriate for any Party Group to instruct its members to vote in a particular manner. Where such a "Whip" has been applied, Councillors should declare it in exactly the same manner as they would declare any other attempt at lobbying.



## **9. Public Participation**

- 9.1 The Council allows public speaking in accordance with its public speaking protocol. Details of the protocol are available from the Head of Planning or Democratic Services.

## **10. Reports to Planning Committee**

- 10.1 Reports to the Planning Committee on applications and other planning matters should be clear, accurate and succinct. They should include a written recommendation, give clear and unambiguous reasons for granting planning permission (with conditions to be attached) or refusal (with reasons).
- 10.2 The Chair, at the request of any member of the Committee, may adjourn the meeting for a reasonable period of time to enable the Councillors to have an opportunity of reading any information which has been tabled by the employees at the meeting.
- 10.3 As a general rule the members of the Committee will not take into account any written information at the meeting which has not been submitted by the developer/applicant or any consultees (including local residents) as part of the application process. However in exceptional circumstances the Chair, in consultation with the employees present, may exercise his/her discretion to consider new information if it is appropriate to do so.

## **11. The Decision Making Process**

- 11.1 Councillors should not take part or vote on any matter if they have not read the committee report or if have not been present throughout the consideration of such matter (unless the item has been deferred from a previous meeting after being partially considered).
- 11.2 In discussing and determining a planning matter, Councillors should confine themselves to the planning merits of this case. The reasons for making a final decision should be clear, convincing and supported by material considerations and the planning merits.
- 11.3 Occasionally members of the Planning Committee will disagree with the professional advice given by the Head of Planning or his representative. As indicated above, planning is not an exact science and there can be genuine disagreement about the implications of a particular proposal. A senior legal officer will be present at Committee and will advise the Committee if the facts cannot support the conclusion which the Councillors have drawn and if the Committee is in danger of acting unreasonably. Any reasons for refusal or conditions associated with granting an application, which is contrary to the recommendation made by employees should be clear, convincing and based on sound planning grounds, failing which, the City Council may be put at risk of costs.

- 11.4 Where Councillors wish to add or amend conditions or reasons for the refusal, the general content will be agreed at the meeting before the vote is taken and the final wording will generally be delegated to the relevant employee.

## **12. Committee Site Visits**

- 12.1 A site visit is private and its purpose is for Councillors to gain knowledge of the development proposal and to observe the characteristics of the site and its relationship to its surroundings. A site visit should only be called by the Planning Committee itself:-
- a. Where the impact of a proposed development is difficult to visualise from the submitted plans and any additional supporting material;
  - b. Where there is a good reason why the comments of the applicants and/or any objectors to, or supporters of, the proposals cannot be expressed adequately in writing;
  - c. Where the proposal is particularly contentious.
- 12.2 Site visits are not part of the formal consideration of the application and therefore public rights of attendance do not apply. They enable questions to be asked on site for clarification. Discussion on the merits of the application will only take place at the subsequent Committee.
- 12.3 The site visit shall take place during normal working hours as far as is practicable unless there are reasons which dictate otherwise.

## **13. Development Proposals of Councillors, Employees and the Council**

- 13.1 Councillors and Employees should never act as agents for individuals (including a company, group or body) pursuing an application, enforcement issue or other planning matter. If Councillors or employees submit their own development proposal to the Council they should take no part in its processing or the decision-making. The Council's Monitoring Officer should be informed by the Councillor of all such proposals as soon as they are submitted and shall ensure that such applications and/or matters are dealt with in a correct and open manner.
- 13.2 Applications made on behalf of the Council for its own development must be determined in an identical manner to applications made by the general public and with the same planning policy considerations applied. The Council's current practices and procedures achieve this with identical consultation and publicity in relation to the application. Decisions must be made strictly on planning merits and without regard to any financial or other gain which may accrue to the Council if the development is permitted.

## **14. Planning Agreements**

14.1 Applications which propose or require planning obligations by agreement will generally be determined by the Planning Committee. The main issues to be addressed by the agreement will be included in the written report. If Councillors recommend an agreement which is not referred to in the report, Councillors should take into account the tests in the National Planning Policy Framework; Planning Obligations should only be sought where they meet all of the following terms:

- a. necessary to make the development acceptable in planning terms
- b. directly related to the development and
- c. fairly and reasonably related in scale and kind to the development.

## **15. Filming**

15.1 The City Council has a policy relating to recording and filming of meetings. The policy is set out in the Council's Constitution

## **16. Training**

16.1 No Councillor should be appointed to the Planning Committee without having agreed to participate in educational training programmes directed towards the role of Councillors in making planning decisions.

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Code of Conduct for Employees

**1. Introduction**

- 1.1 The public is entitled to expect the highest standards of conduct from all employees who work for local government. This Code of Conduct outlines existing laws, regulations and conditions of service to assist employees in their day-to-day work. The Code has been produced in light of the challenges that employees face in a new and more commercially orientated environment.
- 1.2 The aim of the Code is to lay down guidelines for local government employees which will help maintain and improve standards and protect employees from misunderstanding or criticism. ~~The Code is based upon a standard code approved by the local authority associations.~~
- 1.3 Employees must not, either in an official capacity or in any other circumstance, conduct themselves in a manner which could reasonably be regarded as bringing the Council into disrepute.
- 1.4 Employees who fail to meet the highest standard of conduct will be managed in accordance with the Council's Disciplinary Policy and Procedure.

**2. Scope**

- 2.3 The Code applies to all local government employees in Wolverhampton. Inevitably some of the issues covered by the Code will affect senior, managerial and professional employees more than it will others. The Code is intended to cover all employees under a contract of employment within the Council, including office holders such as registrars.

**3. Principles**

- 3.1 The Council has five core behaviours that are at the heart of every employee's contract of employment and all work should be undertaken in accordance with these.

## PRIDE: our core behaviours

*Working as one to serve our city*

How we will behave		
<b>P</b>	<b>Put customers first -</b> <i>be customer focused</i>	We deliver for our customers, satisfying their needs and empowering employees to do the right thing.
<b>R</b>	<b>Raise the profile of the City -</b> <i>be positive</i>	We are confident advocates for the city and the council. We are positive about what we do and work actively with our partners to build confidence.
<b>I</b>	<b>Inspire trust and confidence -</b> <i>be open</i>	We value each other's contribution, empathise with colleagues, are self-aware and remain open in difficult situations. We are flexible and open-minded in our approach. We listen and respond to new ideas.
<b>D</b>	<b>Demonstrate a can-do and tenacious attitude -</b> <i>be a change agent</i>	We take the initiative, take ownership of problems and see them through, challenging where appropriate and acknowledge uncertainties. Importantly, we will be evidence-led in our decision-making.
<b>E</b>	<b>Encourage teamwork -</b> <i>be a team player</i>	We work as one council, sharing ideas, each other's priorities and problems. We work together to develop shared, sustainable solutions to complex problems.

### 4. Standards

- 4.1 Local government employees are expected to give the highest possible standard of service to the public and where it is part of their duties, to provide appropriate advice to Councillors and fellow employees in an impartial manner. Employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service. Employees must report any impropriety or breach of procedure to the attention of a Senior Manager.
- 4.2 In carrying out their duties, employees will act with professionalism and will follow the Council's Every Contact Counts customer service standards at all times.
- 4.3 The Council must maintain the image of a professional public service organisation, providing high quality services. Therefore, all employees must ensure they present a tidy and professional image of the council and present a positive first impression. –appearance is important especially when serving members of the public. There is a general expectation that employee's standards of dress and appearance will be appropriate to the nature of the duties and responsibilities undertaken by the individual. All employees must ensure that they are appropriately dressed for their duties
- 4.4 ~~The Council values and welcomes the ethnic diversity of its workforce and therefore any service specific dress codes will take account of any ethnic and religious dress requirements with sensitivity, ensuring that employees are free to observe them. The City of Wolverhampton Council respects the right for employees to adhere to religious and cultural observances, however, employees who wish to make modifications to their uniforms to reflect their beliefs must discuss and agree them with their line manager.~~

- 4.5 The council will allow some modification to the uniform for employees with specific medical conditions, however employees who wish to make such modifications to their uniforms or work attire must agree them with their line manager in conjunction with Corporate Communications.
- 4.6 Employees who are provided with an access pass or identification card must wear them on a corporate branded lanyard. All employees who have daily, face-to-face contact with our customers must wear a name badge at all times.
- 4.7 Employees must not wear their uniform, access pass or identification cards when not at work, and are required to return all items on termination of their contract of employment on their last day of work. This is to maintain the integrity of the council's corporate image by minimising the risk of the council being misrepresented. Corporate uniforms, access passes and identification cards must **not** be made available to non-council employees.

## **5. Disclosure of Information**

- 5.1 It is accepted that open government is best. The law requires that certain types of information must be made available to Councillors, auditors, government departments, service users and the public. The law also recognises that this information is confidential. Employees should ensure that confidentiality of information is maintained as required by the law and by the Council.
- 5.2 ~~Employees must~~Employees must not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass information on to others who might use it in such a way. This is also expected and should be applied when employment with the Council has terminated and the person is no longer an employee. Any particular information received by an employee from a Councillor which is personal to that Councillor and does not belong to the Council should not be divulged by the employee without the prior approval of that Councillor, except where such disclosure is required or sanctioned by the law.
- 5.3 **Employees must ensure that they adhere to the Council's Information Governance Framework and associated policies and procedures at all times.**

## **6. Political Neutrality**

- 6.1 Employees serve the Council as a whole. It follows they must serve all Councillors and not just those of the controlling group, and must also ensure that the individual rights of all Councillors are respected.
- 6.2 It is recognised in some circumstances that political parties will wish to formulate their policies in private, yet require employee input. Confidentiality should be maintained in these circumstances.
- 6.3 Employees (whether nor not politically restricted under the provisions of the Local Government and Housing Act 1989) must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work.
- 6.4 Political assistants appointed in accordance with the Local Government and Housing Act 1989 are exempt from the standards set in paragraphs 6.1 and 6.3.

## **7. Relationships**

### **7.1 Councillors**

Employees are responsible to the Council through its senior managers. For some, their role is to give advice to Councillors and senior managers and all are there to carry out the Council's work. Mutual respect between employees and Councillors is essential to good local government. Close personal familiarity between employees and individual Councillors can damage the relationship and prove embarrassing to other employees and Councillors and should therefore be avoided.

### **7.2 The Local Community and Service Users**

Employees should always remember their responsibilities to the community they serve and ensure that a courteous, efficient and impartial service is delivered to all groups and individuals within that community as defined by the policies of the Council.

Employees should avoid unnecessary personal familiarity with service users and customers that they come into contact with in the course of their work. They should not use their position to either take unfair advantage of members of the public who use Council services or allow themselves to be unduly influenced by them. Employees must ensure their professional integrity is maintained at all times.

### **7.3 Contractors**



All relationships of a business or private nature with external contractors, or potential contractors, should be made known to a senior manager. Orders and contracts must be awarded on merit, by fair competition against other tenderers, and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.

7.4 Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare that relationship to their **Senior Manager/Chief Officer**.

**7.5 Spouses, partners and close personal friends**

Employees who have a close personal relationship with any other employee of the Council should take special care to ensure that the relationship does not interfere with normal working relationships and does not cause others to doubt that they will be treated fairly. If it does, appropriate action will be taken in such circumstances.

7.6 People who already have a close personal relationship should not seek employment in the same work group. Senior managers have a particular responsibility to ensure that there can be no question of favouritism or bias in the appointment or treatment of any person with whom they have a close personal relationship outside of their particular work group.

7.7 Where employees are involved in a close personal relationship with a work colleague that has broken down, they must ensure that they do not involve others in their private affairs within the workplace. Relations and/or their breakdown must not interfere with working arrangements.

7.8 Employees who are in, or embark on, a close personal relationship within the same service or department must declare the relationship to their manager and may voluntarily sign the protocol at Appendix 1 to help ensure probity and appropriate behaviours. Dependent on the working arrangements, the nature of the post(s) held and an assessment of the potential risk to the organisation, the relevant Strategic Director/Director/Service Director may **require** employees to sign the relationship protocol. Signed relationship protocols will be maintained confidentially by the **Head of Human Resources** and a copy placed on each individual's personal file. Protocol is available on a voluntary basis in cases where staff are engaged in a close personal relationship that is further removed from working in the same department.

**8. Appointment and Other Employment Matters**

8.1 Employees involved in appointments should ensure that these are made on the basis of merit. It is improper for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any

possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with him or her.

- 8.2 Similarly, employees should not be involved in decisions relating to discipline, promotion, or pay adjustments for any other employee who is a relative, partner, etc.

## **9. Outside Commitments**

- 9.1 All employees should be clear about their contractual obligations with the Council and should not take outside employment which conflicts with the Council's interests. Employees should declare to their senior manager any outside commitments that could be considered as having some similarity with their Council duties or might cause conflict.
- 9.2 The Council retains ownership of intellectual property or copyright created during a person's employment.

## **109. Personal Interests**

109.1 The Director of Governance will maintain a register of employees' interests outside their contract of employment. All employees should, without delay, notify the Director of Governance and their Senior Manager of outside interests which ~~cover:~~cover: -

- (a) Any non-financial interests that they consider could bring about conflict with the Council's interests;
- (b) Any financial interests which could conflict with the Council's interests;
- (c) Membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct.

109.2 The register of employees' interests will be kept on a confidential basis.

## **110. Equality Issues**

110.1 All local government employees should ensure that policies relating to equality issues as set down by the Council are complied with in addition to the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equity.

**124. Separation of Roles during Tendering**

124.1 Employees involved in the tendering process and or dealing with contractors should be clear on the separation of client and contract roles within the Council. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.

124.2 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers other contractors and sub-contractors.

124.3 Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.

124.4 Employees contemplating a management buy-out should, as soon as they have formed a definite intent, inform the Managing Director and withdraw from the contract awarding processes.

124.5 Employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

**132. Corruption**

132.1 Employees must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.

**143. Use of Financial Resources**

143.1 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the Council.

**154. Hospitality**

154.1 Employees should accept offers of hospitality only if there is a genuine need to impart or receive information or represent the Council in the

community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the Council should be seen to be represented. They should be properly authorised and recorded.

154.2 When hospitality has to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the Council.

154.3 Employees should not accept significant personal gifts from contractors and outside suppliers, although employees can keep insignificant items of token value such as pens, diaries, etc.

154.4 When receiving authorised hospitality employees should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality.

154.5 Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the Council gives consent in advance and where the Council is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment, etc. are required, employees should ensure that the Council meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

## **165. Sponsorship – Giving and Receiving**

165.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts of hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

165.2 Where the Council wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to a Senior Manager of any interest. Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

## **176. Use of Council Assets**

176.1 Council assets comprise of not only physical and financial resources but also computer data and information.

176.2 Employees must ensure they have the necessary authorisations and permissions before using council property.

176.3 Employees must ensure they comply with the Council's policy on the Personal Use of ICT and Social Media and the Council's Information Governance Framework.

### **187. Whistleblowing**

187.1 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment employees are encouraged to come forward and voice any serious concerns they may have over any aspect of the Council's work.

187.2 If employees become aware of any activities that are non-compliant with this Code of Conduct, they must report the matter through the Council's Whistleblowing Policy.

187.3 Any employees who raise concerns do so without the fear of victimisation, subsequent discrimination or disadvantage.

### **198. Liability of ~~Employees~~ Employees - ~~As to confirm where this is needed~~**

198.1 This section sets out the support which the Council gives to employees if claims are made against them by third parties arising out of alleged acts or defaults whilst they are carrying out their duties and responsibilities as employees of the Council. NB: for the purposes of this policy, any Returning Officer appointed by the Council is covered by the term 'employee' as used hereafter.

198.2 Providing an employee is not acting in a fraudulent or dishonest manner, and is not reckless or grossly negligent, or acting outside the scope or spirit of his or her normal duties, the Council will provide liability cover for any action taken against the employee by third parties arising out of the normal course of carrying out Council business, including the management of elections or referenda. This cover does not prevent disciplinary action being taken where appropriate and cover cannot be provided for criminal, wilful or reckless acts.

198.3 Claims may arise in a number of ways:

(i) As the result of a direct action by a third party against the employee;

- (ii) As a result of the employee being joined in an action by a third party against the Council;
- (iii) As a result of a direct action by **a third party against the Council**.

198.4 The general rule of law is that an employer is liable for the acts or defaults of an employee provided that individual was acting within the scope of his/her employment. This can also extend to the situation where a third party reasonably believes the employee had proper authority to do what he or she has done, even if this is not actually the case.

198.5 It is normal practice in the public and private sectors for employing bodies to indemnify their employees. Employees of City of Wolverhampton Council are covered by a resolution of the Finance and General Purposes Committee dated 13 April 1987:  
That the Council shall indemnify in perpetuity all employees and former employees of the Council against all liability, professional or otherwise, for negligence or negligent omission or breach of contractual or statutory duty arising out of the employee's employment with the Council and that such indemnity shall extend to any such liability arising out of the employee's engagement of duties undertaken by the Council on behalf of any other authority or body.  
Provided that such indemnity shall not extend to any liability arising as a result of fraud, dishonesty or other criminal activity or of wilful misconduct, gross negligence or gross dereliction of duty on the part of the employee.

198.6 The indemnity will not apply if any employee, without the authority of the Council, admits liability or negotiates or attempts to negotiate a settlement of any claim falling within the scope of this policy.

198.7 Insurance cover **relevant to** employees is as follows:

- Public and employers' liability
- **Officials** indemnity (financial loss to third parties)
- Libel and slander
- Cash in transit
- Personal accident (assault)
- Travel cover (on request) for official journeys outside the UK
- **No claims bonus and excess protection cover (on request and contributory premiums)**

198.8 Where an employee is involved with an external body or company, the situation is more complex and depends on the nature of the role undertaken, whether as an observer, adviser or part of the management of the organisation. This is covered in more detail in the Code of Practice for Service on Outside Bodies, approved by the Audit Committee on 27 February 2006.

198.9 As part of its risk management, the Council sometimes agrees deductibles (an excess) for an insurance policy at a higher level than

may be required by the market. The cost of any deductible is met out of the Council's Insurance Fund. In the event that a claim is made against an employee in respect of duties carried out in the course of his or her employment, the Council will indemnify the employee against the cost of any deductible that may fall due, subject to the provisions outlined above.

**2019. Supporting Regulations, Codes and Procedures**

2019.1 Supporting this general Code of Conduct are specified detailed regulations and procedure codes:

- Contracts Procedure Rule
- Financial Procedure Rules
- Anti-Fraud and Corruption Policy
- Anti-Money Laundering Policy
- Whistle Blowing Policy
- Hospitality Code
- Human Resources policies and procedures
- National Scheme of Conditions of Service
- Equal Opportunities Policy
- Computer Security Policy
- Service Group Instructions and Codes
- Information Governance Framework, policies and procedures
- Personal Use of ICT and Social Media Policy

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**Protocol for Councillor/Employee Relationships**

**1. Introduction**

- 1.1 Mutual trust and respect between Councillors and employees is at the heart of a Council's good governance. They are essential if the partnership necessary for the effective running of a local authority is to succeed. This protocol is a guide to the basic elements of the relationship between Councillors and employees. Its purpose is:
- a. To promote trust, openness, fairness and honesty by establishing some ground rules;
  - b. To define roles so as:
    - to clarify responsibilities
    - to avoid conflict, and
    - to prevent duplication or omission;
  - c. To secure compliance with the law, codes of conduct and the Council's own practices; and
  - d. To lay down procedures for dealing with concerns by Councillors or employees.
- 1.2 The protocol should be recognised both as a central element of the Council's corporate governance, and as a commitment to upholding standards of conduct in public life. It is one way of demonstrating to the public at large that local government is serious about protecting and enhancing its integrity and reputation.

**2. Definitions**

- 2.1 Unless the context indicates otherwise, references to the term *Council* include the Cabinet, Scrutiny Board, Scrutiny Panels and Regulatory or other Committees.
- 2.2 Unless the context indicates otherwise, the terms Councillor and Councillors include non-elected (i.e. co-opted or independent) members as well as elected Councillors.
- 2.3 Employees mean all persons employed by the Council.
- 2.4 "*Designated Officer*" is defined in the Cabinet Procedure Rules as the Head of Paid Service, a Director or other senior employee authorised by him/her for this purpose.
- 2.5 "*Director of Finance*" means the Director of Finance (as Section 151 Officer).
- 2.6 "*Monitoring Officer*" means the Director of Governance.

**3. Principles**

- 3.1 Councillors and employees must at all times observe this protocol.
- 3.2 The protocol is based on the model drawn up by the Association of Council Secretaries and Solicitors and has been approved by the Council's Standards Committee who will monitor its operation.
- 3.3 The protocol seeks to maintain and enhance the integrity (real and perceived) of local government which demands the highest standards of personal conduct. Councillors and employees must always respect the roles and duties of each other. They must show respect in all their dealings by observing reasonable standards of courtesy, and by not seeking to take unfair advantage by virtue of their position.
- 3.4 Whilst Councillors and employees are indispensable to one another, their responsibilities are distinct. Councillors are accountable to the electorate and serve only as long as their term of office lasts. Employees are accountable to the Council as a whole. Their job is to give advice to Councillors (individually and collectively) and to carry out the Council's work under the direction of the Council.
- 3.5 The Council has adopted codes of conduct for both Councillors and employees. Both represent best practice. The Councillors' code follows the national code which in turn is based on the general principles governing Councillors' conduct enshrined in law. These principles underpin this protocol.
- 3.6 Breaches of this protocol by a Councillor may result in a complaint to the Standards Committee if it appears the Councillors' code has also been breached. Breaches by an employee may lead to disciplinary action.

**4. The Role of Councillors**

- 4.1 Councillors have a number of roles and need to be alert to the potential for conflicts of interest which may arise between the roles. Where such conflicts are likely, Councillors may wish to seek the advice of senior colleagues, the relevant senior officer(s), and/or the Monitoring Officer.
- 4.2 Collectively, Councillors are the ultimate policy-makers determining the core values of the Council and approving the authority's policy framework, strategic plans and budget. Councillors represent the community, act as community leaders and promote the social, economic and environmental well-being of the community often in partnership with other agencies. Every Councillor represents the interests of, and is an advocate for, his/her Ward and individual constituents. He/she represents the Council in the Ward, responds to the concerns of constituents, meets with partner agencies, and often serves on local bodies.
- 4.3 As politicians, Councillors may express the values and aspirations of the party political groups to which they belong, recognising that in their role as Councillors they have a duty always to act in the public interest.

- 4.4 Councillors are not authorised to instruct employees other than:
- a. Through the formal decision making process;
  - b. To request the provision of consumable resources provided by the Council for Councillors' use;
  - c. Where employees have been specifically allocated to give support to a Councillor or group of Councillors and;
  - d. In the case of political assistants.
- 4.5 Councillors are not authorised to initiate or certify financial transactions, or to enter into a contract on behalf of the Council. Councillors must avoid taking actions which are unlawful, financially improper or likely to amount to maladministration. Councillors have an obligation under their code of conduct to have regard when reaching decisions, to any advice provided by the Monitoring Officer or the Section 151 Officer.
- 4.6 Councillors must respect the impartiality of employees and do nothing to compromise it, for example by insisting that an employee change his/her professional advice.

## **5. The Role of Employees**

- 5.1 Employees are responsible for giving advice to Councillors to enable them to fulfil their roles. In doing so, employees will take into account all available relevant factors. Under the direction and control of the Council, employees manage and provide the Council's services within the framework of responsibilities delegated to them. This includes the effective management of employees and operational issues. Employees have a duty to implement decisions of the Council, which are lawful, and which have been properly approved in accordance with the requirements of the law and the Council's Constitution.
- 5.2 Employees have a contractual and legal duty to be impartial. They must not allow their professional judgement and advice to be influenced by their own personal views. Employees must assist and advise all parts of the Council. They must always act to the best of their abilities in the best interests of the authority as expressed in the Council's formal decisions. Employees must be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for Councillors, the media or other sections of the public.
- 5.3 Employees have the right not to support Councillors in any role other than that of employee, and not to engage in actions incompatible with this protocol. In particular, there is a statutory limitation on employees' involvement in political activities.

## **6. The Relationship between Councillors and Employees**

## ***Councillor/Employee Relationships***

- 6.1 The conduct of Councillors and employees should be such as to instil mutual confidence and trust. The key elements are a recognition of and a respect for each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other, both publicly and privately.
- 6.2 Informal and collaborative two-way contact between Councillors and employees is encouraged. But personal familiarity can damage the relationship, as might a family or business connection. Councillors and employees should inform the Monitoring Officer of any relationship which might be seen as unduly influencing their work in their respective roles.
- 6.3 It is not enough to avoid actual impropriety. Councillors and employees should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a personal relationship has been disclosed, those concerned should avoid a situation where conflict could be perceived. Specifically, a Councillor should not sit on a body or participate in any decision which directly affects the employee on a personal basis.
- 6.4 With the exception of political assistants, employees work to the instructions of their senior officers, not individual Councillors. It follows that, whilst such employees will always seek to assist a Councillor, they must not be asked to exceed the bounds of authority they have been given by their managers. Except when the purpose of an enquiry is purely to seek factual information, Councillors should normally direct their requests and concerns to a senior officer, at least in the first instance.
- 6.5 Employees will do their best to give timely responses to Councillors' enquiries. However, employees should not have unreasonable requests placed on them. Their work priorities are set and managed by senior managers. Councillors should avoid disrupting employees' work by imposing their own priorities. Councillors will endeavour to give timely responses to enquiries from employees.
- 6.6 An employee shall not discuss with a Councillor personal matters concerning him/herself or another individual employee. This does not prevent an employee raising on a personal basis, and in his/her own time, a matter which his/her Ward Councillor.
- 6.7 Councillors and employees should respect each other's free (i.e. non-Council) time.

### **7. The Council as Employer**

- 7.1 Employees are employed by the Council as a whole.
- 7.2 Councillors' roles are set out in the Employee Employment Procedure Rules set out in Part 3. If participating in the appointment of employees, Councillors should:

## ***Councillor/Employee Relationships***

- a. Remember that the sole criterion is merit (other than in the case of political assistants where political consideration may apply);
  - b. Never canvass support for a particular candidate;
  - c. Never take part where one of the candidates is a close friend or relative;
  - d. Not to be influenced by personal preferences, and
  - e. Not favour a candidate by giving him/her information not available to the other candidates.
- 7.3 A Councillor should not serve on an appeal hearing if the appellant is a friend, a relative, or an employee with whom the Councillor has had a working relationship.

### **8. Mayor and Employees**

- 8.1 Employees will respect the position of Mayor and provide appropriate support.

### **9. Cabinet Members and Employees**

- 9.1 Cabinet Members will take decisions in accordance with the Constitution and will not otherwise direct employees. Designated Officers will be responsible for instructing employees to implement the decisions of the Cabinet.
- 9.2 Designated Officers (including the Head of Paid Service, the Monitoring Officer and the Section 151 Officer) have the right to submit papers to the Cabinet as a whole or to individual Cabinet Members for consideration.
- 9.3 Designated Officers and Cabinet Members shall agree mutually convenient methods of regular contact. Before taking any formal decision, the Cabinet will seek appropriate professional advice.
- 9.4 Before any formal decisions with a financial implication are taken by the Cabinet, the Section 151 Officer and the Designated Officer(s) for the service(s) concerned must be consulted. This is to ensure that those employees who are budget holders:
- a. Are aware of the proposed decision;
  - b. Have the opportunity to offer advice, and
  - c. Are subsequently able properly to authorise the financial transactions needed to implement decisions.
- 9.5 An individual Cabinet Member who is minded to write or commission a report or to make a decision about a matter within his/her responsibility must ensure that those other Councillors and employees who need to

## ***Councillor/Employee Relationships***

know of the matter are so informed. There is a particular requirement to involve other Cabinet Members on cross-cutting issues.

- 9.6 Cabinet Members when making decisions (whether collectively or individually) must state the reasons for those decisions. The written record of the decisions must include the reasons.
- 9.7 Employees taking decisions under their delegated powers must consider the advisability of informing the relevant Cabinet Member(s) of their intentions in advance when the matter to which the decisions relates is likely to be sensitive or contentious, or have wider policy implications.

### **10. Overview and Scrutiny Councillors and Employees**

- 10.1 Chairs and other leading overview and scrutiny Councillors shall maintain regular contact with the employees providing the principal support to the overview and scrutiny function. In consultation with Chairs, it shall be the responsibility of the latter to ensure that those who need to know of matters being considered or for possible future consideration are so informed.
- 10.2 The Scrutiny Board and Scrutiny Panels may require employees to attend before them in accordance with the Overview and Scrutiny Procedure Rules and any protocol.

### **11. Members of Regulatory or other Committees and Employees**

- 11.1 Designated Officers will offer to arrange regular informal meetings with Chairs, Vice-Chairs and spokespersons of Regulatory or other Committees.
- 11.2 Designated Officers (including the Head of Paid Service, Monitoring Officer and the Section 151 Officer) have the right to present reports and give advice to Regulatory or other Committees.
- 11.3 Members of a Regulatory or other Committee shall take decisions within the remit of that Body and will not otherwise instruct employees to act.

### **12. Party Groups and Employees (Excluding Political Assistants)**

- 12.1 Designated Officers may properly be asked to contribute to deliberations of matters concerning Council business by party groups. An employee who is not a Designated Officer shall not be invited to attend a party group meeting, but a Designated Officer may nominate another employee to attend on his/her behalf.
- 12.2 Employees have the right to refuse such requests, and will normally not attend a meeting of a party group where some of those attending are not Councillors. If some of those present are not Councillors, care must be taken not to divulge confidential information relating to Council business. Persons who are not Councillors are not bound by the Councillors' Code of Conduct. They do not have the same rights to Council information as

## ***Councillor/Employee Relationships***

Councillors. No Councillor will refer in public or at meetings of the Council to advice or information given by employees to a party group meeting.

- 12.3 Employees support will not extend beyond providing factual information or professional advice in relation to matters of Council business. Employees must not be involved in advising on matters of party business, and therefore should not be expected to be present at meetings or parts of meetings when such matters are to be discussed. The duration of an employee's attendance at a party group meeting will be at the discretion of the group, but an employee may leave at any time if he/she feels it is no longer appropriate to be there.
- 12.4 Party group meetings are not empowered to make decisions on behalf of the Council, and conclusions reached at such meetings do not rank as formal decision. The presence of an employee confers no formal status on such meetings in terms of Council business and must not be interpreted as doing so. Where employees provide factual information and advice to a party group in relation to a matter of Council business, this is not a substitute for providing all the necessary information and advice when the matter in question is formally considered by the relevant part of the Council.
- 12.5 It must not be assumed that an employee is supportive of a particular policy or view considered at a party group meeting simply because he/she has attended or provided information to the meeting. An employee should be given the opportunity of verifying comments and advice attributed to him/her in any written record of a party group meeting.
- 12.6 Employees will respect the confidentiality of any party group discussions at which they are present and, unless requested to do so by the party group, will not relay the content of such discussions to another party group or to any other Councillors. This shall not prevent an employee providing feedback to other senior officers on a need to know basis.
- 12.7 In their dealing with party groups, employees must treat each group in a fair and even-handed manner. An employee accepting an invitation to the meeting of one party group shall not decline an invitation to advise another group about the same matter. He/she must give substantially the same advice to each.
- 12.8 Councillors must not do anything which compromises or is likely to compromise employees' impartiality.
- 12.9 Any particular cases of difficulty or uncertainty in relation to this part of the protocol should be raised with the Head of Paid Service and the relevant party group leader.

### **13. Political Assistants**

- 13.1 These employees have been appointed by the Council exclusively to provide support to each of the party groups. Their function is to assist the

## **Councillor/Employee Relationships**

interests and work of the group to which they have been assigned. This is in contrast to all other employees whose duty is to serve the Council as a whole.

- 13.2 Political assistants will be treated in accordance with and expected to observe all codes, policies and practices relating to the Council's employees. This includes the courtesy and consideration which the Council expects its employees to show to one another.
- 13.3 Except for their immediate secretarial and clerical support, the assistants will have no line management responsibility or power of direction over other employees.
- 13.4 Political assistants are not authorised to comment publicly on behalf of the Council as a whole, or to commit the Council to any particular course of action, but can comment on behalf of the party group to which they have been assigned.
- 13.5 The level of access to Council documents and information shall be that enjoyed by Councillors.

### **14. Ward Councillors and Employees**

- 14.1 To enable them to carry out their Ward role effectively, Councillors need to be informed about matters affecting their Ward. Designated Officers must ensure that all relevant employees are aware of the requirement to keep local Councillors informed, allowing Councillors to contribute to the decision making process and develop their representative role. This requirement is particularly important:
  - During the formative stages of policy development, where practicable;
  - In relation to significant or sensitive operational matters;
  - Whenever any form of public consultation exercise is undertaken and
  - During an overview and scrutiny investigation.
- 14.2 Whenever a public meeting is organised by the Council to consider a local issue, all the Councillors representing the Wards affected should be invited to attend the meeting as a matter of course. If a Ward Councillor intends to arrange a public meeting on a matter concerning some aspect of the Council's work, he/she should inform the relevant employee. Provided the meeting has not been arranged on a party political basis:
  - An employee may attend but is not obliged to do so, and
  - The meeting may be held in Council-owned premises.

No such meetings should be arranged or held in the immediate run-up to Council elections.



14.3 Whilst support for Councillors' Ward work is legitimate, care should be taken if employees are used to accompany Councillors to Ward surgeries. In such circumstances:

- The surgeries must be open to the general public, and
- Employees should not be requested to accompany Councillors to surgeries held in the offices or premises of political parties.

14.4 Employees must never be asked to attend Ward or constituency political party meetings.

14.5 It is acknowledged that some Council employees (e.g. those providing dedicated support to Cabinet Members) may receive and handle messages for Councillors on topics unrelated to the Council. Whilst these will often concern diary management, care should be taken to avoid Council resources being used for private or party political purposes.

14.6 In seeking to deal with constituents' queries or concerns, Councillors should not seek to jump the queue but should respect the Council's procedures. Employees have many pressures on their time. They may not be able to carry out the work required by Councillors in the requested timescale, and may need to seek instructions from their managers.

## **15. Councillors' Access to Documents and Information**

15.1 This part of the protocol should be read in conjunction with the Access to Information Rules set out in Part 3.

15.2 Councillors may request Designated Officers to provide them with such information, explanation and advice as they may reasonably need to assist them to discharge their roles as Councillors. This may range from general information about some aspect of the Council's services to specific information on behalf of a constituent. Where information is requested on behalf of a third party, it will only be provided if:

- It is in the public domains, and
- It is not barred by the Data Protection Act from being given.

15.3 Every Member of the Cabinet, the Scrutiny Board, Scrutiny Panels and Regulatory or other Committees has a right to inspect documents about the business of that body. A Councillor who is not a member of a particular body may have access to any document of that specific part of the Council provided:

- He/she can demonstrate a reasonable need to see the documents in order to carry out his/her roles as a Councillor (the "need to know" principle), and

## ***Councillor/Employee Relationships***

- The documents do not contain “confidential” or “exempt” information as defined by the law.
- 15.4 Disputes as to the validity of a Councillor’s request to see a document on a need to know basis will be determined by the Monitoring Officer. Employees should seek his/her advice if in any doubt about the reasonableness of a Councillor’s request.
- 15.5 A Councillor should obtain advice from the Monitoring Officer in circumstances where he/she wishes to have access to documents or information:
- a. Where to do so is likely to be in breach of the Data Protection Act, or
  - b. Where the subject matter is one in which he/she has a personal or prejudicial interest as defined in the Councillors’ Code of Conduct.
- 15.6 Information given to a Councillor must only be used for the purpose for which it was requested.
- 15.7 It is an accepted convention that a Councillor of one party group will not have a need to know and therefore a right to inspect a document which forms part of the internal workings of another party group.
- 15.8 Councillors and employees must not disclose information given to them in confidence without the consent of a person authorised to give it, or unless required by law to do so. When requested to do so, employees will keep confidential from other Councillors advice requested by a Councillor.
- 15.9 Councillors and employees must not prevent another person from gaining access to information to which that person is entitled by law.

### **16. Media Relations**

- 16.1 All formal relations with the media must be conducted in accordance with the Council’s agreed procedures and the law on local authority publicity.
- 16.2 Press releases or statements made by employees must promote or give information on Council policy or services. They will be factual and consistent with Council policy. They cannot be used to promote a party group.
- 16.3 Employees will keep relevant Councillors informed of media interest in the Council’s activities, especially regarding strategic or contentious matters.
- 16.4 Before responding to enquiries from the media, employees shall ensure they are authorised to do so. Likewise, employees will inform the Council’s press office of issues likely to be of media interest, since that unit is often the media’s first point of contact.
- 16.5 If a Councillor is contacted by, or contacts, the media on an issue, he/she should:

## ***Councillor/Employee Relationships***

- a. Indicate in what capacity he/she is speaking (e.g. as Ward Councillor, in a personal capacity, as a Cabinet Member, on behalf of the Council, or on behalf of a party group);
- b. Be sure of what he/she wants to say or not to say;
- c. If necessary, and always when he/she would like a press release to be issued, seek assistance from the Council's press office and/or relevant Designated Officer, except in relation to a statement which is partly political in nature;
- d. Consider the likely consequences for the Council of his/her statement (e.g. commitment to a particular course of action, image, allegations of jumping to conclusions);
- e. Never give a commitment in relation to matters which may be subject to claims from third parties and/or are likely to be an insurance matter;
- f. Consider whether to consult other relevant Councillors; and
- g. Take particular care in what he/she says in the run-up to local or national elections to avoid giving the impression of electioneering, unless he/she has been contacted as an election candidate or political party activist.

### **17. Correspondence**

- 17.1 Correspondence between an individual Councillor and an employee should not be copied to another Councillor unless the author expressly intends and states that this is the case or consents. Where correspondence is copied, this should always be made explicit, i.e. there should be no "blind" copies.
- 17.2 Official letters written on behalf of the Council should normally be in the name of the relevant employee. It may be appropriate in some circumstances (e.g. representations to a Government Minister) for letters to appear in the name of a Cabinet Member or the Chairs of the Scrutiny Board, Scrutiny Panel or Regulatory or other Committee.
- 17.3 The Mayor may initiate correspondence in his/her own name.
- 17.4 Letters which create legally enforceable obligations or which give instructions on behalf of the Council should never be sent in the name of a Councillor.
- 17.5 When writing in an individual capacity as a Ward Councillor a Councillor must make clear that fact.

### **18. Access to Premises**

## ***Councillor/Employee Relationships***

- 18.1 Employees have the right to enter Council land and premises to carry out their work. Some employees have the legal power to enter property in the ownership of others.
- 18.2 Councillors have a right of access to Council land and premises to fulfil their duties.
- 18.3 When making visits as individual Councillors, they should:
  - a. Whenever practicable, notify and make advance arrangements with the appropriate employee in charge;
  - b. Comply with health and safety, security and other workplace rules;
  - c. Not interfere with the services or activities being provided at the time of the visit.
  - d. If outside his/her own Ward, notify the Ward Councillor(s) beforehand; and
  - e. Take special care at schools and establishments serving vulnerable sections of society to avoid giving any impression of improper or inappropriate behaviour.

### **19. Use of Council Resources**

- 19.1 The Council's Codes and protocols set out in Part 3 must be observed.
- 19.2 This part of the protocol should be read in conjunction with the Council's "whistleblowing" policy.
- 19.3 Councillors or employees with questions about the implementation or interpretation of any part of this protocol should seek the guidance of the Head of Paid Service or Monitoring Officer.
- 19.4 A Councillor who is dissatisfied about the actions taken by, or conduct of, an employee should:
  - a. if a councillor is dissatisfied they should address this with the employee privately and confidentially and if it is not resolved informally they should refer the issue to their manager.
- 19.5 If direct discussion with the employee is inappropriate (e.g. because of the seriousness of the concern) or fails to resolve the matter, the Councillor should raise the issue with the employee's Manager.
- 19.6 A serious breach of this protocol by an employee may lead to an investigation under the Council's disciplinary procedure.
- 19.7 An employee who believes a Councillor may have acted other than in accordance with this protocol should raise his/her concern with the

## ***Councillor/Employee Relationships***

Monitoring Officer. He/she will consider how the complaint or allegation should be dealt with. At a minor level, this may be no more than informally referring the matter to the Leader of the relevant party group. More serious complaints may involve alleged breaches of the Councillors' Code of Conduct, and may be referred to the Standards Committee.

### **20. Attendance at Seminars and Conferences**

- 20.1 There is a presumption that only essential conferences will be attended. The term 'conference' is used to mean any paid for event, including seminars and workshops, attended by a Councillor or employee of City of Wolverhampton Council.
- 20.2 Essential conferences are to be defined as:
  - a. Those that meet identified Councillor or employee development needs as defined by individual Councillor or Employee Development Reviews that have been conducted in accordance with established procedures.
  - b. Those for which the costs and benefits to the Council have been evaluated.
- 20.3 Attendance at paid for conferences will require prior approval by the responsible budget holder regardless of cost.
- 20.4 The maximum total number of Councillors and/or employees attending any individual conference shall be three; but the presumption shall be for one.
- 20.5 One employee may accompany a Councillor or Councillors at any individual conference.
- 20.6 The presumption shall be that one employee representing City of Wolverhampton Council may attend a conference.
- 20.7 Following attendance at any conference a written report shall be prepared by the Councillor or employee attending and must include a summary of the key implications for the Council. The report shall be submitted, in the case of Councillors to a relevant Committee or Panel of the Council or, in the case of employees, Management Team.



~~**SAFEGUARDING ADULTS: ROLES AND RESPONSIBILITIES**~~

**36. SAFEGUARDING ADULTS: ROLES AND RESPONSIBILITIES**

~~1. THE LEADER OF THE COUNCIL~~

~~1.1 Ensure that the Council gives priority to safeguarding adults coherently and consistently in service planning and resource allocation.~~

~~1.2 Ensure that a Lead Member for Adult Services is appointed to the Cabinet in line with the No Secrets 2000 guidance.~~

~~1.3 Ensure the Council appoints a Strategic Director of People to carry out the full range of statutory requirements of the Director of Social Services role and to ensure that Cabinet receives advice from him/her on all relevant matters.~~

~~1.4 Ensure all communities are equally well served in this regard.~~

~~2. THE CABINET MEMBER WITH RESPONSIBILITY FOR ADULT SERVICES~~

~~2.1 Champion the interests of adults within the City by ensuring a clear focus on safeguarding, early intervention and prevention.~~

~~2.2 Promote the safety and well-being of adults across all agencies.~~

~~2.3 Through the Head of Paid Service, hold the Strategic Director of People to account for the work of the Local Safeguarding Adults Board.~~

~~2.4 Ensure that the Council's paid officers maintain a clear focus on effective safeguarding arrangements and promoting the safety and welfare of adults across all agencies.~~

~~2.5 Ensure that the Council's Adult Services are properly considered, supported and monitored by the Cabinet, including an annual report to Cabinet on the extent to which those responsibilities are being met.~~

~~2.6 Work with the Strategic Director of People to ensure the Department is adequately funded and staffed to deliver these priorities, both in and out of the office hours.~~

~~3. THE HEAD OF PAID SERVICE~~



## **Safeguarding Adults: Roles and Responsibilities**

- ~~3.1 — Ensure the Council has developed local strategic objectives, priorities and targets for safeguarding that complement those set nationally.~~
- ~~3.2 — Ensure that the Council as a whole embeds the commitment to safeguarding adults.~~
- ~~3.3 — Ensure that Strategic Director of People is in post and that he/she undertakes the full range of statutory DASS functions.~~
- ~~3.4 — Ensure that the Council has management and accountability structures that deliver safe and effective services, with particular reference to safeguarding adults at risk.~~
- ~~3.5 — Ensure that inter-agency arrangements are in place (incl. the Local Safeguarding Adults Board) and ensure there is an open culture between local agencies and good direct communications between senior managers so that they accept and address concerns brought to their attention.~~
- ~~3.6 — Ensure that statutory arrangements are in place for the Multi-Agency Publication Protection Arrangements and that there is appropriate linkage between Adult Social Care and Children and Young People's Services to discharge the Council's duties in relation to these arrangements.~~
- ~~3.7 — Ensure all Adult Services are sensitive to diversity.~~
- ~~3.8 — Receive regular briefings and identify the strengths and weaknesses of the Council's services and on the action required to address them.~~
  
- ~~4. — THE STRATEGIC DIRECTOR OF PEOPLE~~
- ~~4.1 — Ensure that the safeguarding of adults is high on the Council's partners and the community's agenda's, which includes promoting the safety and wellbeing of adults across all agencies.~~
- ~~4.2 — Ensure that the Department has management and accountability structures that deliver safe and effective services, with particular reference to No Secrets 2000.~~
- ~~4.3 — Ensure that the Department has access to a range of integrated, effective, efficient and flexible services that safeguard and promote the welfare of all groups of adults at risk.~~

## **Safeguarding Adults: Roles and Responsibilities**

- ~~4.4 — Ensure that arrangements are in place to proactively identify safeguarding issues relating to adults when working with children and young people, and that thresholds for assessing and providing support to them takes account of the whole family.~~
- ~~4.5 — Ensure that where safeguarding arrangements are in place, these continue to apply for the young person through transition to adult social care services.~~
- ~~4.6 — Ensure that where vulnerable young people are in need of continuing service provision from within Adult Services, the transition is planned and managed promptly, efficiently and within a framework of collaboration.~~
- ~~4.7 — Ensure effective multi-agency planning processes are in place to plan for adults at risk and there is an effective Local Safeguarding Adults Board.~~
- ~~4.8 — Ensure that appropriate responses to diversity are embedded in practice.~~
- ~~4.9 — Ensure appropriate challenge to partner agencies on matters of safeguarding at risk.~~
- ~~4.10 — Ensure that effective multi-agency planning processes are in place to plan for adults at risk and ensure that services are co-ordinated to ensure that adults are safeguarded in all settings~~
- ~~4.11 — Ensure that those with framework, scrutiny and delivery arrangements have appropriate training to ensure them to exercise the responsibilities of their role.~~
- ~~4.12 — Ensure staff are well training, supported and managed, and feel able to report any concerns.~~
- ~~4.13 — Ensure adults are listened to, both in service provision and at a more strategic level.~~

### ~~5. — THE DIRECTOR OF GOVERNANCE~~

- ~~5.1 — Ensure expert legal advice is available to the Council on its adult care responsibilities.~~
- ~~5.2 — Ensure that robust arrangements are in place for pre and post recruitment checks to be undertaken for all appropriate people working with adults in the Council and the services it arranges and funds.~~

## **Safeguarding Adults: Roles and Responsibilities**

~~5.3 — Ensure that the Council complies with the revised vetting and barring scheme.~~

### ~~6. — ALL DIRECTORS~~

~~6.1 — Should be committed to safeguarding adults and should communicate that commitment throughout the organisation.~~

~~6.2 — Ensure their services are provided in a way that ensures the safety and wellbeing of adults.~~

~~6.3 — Ensure their services with contact with adults at risk have a consistent understanding of the thresholds for sharing information with and referral to the Adult Care Access Point Team and receive appropriate training to undertake their responsibilities to safeguard and promote the wellbeing of adults.~~

### ~~7. — HEALTH AND WELL BEING BOARD~~

~~7.1 — The Health and wellbeing board has overall strategic responsibility for assessing local health and wellbeing needs in the Joint Strategic Needs Assessment (JSNA) and agreeing Joint Health and Wellbeing Strategies for each local authority area.~~

~~7.2 — The Board plays a vital role locally in identifying and ensuring that the needs of children and adults at risk of abuse or neglect are identified and addressed.~~

~~7.3 — The JSNA will support the commissioning of services so that effective coordinated help can be provided to those at risk and their families.~~

### ~~8. — ADULT AND SAFER CITY SCRUTINY PANEL~~

~~8.1 — Take all necessary steps to scrutinise the Council's arrangements for safeguarding adults, with particular reference to:~~

~~a) — The adequacy of funding~~

~~b) — Staffing levels and training~~

## **Safeguarding Adults: Roles and Responsibilities**

- ~~c) The Department's performance~~
- ~~d) The safety and wellbeing of adults at risk~~
- ~~e) That safeguarding is accessible to all communities~~

### ~~9. ALL COUNCILLORS~~

~~9.1 Councillors should be aware of how and when to refer concerns about adults to Adult Services and after the referral has been registered, there are constraints on staff sharing information as set out in the Council's Information Sharing Governance.~~

~~9.2 Prioritise attendance at any Safeguarding Vulnerable Adults training and briefings.~~

### ~~10. SERVICE DIRECTORS – People Directorate~~

~~10.1 Ensure that adults at risk are safeguarded and they and their families benefit from effective alert referral, assessment, planning and review processes, which result in appropriate services being provided to respond to the identified needs.~~

~~10.2 Maintain positive and constructive relationships, through the Safeguarding Board, with partner agencies.~~

~~10.3 Ensure that staff are provided with up-to-date procedures, protocols and guidance and that systems are in place to ensure they are followed.~~

~~10.4 Ensure that work is monitored and audited in order to raise the standard and quality of work.~~

~~10.5 Ensure arrangements are in place for the safe transfer of responsibility between local authorities.~~

~~10.6 Ensure induction, supervision and staff development processes are in place.~~

~~10.7 Ensure performance measures are in place to ensure that services, including those commissioned from external organisations, are safely, efficiently and cost-effectively delivered.~~

~~10.8 Ensure workload management systems are in place and monitored.~~

## **Safeguarding Adults: Roles and Responsibilities**

~~10.9 Ensure staff are able to offer culturally appropriate services to all the communities of the city.~~

~~11. HEAD OF SERVICE, SAFEGUARDING AND QUALITY ASSURANCE~~

~~11.1 Promote delivery of high-quality standards and robust effective procedures and practice within safeguarding.~~

~~11.2 Ensure current published information and eligibility criteria are in place to enable access to services.~~

~~11.3 Challenge and support adult social care and partners to ensure compliance with safeguarding policy, procedures and protocols.~~

~~11.4 Ensure that the council has an effective quality assurance framework which includes the voice of the service users and that this helps define service improvements and delivery.~~

~~12. HEADS OF SERVICES, OPERATIONAL TEAM MANAGERS—People Directorate~~

~~12.1 They should be committed to safeguarding adults and should communicate that commitment throughout their service.~~

~~12.2 Ensure services are provided in a way that ensures the safety and wellbeing of adults at risk.~~

~~12.3 Ensure all staff in services with contact with adults at risk and their families have a consistent understanding of the thresholds for sharing information with and alert referrals to Adult Care Access Point, and receive appropriate training to undertake their responsibilities to safeguard and promote the wellbeing of adults.~~

~~12.4 Ensure effective systems are in place to establish how many adults have been referred to their team, what action is required to be taken for each adult, who is responsible for taking action, and when action must be completed and has been completed.~~

~~12.5 Ensure that all cases of adults assessed as needing a service have an allocated worker. Ensure that staff follow procedures, protocols and guidance and that casework is checked regularly.~~

## **Safeguarding Adults: Roles and Responsibilities**

~~12.6 Report to their manager on the quality and performance of their services including workloads, on a regular basis through supervision.~~

### ~~13. ADULT SERVICES PRACTITIONERS~~

~~13.1 Follow the Council's adult safeguarding procedures.~~

~~13.2 Maintain clear records of their work using the CareFirst system ensuring records are of a high standard, are timely, accurate and compliant with the Council's Information Governance requirements.~~

~~13.3 Ensure managers are informed of any problems, concerns or difficulties.~~

~~13.4 Keep up to date through training and other professional development opportunities.~~

### ~~14. OTHER PRACTITIONERS AND SUPPORT STAFF~~

~~14.1 Pass all concerns about adult safeguarding to the appropriate team without delay.~~

## **Councillor Allowances Scheme (updated for 2014/15)**

### **1. Introduction**

- 1.1 This Councillors' Allowances Scheme was made by the Council on 8 February 2012, and updated on 18 December 2013, in accordance with the statutory provisions in the Local Government and Housing Act 1989, the Local Government Act 2000 and the Local Authorities (Members' Allowances) (England) Regulations 2003.

The Council has had regard to the Guidance on Consolidated Regulations for Local Authority Allowances issued by the Office of the Deputy Prime Minister and the Inland Revenue in July 2003.

In November 2009 the Council established its own Independent Remuneration Panel under the Local Authorities (Members' Allowances) (England) Regulations 2003. Prior to this date the Council took advice from the Members' Allowances Independent Panel established by the Black Country Boroughs.

The Council has had regard to the recommendations of the Panel in approving the levels of allowances set out in this scheme.

- 1.2 A copy of the Panel's report is available from Democratic Services, Civic Centre, St Peter's Square, Wolverhampton, WV1 1SH. Telephone: 01902 555048 and on the Council's website.

#### **1.3 Definitions**

"Regulations" means the Local Authorities (Members' Allowances) (England) Regulations 2003 and any Regulations which may from time to time replace, amend or revoke them.

"Regulatory or other Committee" means, in accordance with the Council's Constitution, Committees, Sub-Committee or Panels comprising Councillors or other persons established to deal with functions which are neither reserved to the Council nor are Cabinet functions.

- 1.4 Sections 2 to 16 of this Scheme describe the types of allowances which may be paid to Councillors and the arrangements for administering the Scheme.
- 1.5 Section 17 contains a Schedule of Allowances approved by the Council for 2014/15. The Schedule will be re-issued annually when the annual adjustment has been made and at any time when the Scheme is amended.

### **2. Basic Allowance**

- 2.1 This is a basic, flat rate allowance payable to all Councillors. The allowance is the same for each Councillor and is paid in instalments through the year.

- 2.2 Where the term of office of a Councillor begins or ends otherwise than at the beginning (1 April) or end of a year (i.e. 31 March), his/her entitlement shall be to payment of such part of the basic allowance as bears to the whole the same proportion as the number of days during which his/her term of office as Councillor bears to the number of days in that year.
- 2.3 Basic allowance is intended to recognise the time commitment of all Councillors, including such inevitable calls on their time as meetings with employees and constituents and attendance at political group meetings. It is also intended to cover incidental costs such as the cost of telephone rental and calls and home office expenses such as postage, stationary and the use of their homes.

### **3. Special Responsibility Allowance**

- 3.1 Special Responsibility Allowances (SRAs) may be paid to those Councillors who have significant responsibilities. The Regulations prescribe the categories of responsibility for which SRAs may be paid.
- 3.2 The Council has determined that SRAs be paid to Councillors holding the following posts:-

Leader  
Deputy Leader  
Leader of the Main Opposition Group  
Deputy Leader of the Main Opposition Group  
Cabinet Member  
Chair – Scrutiny Board  
Chair – Scrutiny Panel  
Chair – Planning Committee  
Chair – Licensing Committee  
Chair – Pensions Committee  
Chair – Audit Committee

Vice-Chair – Scrutiny Board and Panels  
Vice-Chair – Planning Committee  
Vice-Chair – Licensing Committee  
Vice-Chair – Pensions Committee  
Vice-Chair – Audit Committee

Leader of a Minority Opposition Group \*  
Councillor Champions

“Special Responsibility Allowance for the Leader of a Minority Opposition Group to be paid only if a Minority Opposition Group comprises five or more Councillors”

- 3.3 Where a Councillor undertakes duties which would entitle him/her to more than one Special Responsibility Allowance under this Scheme then he/she shall receive only the higher allowance.



- 3.4 Where a Councillor does not have throughout the whole of a year any such responsibilities as entitle him/her to a SRA, his/her entitlement shall be to payment of such part of the SRA as bears to the whole the same proportion as the number of days during which he/she has such special responsibilities bears to the number of days in that year.

#### **4. Dependants' Carers' Allowance**

- 4.1 A dependants' carers' allowance is payable to those Councillors who incur expenditure for the care of their children or other dependants whilst undertaking particular duties. These duties are specified in the Regulations and are as follows:
- a. attendance at a meeting of the Cabinet or of a Committee of the Cabinet (i.e. the Cabinet or a Cabinet Panel)
  - b. attendance at a meeting of the Full Council or any Regulatory or other Committee (i.e. a Committee or Sub-Committee or Panel of the Council)
  - c. attendance at a meeting of some other body to which the Council make appointments or nominations, including attendance at a meeting of a Committee or Sub-Committee of the body and for the avoidance of doubt shall include attendance at a meeting of the West Midlands Combined Authority
  - d. attendance at a meeting which has both been authorised by the Council, or a Regulatory or other Committee of the Council or a Joint Committee of the Council and one or more other authorities, or a Sub-Committee of a Joint Committee and to which representatives of more than one political group have been invited
  - e. attendance at a meeting of a local authority association of which the Council is a member
  - f. duties undertaken on behalf of the Council in pursuance of any standing order (Contracts Procedure Rules) requiring a Councillor or Councillors to be present while tender documents are opened
  - g. duties undertaken on behalf of the Council in connection with the discharge of any function of the Council conferred by or under any enactment and empowering or requiring the Council to inspect or authorise the inspection of premises
  - h. duties undertaken on behalf of the Council in connection with arrangements made by the Council for the attendance of pupils at a school approved for the purposes of section 342 of the Education Act 1996 (approval of non-maintained special schools)

- i. any other duty approved by the Council in connection with discharging the duties of the Council or its Regulatory or other Committees (i.e. Committees or Sub-Committees).
- 4.2 The amount of the dependants' carers' allowances payable in respect of the duties listed above will be the reasonable actual costs incurred up to a total annual maximum amount of 10% of the basic allowance.

## **5. Travelling and Subsistence Allowance**

- 5.1 Travel and subsistence allowance is payable in connection with undertaking duties specified by the Council. The duties specified are those set out in section 4.1 of this Scheme.

- 5.2 Travel and subsistence within the West Midlands County area

No separate amount will be payable for travel and subsistence. The basic allowance will be deemed to include an element for travel and subsistence.

- 5.3 Travel and subsistence outside the West Midlands County area

Councillors required to travel outside the West Midlands County area in connection with the duties specified in section 4.1 of this Scheme are encouraged to travel by public transport. The costs of such travel if incurred directly by the Councillor will be reimbursed. Alternatively the Council will obtain and pay for travel warrants or tickets etc for use by the Councillor.

Where it is not possible to use public transport, mileage rates applicable to Council employees, equivalent to the cost of standard class rail fare, will be reimbursed. All claims for mileage should be accompanied by a VAT receipt.

Where Councillors are unable to take main meals i.e. breakfast, lunch and dinner, in their normal place then the reasonable costs of purchasing a meal and beverage or appropriate refreshment will be reimbursed.

Councillors must obtain receipts when paying for transport and meals/refreshments. In the case of alcoholic drinks, only expenditure for reasonable refreshment or business purposes will be reimbursed.

- 5.4 Councillors who are required to return to Wolverhampton to attend Council meetings or attend to other Council business while away from home on personal business or in connection with their employment will not normally be reimbursed any travel or subsistence costs by the Council. In exceptional personal, compassionate or other mitigating circumstances, the reimbursement of such travel costs will be considered by the Director of Governance and Section 151 Officer following consultation with the Political Group Leaders.

## **6. Membership of the Local Government Pension Scheme**

- 6.1 The Council has determined that all Councillors are entitled to a pension in accordance with the Local Government Pension Scheme Regulations.
- 6.2 The Council has determined that both the basic allowance and the special responsibility allowance shall be treated as amounts in respect of which such pensions are payable.

**Note:** Each Councillor will need to decide whether he/she wishes to join the contributory Local Government Pension Scheme. The Scheme is the subject of Regulations made under Section 7 of the Superannuation Act 1972. Separate guidance has been issued by the West Midlands Pension Fund

## **7. Co-opted Members and Independent Person's Allowance**

- 7.1 The Council has determined not to pay any allowance to co-opted Members or Independent Persons (i.e. a person who, not being an elected Councillor, has been appointed to membership of a Regulatory or other Committee of the Council) or persons or representatives of external organisations (i.e. a person who, not being a Councillor, has been invited to attend a Regulatory or other Committee of the Council) in respect of attendance at meetings.
- 7.2 Co-optees and persons or representatives of external organisations will be entitled to travel and subsistence allowance.
- 7.3 Travel and subsistence within the West Midlands County area – co-optees and persons or representatives of external organisations will be paid on the same basis as that applying immediately before the coming into operation of this Scheme.
- 7.4 Travel and subsistence outside the West Midlands County area – co-optees and persons or representatives of external organisations will be paid allowances on the same basis as Councillors as set out in section 5.3 of this Scheme.

## **8. Withholding Allowances**

- 8.1 If a Councillor has been suspended from membership of the Council then his/her basic allowance, any SRA and all travel and subsistence allowances will be withheld during the period of suspension. If a Councillor has been partially suspended e.g. prevented from exercising particular functions or having particular responsibilities, then his/her basic allowance will not be withheld but travel and subsistence allowances and any SRA related to the suspended duties and responsibilities will be withheld.
- 8.2 Where payment of any allowance has already been made in respect of any period during which the Councillor concerned has been suspended or ceased to be a Councillor or is in any other way not entitled to receive the allowance

in respect of that period, then any such allowances will be repaid by the Councillor.

**Note:** References to suspension and partial suspension refer to the provisions of Part III of the Local Government Act 2000 and any Regulations made thereunder.

## **9. Forgoing of Allowances**

- 9.1 A Councillor may forgo all or any part of any allowances to which he/she is entitled under this Scheme. Notice in writing must be given by the Councillor to the Monitoring Officer.

## **10. Backdating of Allowances**

- 10.1 If this Scheme is amended and any amendment is made which affects an allowance payable for the year in which the amendment is made then the entitlement to such allowance as amended may apply (if the Council so determines) with effect from the beginning of the year in which the amendment is made.

## **11. Annual Adjustments of Allowance Levels**

- 11.1 Basic and Special Responsibility Allowances for the municipal year commencing 4 June 2014 will be paid as set out in the Schedule to this Scheme.

## **12. Tax and National Insurance Treatment of Councillors' Allowances**

- 12.1 For tax and national insurance purposes Councillors and non-Councillors are treated in the same way as any other individual who holds an office or is an employee. Guidance received by the Council will be made available to Councillors who should also contact their tax office for advice as necessary.

## **13. Amendments and Revocation of the Scheme**

- 13.1 Before the beginning of each year the Council will make a Scheme as required by the Regulations for the payment of allowances in respect of the year.
- 13.2 The Scheme may be amended at any time but may only be revoked with effect from the beginning of a year.

## **14. Claims and Payment**

- 14.1 Claims for dependants' carers' allowance, travelling and subsistence allowances must be claimed within one month of the date on which entitlement to the allowance arose.

14.2 Unless otherwise agreed payment of basic allowance and SRA's will be made monthly in advance.

## 15. Records of Allowances

15.1 The Council will keep a record of payments made by it in accordance with the Scheme. The record will contain the information required by the Regulations.

15.2 As soon as reasonably practicable after the end of a year to which the Scheme relates the Council will publish details in accordance with the Regulations of allowances paid.

## 16. Publicity

16.1 The Council will as soon as reasonably practicable after the making of this Scheme or any amendment thereto make arrangements for publication as required by the Regulations.

## 17. Schedule of Basic and Special Responsibility Allowances

Basic Allowance (All Councillors) – £9,181

Description	From 04.06.14
<b>Special Responsibility Allowance (SRA)</b>	
Leader	25,000
Deputy Leader	20,000
Leader of the Main Opposition Group	15,000
Deputy Leader of the Main Opposition Group	2,500
Cabinet Member	15,000
Chair – Scrutiny Board	15,000
Chair – Scrutiny Panel	10,000
Chair – Planning Committee	15,000
Chair – Licensing Committee	15,000
Chair – Audit Committee	10,000
Chair – Pensions Committee	10,000
Vice-Chair – Scrutiny Board and Panels	2,500
Vice-Chair – Planning Committee	5,000
Vice-Chair – Licensing Committee	5,000
Vice-Chair – Audit Committee	2,500
Vice-Chair – Pensions Committee	2,500
Councillor Champion	2,500
Ceremonial Mayor (inclusive of £2,500 clothing allowance)	20,000
Ceremonial Deputy Mayor (inclusive of £1,250 clothing allowance)	5,000

(Note: Where a Councillor undertakes duties which entitle him/her to more than one SRA under the Scheme, he/she will receive only the higher allowance)

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### **38. MANAGEMENT STRUCTURE**

1. ~~The Council's Business Model for service delivery was approved by Full Council on 15 December 2010.~~
2. ~~The Business Model provides for front line service delivery to be shaped by a clear understanding of customer and service user demand and of people's individual needs.~~
3. ~~All activity is based on intelligence—what data and other information gathered from residents, local businesses and other customers tells the Council what it needs to do.~~
4. ~~The structure to support this Business Model comprises the Head of Paid Service, three Strategic Directors and the Directors of Governance, Finance and Education (who form a Strategic Executive Board) and seven Service Directors.~~
5. ~~Each Directorate has a specific focus:~~
  - ~~—Corporate: core organisational services, including finance and legal~~
  - ~~—Education: school standards, planning and resources (including special educational needs)~~
  - ~~—People: support for vulnerable adults and children (this includes the statutory posts of Director for Adult Social Services and Director for Children's Services)~~
  - ~~—Place: regeneration, regulatory and streetscene services~~
6. ~~To support the Strategic Directors, the Service Directors cover a range of activity areas that operate as separate business units.~~
7. ~~The seven Service Directors cover the following specific areas:-~~
  - ~~● Children and Young People~~
  - ~~● City Assets~~
  - ~~● City Economy~~
  - ~~● City Environment~~
  - ~~● Disability and Mental Health~~
  - ~~● Older People~~
  - ~~● Public Health and Wellbeing~~

~~The Service Directors responsibilities are:-~~

#### ~~Children and Young People~~

- ~~● Children's social care~~
- ~~● Looked after children~~
- ~~● Early help~~
- ~~● Youth Offending~~

#### ~~City Assets~~

- ~~City housing offer~~
- ~~Strategic transport~~
- ~~Planning and delivery~~
- ~~Corporate landlord (including Property Services, Facilities Management, Asset Management, Estates and Disposals)~~

#### ~~City Economy~~

- ~~Sub-regional working~~
- ~~Physical regeneration~~
- ~~Enterprise and skills~~
- ~~Inclusion and employment~~
- ~~External funding~~
- ~~Adult education service~~
- ~~Visitor economy~~
- ~~Entertainment and culture~~

#### ~~City Environment~~

- ~~Waste and recycling~~
- ~~Streets, grounds and parks~~
- ~~Parking services~~
- ~~Operational transport and highways~~
- ~~Fleet~~
- ~~Environmental health, trading standards and licensing~~
- ~~Leisure~~
- ~~Bereavement services~~

#### ~~Disability and Mental Health~~

- ~~All-age disability~~
- ~~Mental health~~
- ~~Better Care Fund programme~~

#### ~~Older People~~

- ~~Older people's social care~~
- ~~Welfare rights and financial assessment~~
- ~~Care Act programme~~
- ~~Libraries and Community Hubs~~

#### ~~Public Health and Wellbeing~~

- ~~Public health~~
- ~~Safeguarding (including child sexual exploitation)~~
- ~~Community safety~~
- ~~Resilience, emergency planning and business continuity~~

~~8. The Service Directors provide operational leadership across all service areas and are accountable to the Strategic Executive Board for delivery.~~



9. ~~The Head of Paid Service manages the Corporate Directorate. In addition to Governance and Finance this includes Transformation, Communications, Customer Service and ICT.~~
10. ~~The Director for Pensions arranges for the Council's responsibilities to manage the West Midlands Metropolitan Authorities Pension Fund to be discharged. This includes the investment and general management of the fund and to provide services to the West Midlands Integrated Transport Authority Pension Fund.~~
11. ~~The Black Country Service Director – City Assets works with the transport teams across each of the four local authorities to ensure a joined-up approach aimed at increasing the region's capability to bid for funding and developing the capacity for effective regeneration and economic development from future projects and schemes.~~

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***CITY OF WOLVERHAMPTON  
COUNCIL***

***THE CONSTITUTION***

[NOT PROTECTIVELY MARKED]

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## Glossary of Terms used in the Constitution

In the Constitution, the words and phrases in the left-hand column have the meaning given in the right-hand column:

Agenda	These set out the business to be considered at formal meetings of the Council, Cabinet, Scrutiny Board and Panels and Committees. They are public documents and are available for inspection before each meeting at the Council's main offices and on the Council's website: <a href="http://www.wolverhampton.gov.uk/">http://www.wolverhampton.gov.uk/</a>
Annual Meeting	The annual meeting of the Council which elects the Mayor and Deputy Mayor, Leader of the Council and appoints Chairs and Councillors to memberships of Committees. The meeting takes place in May each year.
Audit Committee	The Audit Committee considers the Council's governance arrangements and ensures that the financial affairs of the Council are properly conducted.
Background Papers	Documents relating to the subject matter of a report which in the opinion of the Proper Officer:  (a) disclose any facts or matters on which the report or any important part of the report is based; and  (b) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose <i>Exempt</i> or <i>Confidential Information</i> and in respect of <i>Cabinet</i> reports, the advice of a political advisor.
Budget and Policy Framework	The following plans and strategies comprise the budget and policy framework: <ul style="list-style-type: none"> <li>•Wolverhampton City Strategy</li> <li>•Crime, Community Safety and Drug Reduction Strategy</li> <li>•Statement of Licensing Policy</li> <li>•Statement of Gambling Policy</li> <li>•Local Transport Plan</li> <li>•Plans and alterations which together comprise the Local Plan</li> <li>•Youth Justice Plan</li> <li>•Housing Strategy</li> <li>•Adult Learning Strategy</li> <li>•Sustainability Strategy and Implementation Plan</li> <li>•The Children and Young People's Plan</li> <li>•The Corporate Plan</li> </ul> Medium Term Financial Strategy
Budget Meeting	The Ordinary Meeting of the Council taking place in March

	each year which considers the Budget.
Cabinet	<p>The Cabinet is a group of Councillors including the Leader who work with Council staff to run the Council and take most decisions except those about major policy issues or setting the annual budget (which only the Full Council Meeting can do) or decisions on regulatory matters such as whether to give planning permissions or licenses which only Committees established for those purposes can take.</p> <p>The Leader of the Council appoints the Cabinet and chairs its meetings. The Cabinet must consist of a minimum of three Councillors including the Leader up to a maximum of 10 Councillors including the Leader. The Councillors in the Cabinet each have responsibility for areas of the Council's work allocated to them by the Leader.</p> <p>The Councillors in the Cabinet can only make decisions within the scope of the overall Budget and Policy Framework set by the Council and the Constitution.</p>
Cabinet Functions	These may be carried out by the Cabinet, a Cabinet Member, a Regulatory or other Committee, of the Cabinet, an officer, another authority, or by joint arrangements.
Cabinet Member Responsibilities	These are areas of responsibility allocated by the Leader to Cabinet Members. Each area of responsibility is known as a Cabinet Member portfolio and each portfolio is given a title.
Call-In	"Call In" is a statutory right for Members of the Council to call in a decision of Cabinet or an individual Cabinet Member or Cabinet Members after it has been made or before it has been implemented.
Chair	The Councillor who presides over a meeting of the Council's Cabinet, Committees, Sub-Committees or Panels.
Director of Finance (Section 151 Officer)	This is a statutory appointment required under S151 of the Local Government Act 1972. Every Council must designate an officer as responsible for the proper administration of the Council's financial affairs. The Director of Finance has been designated as the Section 151 Officer.
Code of Conduct	A model code prepared by the Council to regulate the conduct of Local Authority Members.
Codes, Policies and Protocols	In making decisions and conducting its business, the Council and the bodies and persons exercising functions on its behalf will have regard to the Codes set out in Part 3 of the Constitution.

## Glossary

Common Seal	The Common Seal is the Council's mark of authentication and is attached to documents which are decisions of the Council or any properly constituted body of the Council or to documents which in the opinion of the Monitoring Officer should be sealed or as required by the Contract Procedure Rules. The Common Seal is kept in the safe custody of the Monitoring Officer.
Confidential Information	Information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order. (see also exempt information).
Constitution	Every principal Council must produce a document known as the Constitution which sets out how the Council will conduct its business.
Contract Procedure Rules	These provide a corporate framework for the procurement of all goods, services and works for the Council.
Co-opted Members	Persons, who are not elected, but appointed to a Council Committee, Sub-Committee or Panel and have voting rights.
Council Functions	The local authority functions which by law cannot be carried out by the Cabinet.
Full Council Meeting Procedure Rules	These set out how meetings of the Council, the Cabinet, Scrutiny and Regulatory and other Committees and other bodies will be conducted. These are contained in Part 3 of the Constitution.
Councillor	A Councillor represents his or her Ward on the Council and acts as an advocate and decision-maker for local issues. To find out who your Councillor is please go to the website or ring the Council offices.
Councillor Code of Conduct	A code based on a national model that must be followed by all Councillors, governing their behaviour and responsibilities.
Deputy Leader	The Councillor appointed to the position of Deputy Leader by the Leader of the Council.
Deputy Mayor	A Councillor appointed annually by the Council to act as deputy to the Mayor.
Director of Governance	For the avoidance of doubt the Director of Governance includes the following titles; Monitoring Officer, Director of Legal, Chief Legal Officer and Solicitor to the City Council.
Director of Finance	For the avoidance of doubt the Director of Finance includes the following titles; Section 151 Officer and Chief Financial Officer.
Designated Officer	A Designated Officer is the Head of Paid Service, a Strategic

	Director or other senior employee authorised by him/her for this purpose.
Disciplinary Action	In relation to an employee of the Council, any action occasioned by alleged misconduct which, if proved, would according to the usual practice of the Council, be recorded on the employee's personal file, and includes any proposal for dismissal of an employee for any reason other than redundancy, permanent ill health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the Council has undertaken to renew such a contract.
Employee	Person appointed to or holding a paid office of the authority or employed by the authority.
Exempt Information	Information that the Council may not be required to publish because it falls within specific categories defined in Schedule 12A of the Local Government Act 1972.
Extraordinary Meeting	A Council Meeting called by resolution of the Council, the Mayor, the Head of Paid Service or by requisition of any five Councillors which takes place in addition to an Ordinary Meeting or the Annual Meeting.
Finance Procedure Rules	Control the way the Council manages its finances and safeguards its assets. The rules apply to the Council's Members and employees and anyone acting on its behalf except where separate arrangements are made under the scheme for the Local Management of Schools.
Five Clear Days	A period of five days, excluding the day of the meeting, the day on which the meeting is called, weekends and bank holidays during which copies of the agenda and reports of a meeting must normally be available for inspection under the Access to Information Rules.
Forward Plan	A notice of matters which the Leader of the Council believes will be the subject of a Key Decision to be considered over the next four months. This is published monthly.
Full Council	All 60 Members of the Council meeting together to conduct business.
Group Leaders	Political groups will appoint a person to lead their group who are known as Group Leaders.
Head of Paid Service	This is a statutory appointment under Section 4 of the Local Government and Housing Act 1989. Every Council has to have a Head of Paid Service, who is ultimately responsible for the

	Councils' delivery of good services and is responsible for reporting to the Council on how employees are organised and deployed. The Managing Director has been designated as the Head of Paid Service.
Independent Person	A person who is not an elected Councillor of the authority, but appointed by the full Council as a member of the Standards Committee of the authority and who is entitled to vote on any question falling to be decided at any of the meetings of that body.
Joint Arrangements	Services provided in partnership with other Councils or by or on behalf of those Councils.
Key Decision	<p>A key decision is a Cabinet decision which is likely:</p> <p>to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates or</p> <p>to be significant in terms of its effects on communities living or working in an area comprising two or more Wards in the area of the local authority.</p> <p>Note: The Council has determined that expenditure or savings in excess of £250,000 will be deemed significant. This figure will be reviewed by the Council from time to time.</p>
Leader of the Council	The Leader of the Council is the political Head of the Council, elected by the Council.
Local Choice Functions	By law, these are responsibilities which the Council can choose to make the function of the Council or Cabinet.
Local Partnership	A single body that brings together at a local level the different parts of the public sector as well as the private, business, community and voluntary sectors so that different initiatives and services support each other and work together.
Managing Director	<p>The Managing Director is the Head of the Council's Paid Service (see the glossary for the definition of the Head of Paid Service) and together with the Strategic Directors are the senior management team that runs the day to day work of the Council working with the Leader of the Council and Cabinet and supported by the Council's employees.</p> <p>For the avoidance of doubt the Managing Director includes the following titles; Chief Executive or Head of Paid Service.</p>

Member Champions	These are individual Councillors or other individuals who are appointed by the Council to champion a particular issue within the Council, with its partners, in communities, across the Council, regionally or nationally.
Monitoring Officer	This is a statutory appointment under Section 5 of the Local Government and Housing Act 1989. The Monitoring Officer is responsible for reporting the actual or potential breach of a legal requirement to the Council Meeting or Cabinet and for dealing with complaints of breaches of the code of conduct by Councillors, reporting as necessary to the Standards Committee. The Director of Governance is the designated 'Monitoring Officer'.
Ombudsman	A person independent of the Council who has power to investigate maladministration by the Council.
Ordinary Meeting	Council Meetings held in accordance with a programme of meetings decided by the Council.
Overview and Scrutiny	The action of overseeing and scrutinising decisions made by the Cabinet undertaken by the Scrutiny Board and Scrutiny Panels.
Petition	A written or electronic communication signed or sent to the Council on behalf of at least 10 signatories from at least 5 identifiable households and including a clear and concise statement indicating what action the petitioners wish the Council to take and the name, identifiable address and signature of any person supporting the petition. Petitions will be received by the Council in accordance with the Petitions Scheme. <a href="http://www.wolverhampton.gov.uk/article/2915/Petitions">http://www.wolverhampton.gov.uk/article/2915/Petitions</a>
Planning Committee	The Planning Committee is comprised of Councillors and is responsible for the Council's statutory town and country planning and development control functions.
Political Assistant	An officer appointed specifically to assist a Political Group on the Council.
Political Group	Two or more Councillors who belong to the same political party or have some other common interest may form a Political Group. Such Groups are recognised by law and in the Council's Constitution.
Procurement	Procurement is the identification and acquisition from third parties and in house providers, of goods, services and works.
Proper Officer	A person designated as being responsible for a particular function or range of functions.

Protected Officers	The Protected Officers are the Head of Paid Service, the Monitoring Officer and the s.151 Officer.
Quasi judicial	Powers resembling those of a court of law or judge.
Quorum	This is the required number of Councillors which need to be present at a meeting to enable the business of that meeting to be transacted.
Regulatory Committees	Regulatory Committees are comprised of Councillors and are responsible for the overseeing and regulation of certain legislation and legislative processes including all types of licence, street trading, some highways matters and appeals relating to them.
Reports	Written items prepared by employees for consideration by Councillors.
Scrutiny	Scrutiny is a role fulfilled by all Councillors who are not Members of the Cabinet. It is a statutory function under the Local Government Act 2000.  The role of the Scrutiny Committees is to help develop policy, to carry out reviews of Council and other local services and to hold Cabinet and Cabinet Members to account for their actions and decisions.
Section 106 Agreement	A Section 106 Agreement, sometimes known as a planning obligation, is a legally binding agreement entered into between a local authority and a developer and is an established and valuable way of bringing development in line with the objectives of sustainable development as articulated through relevant local, regional and national planning policies.
Standards Committee	A statutory Committee of the Council comprised of Councillors and independent persons which has responsibility for helping Councillors follow the Councillor Code of Conduct and assessing and determining complaints that they may have failed to do so.
Sustainable Community Strategy	This Strategy is the overarching long term vision and plan for a local area.
The Council	City of Wolverhampton Council.
The Mayor	A Councillor who is elected annually by the Council to Chair full Council meetings and to be the first citizen of the City.
The 1989 Act	The Local Government and Housing Act 1989.
The 2000 Act	The Local Government Act 2000.

Vice-Chair	The Councillor who deputises for the Chair.
Ward	A geographical area of the County represented by one or more Councillors.



## **PART 1 – Summary and Explanation**

### **1.1 The Council's Constitution**

The City of Wolverhampton Council (“the Council”) has agreed a constitution which sets out how the Council operates, how decisions are made and the procedures which are to be followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

The Constitution sets out the basic rules governing the Council's business. More detailed procedures, policies and codes of practice are provided in a separate rules and protocols at the end of the document.

### **1.2 How the Council Operates**

The Council is comprised of 60 Councillors with one-third elected three years in four. Councillors are democratically accountable to residents of their ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties.

All councillors meet together as the Council. Meetings of the Council are normally open to the public. Here councillors decide the Council's overall policies and set the budget each year. The Full Council is the main forum for holding to account the executive (Cabinet). It sets the main policy framework within which the Council operates. The role of Full Council is set out in Part 2 of this constitution (chapter 4).

### **1.3 How Decisions Are Made**

The Leader has overall responsibility for Executive decision-making powers and the delivery of the Council services and is elected by the Council for a four -year term at the Council's annual meeting after elections. The Leader appoints annually Councillors to the Cabinet and the Cabinet Panels. – one of whom is to be his or her deputy leader – and decide on the scope of their respective functions/portfolios.

When Key Decisions are to be discussed or made, these are published in the list of Key Decisions insofar as they can be anticipated. If these Key Decisions are to be discussed at a meeting of the Cabinet, this will generally be open for the public to attend except where personal or confidential matters are being discussed.

The Cabinet has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Full Council to decide.

## **1.4 Regulatory Committees**

The law gives the Council powers to grant approvals, licences, consents, permissions and registration in matters such as planning, licensing, health - and safety, rights of way. These are not allowed to be dealt with by the Cabinet and these powers are exercised by Committees of the Council. A list of these Committees and their respective responsibilities is contained in Part 2.

## **1.5 Overview and Scrutiny**

The Scrutiny Board and six Scrutiny Panels support the work of the Cabinet and the Council as a whole. They allow citizens to have a greater say in Council matters by enquiring into matters of local concern. These lead to reports and recommendations which advise the Cabinet and the Council as a whole on its policies, budget and service delivery. The Board and Panels also monitor the decisions of the Cabinet. They may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

## **1.6 Employees**

The Council has employees working for it who perform a number of different roles, ranging from delivering services to giving advice, implementing decisions and managing the work of the Council. Employees operate in a politically neutral way, which Councillors must respect. Some employees have a specific duty to ensure that the Council acts within the law and uses its resources wisely. These employees are the Monitoring Officer and the Section 151 Officer. There is a protocol that governs the relationships between Councillors and employees which is set out in Part 5 of this Constitution.

## **1.7 Citizens' Rights**

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Part 2, Chapter 3. Some of these are legal rights, whilst others depend on the Council's own processes.

Where members of the public use specific Council services, for example, as a parent of a school pupil or as a Council tenant, they have additional rights. These are not covered in this Constitution.

Citizens have the right to:

- vote at local elections if they are included in the Electoral Register;
- contact their local councillor about any matters of concern to them. Contact details are available on request at the Civic Centre and from the Council's website;
- obtain a copy of the Constitution;

- attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed;
- contribute to investigations by the Scrutiny Board or Panel;
- find out, from the Council's Key Decision List, what major decisions are to be discussed by the Cabinet or decided by the Cabinet or employees, and when; attend meetings of the Cabinet where key decisions are being discussed or decided;
- petition to request a referendum on an elected mayor;
- petition the Council and receive a response
- establish, from the Key Decision list, what major decisions are to be discussed by the Cabinet or decided by the Cabinet or employees, and when;
- view reports and background papers and any record of decisions made by the Council and Cabinet;
- use the Complaints and Compliments Procedure if they have a complaint about Council Services;
- complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;
- complain to the Standards Committee if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct.
- inspect the Council's accounts and make their views known to the Council's external Auditor.

Set out in Part 4, are the public's right of access to certain Council documents and information.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Director of Governance at the Civic Centre, St Peter's Square, Wolverhampton WV1 1SH.

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**Article 1 – The Constitution**

**1.1 Powers of the Council**

The Council will exercise all of its powers and duties in accordance with the law and this Constitution.

**The Constitution**

This Constitution, and its appendices, is the Constitution of City of Wolverhampton Council.

**1.2 Purpose of the Constitution**

The purpose of the Constitution is to:

- a. enable the Council to provide clear leadership to the community in partnership with citizens, business and other organisations;
- b. support the active involvement and participation of citizens in the process of Council decision-making;
- c. help Councillors represent their constituents effectively;
- d. enable decisions to be taken efficiently and effectively;
- e. provide for more streamlined, efficient and effective decision-making in an open, transparent and accountable way;
- f. ensure that no one will review or scrutinise a decision in which they were directly involved;
- g. ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
- h. provide a means of improving the delivery of services to the community.

**1.3 Interpretation and Review of the Constitution**

Where the Constitution permits the Council to choose between different courses of action, the Council will be guided by that option which it thinks is closest to the purposes set out above.

The Council will monitor and evaluate the operation of the Constitution as set out in Article 13. Any amendments, including those made by the Monitoring Officer, will form part of the Constitution.

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**Article 2 – Councillors**

**2.1 Membership of the Council**

The Council consists of 60 Councillors representing 20 wards. 3Three Councillors are elected by the voters of each ward in accordance with the scheme drawn up by the Electoral Commission and approved by the Secretary of State.

Only eligible persons, as defined by electoral law, will be permitted to hold the office of Councillor.

**2.2 Elections and Term of Office**

There will be an ordinary election of one third of all councillors held on the first Thursday in May each year, except that in 2013 and every fourth year following, there will be no local elections. The terms of office of councillors will be four years starting on the fourth day after being elected and will finish on the fourth day after the date of the regular election four years later.

**2.3 Roles and functions of all Councillors**

All Councillors will:

- a. collectively be the ultimate policy-makers and carry out a number of strategic and corporate functions for the Council;
- b. represent their communities and bring their views into the Council's decision- making process;
- c. contribute to good governance of the area and actively encourage community participation and citizen involvement in decision-making;
- d. be available to represent the Council on other bodies;
- e. maintain the highest standards of conduct and ethics.
- f. deal with individual casework, respond to Constituents' enquiries and representations fairly, promptly and impartially and act as an advocate for constituents in resolving particular concerns or grievances;
- g. effectively represent the interests of their Ward and of individual constituents;
- h. be aware of their responsibilities regarding corporate parenting

**2.4 Rights and Duties**

- a. Councillors will have such rights of access to those documents, information, land and buildings of the Council as is necessary for the proper discharge of their functions and in accordance with the law.
- b. Councillors will not make any information public if it is confidential or exempt, without the consent of the Council, or divulge information given in confidence to anyone other than a Councillor or employee entitled to know it.
- c. For these purposes, “confidential” and “exempt” information are defined in the Access to Information Rules contained in Part 4 of this Constitution.

**2.5 Conduct**

Councillors will at all times observe the Council’s Code of Conduct for Councillors, Councillor/Employee Relations Protocol and other general guidance set out in Part 5. Councillors are required to register interests in certain matters, including their employment or businesses and certain financial interests in local companies, contracts and land. The register is open to inspection by members of the public.

**2.6 Councillors’ Allowances**

Councillors will be entitled to receive allowances in accordance with the Councillors’ Allowances Scheme set out in Part 6 of this Constitution.

- 2.7** To ensure accountability, compliance with the Councillor Code of Conduct, arrangements relating to liability and indemnification, and to secure representation of the Council’s interests, only Councillors may be appointed to outside bodies by Council or Cabinet (as appropriate), except in the case of certain charitable trust organisations that may be determined by Council/Cabinet from time to time.



## **Article 3 – Citizens and the Council**

### **3.1 Citizens' Rights**

Citizens have the following rights. Their rights to information and to participate in Council business are explained in more detail in the Access to Information Procedure Rules in Part 4 of this Constitution.

**Voting and Petitions.** Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected mayor form of Constitution and other matters under Localism Act.

**Information. Citizens have the right to:**

- a. attend meetings of the Council and its Committees (including Cabinet) except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- b. attend meetings of the Cabinet when key decisions are being considered;
- c. find out from the key decision list what key decisions will be taken by the Cabinet and when;
- d. make representations to the Executive that decisions which it intends to take in private should instead be taken in public, and to receive a response;
- e. see reports and background papers, and any records of decisions made by the Council and the Cabinet, subject to certain exemptions and restrictions;
- f. inspect the Council's accounts and make their views known to the external auditor;
- g. contact their local councillor about any matters of concern to them;
- h. obtain a copy of the Constitution.

**Participation.** Citizens have the right to contribute to the work of Scrutiny.

**Complaints. Citizens have the right to complain to:**

- a. the Council under its complaints scheme;
- b. the Ombudsman after using the Council's own complaints scheme;
- c. the Standards Committee about a breach of the Councillors' Code of Conduct.

**3.2 Citizens' Responsibilities**

In pursuing these rights Citizens must not be violent, abusing or threatening to Councillors or employees and must not wilfully harm things owned by the Council, Councillors or employees or be disruptive at meetings.

**Article 4 – The Full Council**

**4.1 Purpose of the Council**

**The Full Council will;**

- Exercise the functions reserved to it under Article 4.3 and as required under the Council’s Financial Procedure Rules;
- Decide the Council’s policy framework;

The Council will have the ultimate power to hold the Cabinet to account. The Council’s key functions will be to:

- make decisions required by statute;
- consider and debate budget, policy and major service proposals;
- scrutinise the performance of the Cabinet with the assistance of the Scrutiny Board and Scrutiny Panels;
- provide community leadership on issues of public interest outside the remit of the Council.

**4.2 Conduct of Business**

All Council meetings will be open to the public.

**4.3 The Policy Framework comprises the following plans and strategies:**

a. those required by the Local Government Act 2000 and Regulations:

- Sustainable Community Strategy;
- Community Safety and Harm Reduction Strategy
- Licensing Authority Policy Statement
- Statement of Gambling Policy
- Local Transport Plan;
- Plans and alterations which together comprise the Local Development Framework;
- Youth Justice Plan
- Sufficiency Strategy;
- Careleavers Strategy
- Health and Wellbeing Strategy.

b. those recommended by the Government:

- The Plan and Strategy which comprise the Housing Investment Programme including housing finance and rents;
- Adult Learning and Skills Strategy;
- Environment Strategy;

c. those which the Council may decide as a matter of local choice from time to time. These are: -

- The Children and Young People’s Plan
- The Corporate Plan
- Corporate Parenting Strategy
- Children and Young Persons Participation Strategy

#### **4.4 Budget setting**

The Budget includes the allocation of financial resources to different services and projects, including contingency funds, setting the Council Tax and decisions relating to the Council’s borrowing requirements, its investments and the control of its capital expenditure and the setting of virement limits. It includes the Medium Term Financial Strategy and the Capital Management Strategy. The Council sets its budget in March each year.

The activities delegated to the Pensions Committee are not part of the Council’s budget, but subject to comparable arrangements controlled and managed by the Pensions Committee.

#### **4.5 Function of the Full Council**

Only the Council will exercise the following functions:

- a. Adopting and changing the Constitution.
- b. Approving and adopting the Budget and the Policy Framework, the budget and any application to the Secretary of State in respect of any Housing Land Transfer.
- c. Subject to the urgency procedure, contained in the Access to Information Procedure Rules in Part 3, making decisions about any matter in the discharge of a Cabinet function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget.
- d. Electing the Leader of the Council at the Annual Council Meeting in accordance with Article 6.3.
- e. Receiving the Leader’s nominations to serve on the Cabinet and Cabinet Panels.
- f. Approving and/or amending the terms of reference for all Committees, Panels and Boards (not being Committees Panels or Boards of the Cabinet), deciding on their composition and making appointments to them.

#### **Article 4 – The Full Council**

- g. Appointing representatives to outside bodies unless the appointment is a Cabinet function or has been delegated by the Council.
- h. Adopting and approving, annually, a Councillors' Allowances Scheme.
- i. Changing the name of the area, conferring the honour of Honorary Alderman or Freedom of the City.
- j. Confirming the appointment of the Head of Paid Service, Strategic Directors (as defined by the Local Government and Housing Act 1989), the Monitoring Officer and the s.151 Officer.

By way of a vote confirming the dismissal of the Head of Paid Service, the Monitoring Officer and the s.151 Officer after taking into account:

- any advice, views or recommendations of a Special Committee constituted for this purpose under 29.9 of the Employee Employment Procedure Rules (including the two independent members from the Standards Committee);
- the conclusions of any investigation into the proposed dismissal;
- any representations from the protected officer concerned.

Confirming the dismissal of the Strategic Directors (as defined by the Local Government and Housing Act 1989).

- k. Making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation or personal Acts.
- l. All local choice functions which the Council decides should be undertaken by itself rather than the Cabinet.
- m. Approval of the Annual Pay Policy.
- n. Dealing with any petition containing 5000+ signatures received by the Council in accordance with the Protocol for dealing with Petitions at Full Council Meetings set out in Part 3.
- o. A Resolution not to issue a casino premises licence under section 166 of the Gambling Act 2005.
- p. All other matters which by law must be reserved to the Council and Strategic Directors.

**4.7 Full Council Meetings**

There are three types of Full Council meeting and their purpose is set out in the Full Council Meetings Procedure Rules in Part 3:

- a. The Annual Meeting
- b. Ordinary Meetings
- c. ExtraOrdinary Meetings

They will be conducted in accordance with the Full Council Meetings Procedure Rules set out in Part 4.

**4.8 Responsibility for Functions**

The Council will set out within this Constitution the responsibilities for the Council's functions which are not the responsibility of the executive - see Part 3 of this Constitution.

**Article 5 – The Mayor and Deputy Mayor**

**5.1 Role and Function of the Mayor**

- a. The Mayor will be elected and the Deputy Mayor will be appointed at the Annual Council meeting. The methodology for the rotation of the office of Mayor and Deputy Mayor is contained in Part 4 to this Constitution.
- b. The Council's Code of Conduct for Councillors applies to the Mayor and Deputy Mayor.
- c. Neither the Mayor nor the Deputy Mayor may be a Cabinet Member during their respective term of office. The Mayor, during his/her respective term of office, will not serve on any Regulatory Committee of the Council including the Planning and Licensing Committees.
- d. The Mayor and in his/her absence, the Deputy Mayor, have the following roles and functions:

**5.2 Ceremonial Role**

The Mayor and the Deputy Mayor will represent the City at local, regional, national and international civic and ceremonial events.

**5.3 Chairing the Full Council Meeting**

The Mayor has the following responsibilities:

- a. to uphold and promote Wolverhampton and the purposes of the Constitution, and to interpret and give rulings on the Constitution where necessary and following appropriate advice from the Monitoring Officer;
- b. to preside over meetings of the Full Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
- c. to ensure that the Full Council meeting is a forum for the debate of matters of concern to the local community and the place at which Councillors who are not on the Cabinet are able to hold the Cabinet to account;
- d. to promote public involvement in the Council's activities;
- e. to be the conscience of the Council;
- f. The protocol governing the use of the Mayor's casting vote at meetings of the Full Council is set out in Part 4 to this Constitution.

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## **Article 6 – The Cabinet**

### **6.1 Role**

The Cabinet is the political leadership of the local authority. It has a key role in delivering services, proposing the budget and policy framework to the Council and in promoting and complying with the Council's aims and strategic priorities. The Leader can appoint up to nine Members to the Cabinet, one of whom must be a Deputy Leader and the Leader decides whether decision-making powers will be undertaken collectively or by individual Members within Cabinet.

The Cabinet will carry out all the Council's functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution.

### **6.2 Leader of the Council**

The Leader must be elected by the Council at its Annual Meeting following the Local Government Elections for a period of 4 years or up to the end of his/her term of office as a Councillor whichever is shorter. The Leader will hold office until:-

- a. he/she resigns from the office; or
- b. he/she is suspended from being a Councillor under Part 3 of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
- c. he/she is no longer a Councillor; or
- d. by resolution of the Council, in which case a new Leader will be elected either at the meeting approving the resolution or at a subsequent meeting.

**(Note:** Upon any change in the political control of the Council, the Leader will resign from office without the need for 6.3(d) above to be invoked.)

### **6.3 Other Cabinet Members**

Cabinet Members shall be appointed annually by the Leader and will hold office until:

- a. they resign from office; or
- b. they are suspended from being a Councillor under Part 3 of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
- c. they are no longer a Councillor; or

- d. they are removed from office by the Leader who must give notice in writing of any removal to the Managing Director. The removal will take effect two working days after the receipt of the notice by the Managing Director.

#### **6.4 Responsibility for Functions**

The Leader notifies the Cabinet and Full Council which of the individual Cabinet Members, Committees of the Cabinet and employees or joint arrangements are responsible for the exercise of particular Cabinet functions.

#### **6.5 Responsibilities of Cabinet Members**

The current responsibilities of Cabinet Members are shown in Part 2.

#### **6.6 The purpose of the Cabinet:**

- a. Responsibility for proposing, consulting on, developing, monitoring, reviewing and advising the Full Council on the budget and the policy framework.
- b. To be responsible for all decisions relating to the implementation of Council policy.
- c. Making decisions on expenditure provided they are within the budget set by the Full Council and in accordance with the Financial Regulations and may vary budgets within limits as decided from time to time.

The Cabinet is responsible for:

- d. Monitoring the lawful, proper and efficient conduct of the Council's financial affairs, including the extent to which budgets and financial policies are being and will be met, requiring or approving any remedial action to be taken where it considers it to be necessary and appropriate.
- e. Approving, monitoring and reviewing the Council's human resources policies.
- f. Approving, monitoring and reviewing the provision of services to the Council delivered by external or internal suppliers.
- g. Advising the Council on strategic matters in relation to corporate governance, community governance and community strategy.
- h. Monitoring and reviewing issues relating to area working.
- i. Carrying out all functions in respect of the organisation of schools under the Education and Inspections Act 2006 or any subsequent amending legislation.

- j. Exercising the Council's emergency functions in the event of a major emergency incident in the area, or in a neighbouring area, if it affects or might affect the residents, business or economy of the area, subject to the urgent action provisions being used as necessary.
- k. Making recommendations to the Full Council on any topic when directed by the Council.
- l. Discharge all operational functions of the Council except so far as specifically allocated to Full Council or any other Committee or Sub-Committee.

**6.7** The Council delegates its powers and duties to the Cabinet so far as it is necessary to discharge these responsibilities set out in Part 2.

**6.8 The Cabinet may carry out the functions set out in Article 6.6:**

- a. Itself;
- b. Through a Committee of the Cabinet, which may co-opt other Councillors or persons who if so co-opted will not be voting members.
- c. By delegating its power to an individual Cabinet Member (subject to rules to be approved by Council from time to time - see Procedure for decision-Making by Individual Cabinet Members in Part 3).
- d. By delegating its power to an employee, who shall exercise that power in accordance with the scheme of delegation to employees set out in Part 2.
- e. For the purposes of this Constitution, decisions made by the Cabinet itself or by a Committee of the Cabinet are called Amber Decisions
- f. For the purposes of this Constitution, decisions made by an Individual Cabinet Member are called Green Decisions.

- 6.9**
- a. From time to time, Full Council may appoint time limited cross party Steering Groups whose role and remit will be to oversee a specific emerging subject matter including consideration of policy, strategy and detail including regular monitoring and scrutiny in accordance with approved Terms of Reference to ensure relevant targets and key milestones are met. The consideration of any recommendations of Steering Groups, including options appraisal, must be formally reported to and approved by the Cabinet or appropriate Cabinet Panel.
  - b. Steering Groups will discharge their responsibility for functions in accordance with the Full Council Meetings Procedure Rules set out in Part 3.

NB: Certain functions listed in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and any subsequent amendments of these Regulations cannot be exercised by the Cabinet.

#### **6.10 Urgent Decisions outside the Budget or Policy Framework**

An urgent decision which is contrary to the Policy Framework or budget adopted by the Council may be taken by the Cabinet if the Chair of the Scrutiny Board agrees that the decision is urgent. If no such Chair is available (or willing) then the Mayor or in his/her absence the Deputy Mayor may agree that it is urgent before a decision is taken.

#### **6.11 Urgent Business**

Where an urgent decision on a matter delegated to the Cabinet is required but it is not feasible to arrange a meeting of the Cabinet, the appropriate Strategic Director in conjunction with the Head of Paid Service is authorised to take the appropriate urgent action provided that the action shall have first been discussed with and approved in writing by the Leader (or in the Leader's absence, the Deputy Leader) and two other Cabinet Members and the Chair and Vice-Chair of the Scrutiny Board or their nominees.

The written authorisation must include details of the proposal and the justification for the course of action. Expenditure must be within existing budgets. Any action taken under this rule must be reported to the next available meeting of the Cabinet for information. Such decisions will not be subject to the usual Call In procedures set out in Part 3, although they may be examined after implementation to determine whether the justification for the course of action was appropriate.

**Article 7 – Overview and Scrutiny Arrangements**

**7.1 Purpose**

The Council will appoint a Scrutiny Board and Scrutiny Panels as set out below to discharge the functions conferred by section 21 of the Local Government Act 2000 and subsequent legislation, or regulations under Section 32 of the Local Government Act 2000, in relation to the matters indicated.

The Scrutiny Board is required to take an independent leadership role in the Council's aim of continuous improvement in the performance of its functions and to hold decision-makers to account.

**7.2 Scrutiny Board**

The leadership and co-ordination of the Council's scrutiny function will be the responsibility of the Scrutiny Board. The Board's terms of reference will be:

**Terms of reference**

- a. When scrutinising the work of the Cabinet the Board will have the same terms of reference as the six Panels set out in paragraph 1.4 below.
- b. To arrange for the consideration of forthcoming Executive Decisions published in accordance with the Access to Information Procedure Rules with a view to identifying issues for early discussion with the Cabinet and/or scrutiny prior to decisions being made.
- c. The Board will oversee the operation of the [call-in mechanisms](#) with the Panels being responsible for hearing those call-ins related to their terms of reference. When the call-in relates to an overarching policy framework / budget issue or a matter that falls within the remit of more than one scrutiny panel it will default to the Scrutiny Board. Further, if the issue is considered to be of particular significance, either the Chair or Vice Chair of the Scrutiny Board can ask for it to come to the Board.
- d. The Board will oversee the work programmes of Scrutiny Panels to avoid duplication of work and to ensure coherence of approach to cross-cutting policy themes. The Board may determine that one named Panel shall take lead responsibility for a cross-cutting policy theme or may determine that the work be shared between one or more named Panels.
- e. The Board will ensure coherence between the policy development work of the named Panels and their role in the consideration of reports received from external auditors and external regulatory Inspectors.
- f. The Board will make recommendations to the Cabinet on the allocation of budgetary and employee resources held centrally for the purpose of supporting scrutiny work.

## **Article 7 – Overview and Scrutiny Arrangements**

- g. The Board will ensure that good practices and methods of working are shared between Panels and in particular will seek to optimise the inclusion of citizens, partners and stakeholders in the work of Scrutiny.
- h. The Board will review or scrutinise non-Cabinet business and may make reports or recommendations to the Council. The Board will consider policy and due process and will not scrutinise individual decisions made by Regulatory or other Committees particularly those quasi-judicial decisions relating to development control, licensing etc. which have been delegated by the Council. The Board will not act as an appeal body in respect of non-Cabinet functions.
- i. The Board will oversee the work of any Councillors appointed to act as lead members or ‘champions’ in respect of any specific priority tasks or areas of policy development identified by the Council.
- j. The Board or another relevant scrutiny panel will consider any petition that contains 2,500-4,999 signatures with a view to making recommendations for action by employees or review by the Executive as appropriate.
- k. The Board will undertake the tracking and monitoring of scrutiny review recommendations.
- l. The Board will oversee the coordination of the budget scrutiny process.

### **Specific responsibilities**

The Board will have responsibility for scrutiny functions as they relate to:

- Combined Authority
- Future Customer
- Future Performance
- Communications

### **Corporate priorities**

All corporate priorities from:

- Place – Stronger economy
- People - Stronger communities
- Confident Capable Council

## **1.0 Confident Capable Council Scrutiny Panel (Corporate)**

### **1.1 Scope**

The scrutiny of organisation and performance of the human, financial, technical and material resources to support the delivery of Council services.

### **1.2 General responsibilities**

Constitution paragraph 26. Scrutiny procedural rules.

**1.3 Specific responsibilities**

The Panel will have responsibility for scrutiny functions as they relate to:

- Strategic Financial Services
- Revenues and Benefits
- Strategic Procurement
- The HUB
- Audit
- Human Resources
- Corporate Administration
- Democracy
- Corporate Landlord
- Transformation
- ICT

**1.4 Corporate priorities**

Future Council – Stronger Council ready and able to deliver change.

- Future People
- Future Works
- Future Practice
- Future Money
- Future Space

**2.0 Adults and Safer City Scrutiny Panel (People)**

**2.1 Scope**

The scrutiny of:

- Services for older and vulnerable adults
- Local safeguarding arrangements for adults
- Crime and disorder in the city

**2.2 General responsibilities**

Constitution paragraph 26. Scrutiny procedural rules.

**2.3 Specific responsibilities**

The Panel will have responsibility for scrutiny functions as they relate to:

- Older people assessment and care management
- Financial support services
- Libraries and community hubs
- Independent living centre
- Commissioning older people
- Carers support
- All age disabilities (disabilities)

## **Article 7 – Overview and Scrutiny Arrangements**

- All age disability (provision)
- Safeguarding and quality
- Community safety

### **2.4 Corporate priorities**

- Adults and children are supported in times of need  
Safeguarding people in vulnerable situations
- People and communities achieve their full potential  
Enabling communities to support themselves  
Keeping the city safe
- People live longer, healthier lives  
Promoting independence for older people  
Promoting independence for people with disabilities

### **3.0 Children, Young People and Families Scrutiny Panel (People)**

#### **3.1 Scope**

The scrutiny of:

- Provision of all local authority services for children and young people including education, social care, special needs and play provision.
- Children's safeguarding
- Child sexual exploitation

#### **3.2 General responsibilities**

Constitution paragraph 26. Scrutiny procedural rules.

#### **3.3 Specific responsibilities**

The Panel will have responsibility for scrutiny functions as they relate to:

- Children in need/child protection
- Looked after children
- Early help 0-5
- Early help 5-18
- Youth offending
- Children's commissioning
- School planning and resources
- Standards and vulnerable pupils

#### **3.4 Corporate priorities**

- Adults and children are supported in times of need  
Strengthening families where children are at risk
- People and communities achieve their full potential  
Challenging and supporting schools to provide the best education for children and young people



## **Article 7 – Overview and Scrutiny Arrangements**

### **4.0 Health Scrutiny Panel (People)**

#### **4.1 Scope**

The scrutiny of health provision in accordance with the Health and Social Care Act 2001 and subsequent relevant legislation and Government guidance.

#### **4.2 General responsibilities**

Constitution paragraph 26. Scrutiny procedural rules.

#### **4.3 Specific responsibilities**

The Panel will have responsibility for scrutiny functions as they relate to:

- All health related issues, including liaison with NHS Trusts, Clinical Commissioning Groups, Health and Wellbeing Board and HealthWatch.
- All functions of the Council contained in the National Health Service Act 2006, to all regulations and directions made under the Health and Social Care Act 2001, the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002, the Health and Social Care Act 2012 and related regulations.
- Reports and recommendations to relevant NHS bodies, relevant health service providers, the Secretary of State or Regulators.
- Initiating the response to any formal consultation undertaken by relevant NHS Trusts and Clinical Commissioning Groups or other health providers or commissioners on any substantial development or variation in services.
- Participating with other relevant neighbouring local authorities in any joint scrutiny arrangements of NHS Trusts providing cross-border services.
- Decisions made by or actions of the Health and Wellbeing Board.
- Public Health – Intelligence and Evidence
- Public Health – Health Protection and NHS Facing
- Public Health - Transformation
- Public Health – Commissioning
- Healthier City
- Mental Health
- Commissioning Mental Health and Disability
- Headstart Programme

#### **4.4 Corporate priorities**

- People live longer, healthier lives  
Promoting physical activity and healthier lifestyles  
Promoting Independence for older people  
Promoting independence for people with disabilities
- People and communities achieve their full potential

## **Article 7 – Overview and Scrutiny Arrangements**

Enabling communities to support themselves (Disability and Mental Health)

### **5.0 Stronger City Economy Scrutiny Panel (Place)**

#### **5.1 Scope**

The scrutiny of policies to attract and retain new businesses and employment in the context of sustainable economic and environmental regeneration.

#### **5.2 General responsibilities**

Constitution paragraph 26. Scrutiny procedural rules.

#### **5.3 Specific responsibilities**

The Panel will have responsibility for scrutiny functions as they relate to:

- Enterprise and skills
- City Development
- Visitor Economy
- Adult and Cultural Learning
- Economic Inclusion
- Service Development

#### **5.4 Corporate priorities**

- An environment where new and existing businesses thrive  
Developing a vibrant city  
Supporting businesses, encouraging enterprise and attracting inward investment
- People develop the skills to get and keep work  
Improving our critical skills and employability approach

### **6.0 Vibrant and Sustainable City Scrutiny Panel (Place)**

#### **6.1 Scope**

The scrutiny of:

- Vibrant sustainable communities where people feel proud to live
- Keeping neighbourhoods, city infrastructure and the environment clean
- Improving city housing
- Cultural and leisure services

#### **6.2 General responsibilities**

Constitution paragraph 26. Scrutiny procedural rules.

## **Article 7 – Overview and Scrutiny Arrangements**

### **6.3 Specific responsibilities**

The Panel will have responsibility for scrutiny functions as they relate to:

- Operational Services
- Public Realm
- Commercial Services
- Regulatory Services (policy)
- City Housing
- Planning (policy)
- Strategic Transport
- Keeping the city clean
- Keeping the city moving
- Improving the city housing offer
- Strategic asset management

### **6.4 Corporate priorities**

- An environment where new and exciting businesses thrive:  
Developing a vibrant city
- People live longer, healthier lives:  
Promoting physical activity and healthier lifestyles

### **7.3 General Role of the Scrutiny Board and Scrutiny Panels**

Within the terms of reference set out in the Overview and Scrutiny Procedure Rules in Part 3 the Scrutiny Board will:

- Co-ordinate the work of the Scrutiny Panels and Scrutiny Review Groups.
- Receive reports from the Member Champion every six months and give consideration to the work undertaken and issues that the Member Champion wishes scrutiny to consider investigating further.
- Maintain regular dialogue with the Cabinet on service improvement, performance management of cross-cutting issues, policy development and budgetary provision.
- Oversee and ensure access to appropriate learning and development for scrutiny Councillors.
- Discharge the call-in procedures relevant to its overarching role.

The Scrutiny Panels will:

- Maintain regular dialogue with the Cabinet, Scrutiny Board and Member Champion.

## ***Article 7 – Overview and Scrutiny Arrangements***

- Ensure that members of the public and stakeholders are informed of and involved in issues within the remit of each Panel.
- Discharge the call-in procedure relevant to their terms of reference.

### **7.4 Proceedings of the Scrutiny Board and Scrutiny Panels**

The Scrutiny Board and Scrutiny Panels will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4.

### **7.5 Annual Report**

- a. The Scrutiny Board will present an annual report to the Council.
- b. The Annual Report will contain information on the work done by the Board or panels over the past year and recommendations for work to be done in the year to come.

### **7.6 Designation of Scrutiny Officer**

The Head of Governance is designated as the Council's Statutory Scrutiny Officer whose function is:

- a. to promote the role of the authority's Scrutiny Board and panels;
- b. to provide support to the authority's Scrutiny Board or panels and the members of that committee or those committees;
- c. to provide support and guidance to—
  - members of the authority,
  - members of the executive of the authority, and
  - employees of the authority,

in relation to the functions of the authority's Scrutiny Board or Panels.

**Article 8 – Regulatory and Other Committees**

**8.1 Regulatory and Other Committees**

- a. The Annual Council meeting will appoint the following Regulatory and other Committees:-

The Planning Committee  
The Licensing Committee  
The Pensions Committee  
The Standards Committee  
The Audit Committee  
Appeals Panel

- b. These Committees will discharge their responsibility for functions in accordance with Part 2 and also in accordance with the Full Council Meetings Procedure Rules set out in Part 3.

**8.2 Health and Wellbeing Board**

- a. Following restructure of the NHS in England, local leadership for public health transferred to the Council from 1 April 2013 together with new statutory and other public health responsibilities set out in the Health and Social Care Act 2012.

- b. In summary, the leadership role of the Council involves:

- Taking action to improve health, tackling the causes of ill-health, and reducing health inequalities.
- Promoting and protecting health.
- Promoting social justice.

- c. The Council is responsible for the five mandated services listed below and a range of other services under the 2012 Act:

- Population healthcare advice to the NHS.
- The National Child Measurement Programme.
- NHS health check assessments.
- The Local Authority role in dealing with health protection incidents, outbreaks and emergencies.
- Comprehensive sexual health services (including testing and treatment for sexually transmitted infections, contraception outside of the GP contract and sexual health promotion and disease prevention).

- d. The Council is supported in this work by Public Health England.

## ***Article 8 – Regulatory and Other Committees***

- e. The Council has established, in accordance with legislation, a Health and Wellbeing Board in conjunction with partner organisations to have leadership responsibility for a number of key partnership areas including oversight of Public Health arrangements, local Healthwatch, assessment of local need, health promotion, health improvements, joint commissioning and local safeguarding arrangements across both adults and children.
  
- f. The Health and Wellbeing Board will discharge its responsibility for functions in accordance with its Terms of Reference set out in Part 2 and in accordance with the Full Council Meetings Procedure Rules set out in Part 3.

**Article 9 – Joint Arrangements**

**9.1 Arrangements to Promote Wellbeing**

The Cabinet, in order to promote the economic, social or environmental well-being of its area may:

- a. enter into arrangements or agreements with any person or body;
- b. co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- c. exercise on behalf of that person or body any functions of that person or body.

**9.2 Joint Arrangements**

- a. The Council may establish joint arrangements with one or more local authorities to exercise functions which are not Cabinet functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a Joint Committee with these other local authorities.
- b. The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are Cabinet functions. Such arrangements may involve the appointment of joint committees with these other local authorities.

Except as set out below the Cabinet may only appoint Cabinet Members to a Joint Committee and those Councillors need not reflect the political composition of the Council as a whole.

The Cabinet may appoint Councillors to a Joint Committee from outside the Cabinet in the following circumstances:

- the Joint Committee has functions for only part of the area of the authority and that area is smaller than two fifth of the authority by areas or population. In such cases the Cabinet may appoint to the Joint Committee any Councillor who is a Councillor for a Ward which is wholly or partly contained within the area;
  - the Joint Committee is discharging a function in relation to five or more authorities;
  - the function which the Joint Committee is discharging is a function which is required by statute to be discharged by a Joint Committee;
  - political balance requirements do not apply to such appointments.
- c. Details of any joint arrangements including delegations to Joint Committees will be found in the Council's scheme of delegations in Part 2 of this Constitution.

**9.3 Access to Information**

The Access to Information Rules in Part 4 apply to Joint Arrangements.

**9.4 Delegation to and from Other Local Authorities**

- a. The Council may delegate functions to another local authority or, in certain circumstances, the Cabinet of another local authority.
- b. The Cabinet may delegate Cabinet functions to another local authority or the Cabinet of another local authority in certain circumstances.
- c. The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting except where it relates to pensions when it shall be reserved to the Pensions Committee.

**9.5 Contracting Out**

The Council in respect of non-Cabinet functions and the Cabinet in respect of Cabinet functions may contract out to another body or organisation functions which may be exercised by an employee and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.



**Article 10 – Employees**

**10.1 Management structure**

**a. General.**

The Council may engage such employees as it considers necessary to carry out its functions.

**b. Senior Management**

The Council will engage persons for the following posts, who will be designated Senior Managers

Post	Functions and areas of responsibility
Managing Director	<ul style="list-style-type: none"> <li>• Governance</li> <li>• Education</li> <li>• People</li> <li>• Place</li> <li>• Commercial Services</li> <li>• Corporate Services</li> <li>• Service Improvement</li> <li>• West Midlands Transport</li> <li>• West Midlands Pension Fund</li> <li>• Communications</li> </ul>
Deputy Managing Director and Strategic Director, Place	<ul style="list-style-type: none"> <li>• City Economy</li> <li>• City Environment</li> <li>• Corporate Landlord</li> <li>• Future Space</li> </ul>
Director of Finance	<ul style="list-style-type: none"> <li>• Section 151 Officer</li> <li>• Audit Services</li> <li>• Medium Term Financial Planning</li> <li>• Strategic Financial Advice and Support</li> <li>• Technical Accounting and Reporting</li> <li>• Financial Modelling</li> <li>• Treasury Management</li> <li>• Agresso Business</li> </ul>
Director of Governance	<ul style="list-style-type: none"> <li>• Monitoring Officer</li> <li>• Human Resources</li> <li>• Democratic Services</li> <li>• Legal Services</li> <li>• Corporate Administration</li> <li>• Licencing Services</li> </ul>
Strategic Director of People	<ul style="list-style-type: none"> <li>• Children and Young People</li> <li>• Adult Social Care</li> <li>• Public Health and Well Being</li> <li>• Safeguarding - Adults and Children</li> <li>• People Directorate Commissioning</li> <li>• Strategic Finance</li> </ul>

## Article 12 – Employees

	<ul style="list-style-type: none"> <li>• The Hub</li> <li>• Revenue and Benefits</li> <li>• Procurement</li> <li>• Customer Services</li> <li>• ICT Services</li> <li>• Digital Transformation Programme</li> </ul>
Director of Education	<ul style="list-style-type: none"> <li>• School Standards</li> <li>• School Planning and Resources</li> <li>• School Governance</li> <li>• School Admissions</li> <li>• Home to School Transport</li> <li>• Traded Services for Schools</li> <li>• Post 16 Education Pro</li> </ul>

The Senior Management are members of the Council’s Strategic Executive Board and share responsibility for proper governance; effective performance and financial management; the improvement of services and the achievement of Value-for-Money.

The Strategic Executive Board is supported by Service Directors. Service Directors provide operational leadership across all service areas and are accountable to the Strategic Executive Board for delivery.

The Director for Pensions arranges for the Council’s responsibilities to manage the West Midlands Authorities Pension Fund to be discharged. This includes the investment and general management of the fund and to provide services to the West Midlands Combined Authority.

The Black Country Service Director - City Assets works with the transport teams across each of the four local authorities to ensure a joined-up approach aimed at increasing the region’s capability to bid for funding and developing the capacity for effective regeneration and economic development from future projects and schemes.

### c. **Statutory Posts**

The Council will designate the following statutory posts as shown below:

Post	Designation
Managing Director	Head of Paid Service
Director of Governance	Monitoring Officer
Director of Finance	Section 151 Officer
Director of Children’s Services	Director of Children’s Services

Director of Adult's Social Care	Director of Adult Services
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These posts will have the functions described in Articles 10.2 – 10.4 below in addition to responsibility for the functions undertaken by the Service Group(s) which they manage.

- c. The Head of Paid Service will determine and publicise a description of the overall structure of the Council showing the Management structure and deployment of employees. [Link to senior management structure](#) .

### 12.2 Functions of the Head of Paid Service

- a. **Discharge of functions by the Council.** The Head of Paid Service will report to Full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of employees required for the discharge of functions and the organisation of employees.
- b. **Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Section 151 Officer if a qualified accountant.

### 12.3 Functions of the Monitoring Officer

- a. **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for inspection by Councillors, employees and the public.
- b. **Ensuring lawfulness and fairness of decision making.** After consulting with the Head of Paid Service and Section 151 Officer, the Monitoring Officer will report to the Full Council or to the Cabinet in relation to a Cabinet function if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- c. **Supporting the Standards Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- d. **Receiving Reports** The Monitoring Officer will receive, assess, refer and determine complaints that Councillors have not complied with the Code of Conduct
- e. **Conducting investigations.** The Standards Committee or the Monitoring Officer will conduct investigations into matters referred by

Ethical Standards Officers and make reports or recommendations in respect of them to the Standards Committee.

- f. **Proper Officer for access to information.** The Monitoring Officer will ensure that Cabinet decisions, together with the reasons for those decisions and relevant reports and background papers are made publicly available as soon as possible.
- g. **Advising whether Cabinet decisions are within the budget and policy framework.** The Monitoring Officer will advise whether decisions of the Cabinet are in accordance with the budget and policy framework.
- h. **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors.
- i. **Restrictions on posts.** The Monitoring Officer cannot be the Section 151 Officer or the Head of Paid Service.

#### 12.4 Functions of the Section 151 Officer

- a. **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Section 151 Officer will report to the Full Council or to the Cabinet in relation to a Cabinet function and the Council's External Auditor if it is considered that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- b. **Administration of financial affairs.** The Section 151 Officer will have responsibility for the administration of the financial affairs of the Council.
- c. **Contributing to corporate management.** The Section 151 Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- d. **Providing advice.** The Section 151 Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors and will support and advise Councillors and employees in their respective roles.

**12.5 Duty to Provide Sufficient Resources to the Monitoring Officer and Section 151 Officer**

The Council will provide the Monitoring Officer and Section 151 Officer with such employees, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

**12.6 Conduct**

Employees will comply with the Employees' Code of Conduct and the Protocol on Councillor/Employee Relationships set out in Part 5.

**12.7 Employment**

The recruitment, selection and dismissal of employees will comply with the Employee Employment Procedure Rules set out in Part 4.

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## **Article 11 – Decision Making**

### **11.1 Responsibility for Decision Making**

The Council will issue and keep up to date a record which describes which part of the Council or individual has responsibility for particular types of decision or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

### **11.2 Principles of Decision Making**

All decisions of the Council will be made in accordance with the following principles:

- a. proportionality i.e. the action must be proportionate to the desired outcome;
- b. due consultation - including the taking of professional advice from employees;
- c. respect for human rights;
- d. a presumption in favour of openness;
- e. clarity of aims and desired outcomes;
- f. due consideration to alternative options;
- g. accountability i.e., giving reasons for the decision (providing that this does not involve a breach of confidentiality);
- h. to take into consideration financial, legal, equalities and risk implications.

### **11.3 Types of Decision**

- a. Key decisions.

A key decision is a Cabinet decision which is likely:

to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates or

to be significant in terms of its effects on communities living or working in an area comprising two or more Wards in the area of the local authority.

- b. A decision maker may only make a key decision in accordance with the requirements of the Cabinet Procedure Rules set out in Part 3.

**Note:** The Council has determined that expenditure or savings in excess of £250,000 will be deemed significant. This figure will be reviewed by the Council from time to time.

Key decisions may not be taken by an individual Cabinet Member.

- c. Decisions relating to the functions listed in Article 4.2 will be made by the Full Council only and not delegated. These are known as Red Decisions.
- d. Decisions relating to the functions listed in the delegations to the Cabinet and Cabinet Panels are referred to in Part 3. These are known as Amber Decisions.
- e. Decisions of individual Cabinet Members relating to their individual Cabinet responsibilities and are listed in Part 3. These are known as Green Decisions.

#### **11.4 Decision making by the Council**

Decision making by the full Council will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.

#### **11.5 Decision making by the Cabinet**

The Cabinet will follow the Cabinet Procedures Rules set out in Part 4 of this Constitution when considering any matter.

#### **11.6 Decision making by the Scrutiny Board and Panels**

The Scrutiny Board and Panels will follow the Overview and Scrutiny Procedures Rules set out in Part 4 of this Constitution when considering any matter.

#### **11.7 Decision making by Other Committees and Sub-Committee**

Other Council committees and sub-committees will follow those parts of the Council Procedures Rules set out in Part 4 of this Constitution as apply to them.

#### **11.8 Council Bodies acting as Tribunals**

The Council, a Councillor or an employee acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

#### **11.9 Urgent Decisions**

The Cabinet and Regulatory and other Committees may in exceptional circumstances make urgent decisions. The procedure for making urgent decisions by the Cabinet is set out in Article 6 and by Regulatory and other Committees in Part 7 of Part 2.



**Article 12 - Finance, Contracts and Legal Matters**

**12.1 Financial Management**

The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Part 5 of this Constitution.

**12.2 Contracts**

Contracts made by the Council will comply with the Contracts Procedure Rules set out in Part 5 of this Constitution.

**12.3 Legal Proceedings**

The Director of Governance is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where he or she considers that such action is necessary to protect the Council's interests.

**12.4 Authentication of Documents**

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Director of Governance or other person authorised by the Director of Governance, unless any enactment otherwise authorises or requires.

**12.5 Common Seal of the Council**

The Common Seal of the Council will be kept in a safe place in the custody of the Director of Governance. A decision of the Council, or of any properly constituted body of the Council, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Director of Governance should be sealed. The affixing of the Common Seal will be attested by the Authorised Officer i.e. the Director of Governance or some other person authorised by him/her.

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**Article 13 - Review and Revision of the Constitution**

**13.1 Duty to Monitor and Review the Constitution**

a. The Monitoring Officer

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that its aims and principles are given full effect.

b. Protocol for monitoring and review of constitution by Monitoring Officer

A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1.

**13.2 Changes to the Constitution**

Changes to the constitution will only be approved by Full Council after consideration of the proposal by the Monitoring Officer, the Constitution Review Group and the Special Advisory Group.

**13.3 Constitution Review Group**

The Constitution Review Group comprising the Monitoring Officer and other relevant employees will assist in monitoring, reviewing and proposing changes to the Constitution above for consideration by the Special Advisory Group and Full Council.

***Article 13 –Review and Revision of the Constitution***

## ***Article 14 - Suspension, Interpretation and Publication of the Constitution***

### **Article 14 - Suspension, Interpretation and Publication of the Constitution**

#### **14.1 Suspension of the Constitution**

The Articles of this Constitution may not be suspended. The Rules may be suspended to the extent permitted within those Rules and the law.

#### **14.2 Interpretation**

- a. Except as provided below, the ruling of the Monitoring Officer as to the interpretation of this Constitution will be final.
- b. In relation to Proceedings of Full Council, the ruling of the Mayor as to the construction and application of the Constitution shall not be challenged at any meeting.

#### **14.3 Publication**

The Monitoring Officer will:

- a. provide access to the Constitution to each member of the authority upon delivery to him or her of that person's declaration of acceptance of office as the member first being elected to the Council;
- b. ensure that copies of the Constitution are available for inspection at the Council's Civic Centre offices and will be made available on the Council's website and can be purchased by members of the local press and the public on payment of a reasonable fee.
- c. will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.

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## **Schedule 1: DESCRIPTION OF CABINET ARRANGEMENTS**

The following parts of this Constitution constitute the Cabinet arrangements:

1. Article 6 (The Cabinet) and the Cabinet Procedure Rules;
2. Article 7 (Overview and Scrutiny Arrangements) and the Overview and Scrutiny Procedure Rules;
3. Article 11 (Joint Arrangements) to the extent to which functions have been delegated by the Cabinet;
4. Article 13 (Decision Making) and the Access to Information Procedure Rules contained in Part 3;
5. Part 2 (Responsibility for Functions).

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**Responsibility for Functions**

**1. Introduction**

1.1 The Local Authorities (Functions and Responsibilities) (England) Regulations (as amended) give effect to section 13 of the Local Government Act 2000 by specifying:-

- which functions are not to be the responsibility of the Cabinet;
- which functions may (but need not) be the responsibility of the Cabinet (local choice functions);
- which functions are to some extent the responsibility of the Cabinet ;
- all other functions not so specified are to be the responsibility of the Cabinet.

1.2 The following pages set out:

- those functions which are the responsibility of the Cabinet and where those functions have been delegated to a Cabinet Panel;
- when an individual Cabinet Member may make a decision under delegated responsibility and when a decision should be reserved to the Cabinet;
- those functions which are not the responsibility of the Cabinet and how those functions have been retained by the full Council or delegated to a Regulatory or other Committee of the Council. Regulatory or other Committees of the Council are variously titled as shown but are “Committees of the Council” for the purposes of the Local Government Acts;
- those functions which are delegated to employees.

## **1. Delegations to the Cabinet**

### **Individual and Collective Decision Making**

All Cabinet Members share collective responsibility for the proper discharge of Council functions. The Cabinet Procedure Rules in Part 3 specify how and whom Cabinet decisions may be made.

Individual Cabinet Members are empowered to make Individual Executive Decisions (known as 'green decisions') in respect of their area of responsibility, subject to consultation with the appropriate senior officer (director or head of service). The exceptions to those delegations are:

- (1) Those decisions delegated to an employee under the Constitution, unless the employee refers the decision to the Cabinet Member.
- (2) Those decisions reserved to the Council, a Committee of the Council or some other body under the Local Authority Financial Regulations.
- (3) Expenditure over £250,000, unless the expenditure is the subject of a specific delegation from the Cabinet to the individual Cabinet Member.
- (4) A decision or recommendation changing or proposing significant strategy or policy.
- (5) A decision that has a significant impact on the way the Council operates or will operate.
- (6) A decision that is a departure from any agreed corporate objective.
- (7) Where the Leader (before a decision is taken) requires that decision to be taken collectively by the Cabinet.\*
- (8) A decision that any Cabinet Member has asked to be taken collectively by the Cabinet (before the decision is taken).\*
- (9) A decision in which the Cabinet Member has either a personal or prejudicial interest, or a conflict of interest.

\*Notification by the Leader or Cabinet Member must be to the Director of Governance.

In making a decision, a Cabinet Member must take into account professional, legal and financial implications, and any advice given by the senior officer.

If any senior officer gives advice that the decision should fall within one of the exceptions listed above, or that the matter should not be the subject of an Individual Executive Decision, then the matter shall be a decision for the Cabinet.

Where responsibility for an Individual Executive Decision is unclear, the Leader shall decide. If the appropriate Cabinet Member is unavailable and a decision needs to be taken urgently, the Leader may take the decision in consultation with the Head of Paid Service.

## ***Responsibility for Functions***

Every Individual Executive Decision will be published on the Council's website as soon as it is notified to the Democratic Services team. A schedule of such decisions will be notified to the next meeting of the Cabinet (Resources) Panel for information. Copies of decision reports will be open for inspection in accordance with the Access to Information Rules in Part 3 of this Constitution.

The following pages set out the various functions delegated to the Cabinet and identify the individual Cabinet Members with lead responsibility.

**1.0 Cabinet Portfolio: The Leader of the Council**

**Policy Areas**

- 1.1 Corporate strategy
- 1.2 City partnership
- 1.3 International, national, regional and sub-regional leadership
- 1.4 Combined Authority
- 1.5 Public Service Reform
- 1.6 Transformation
- 1.7 Performance management
- 1.8 Communications, marketing and branding
- 1.9 Emergency response lead
- 1.10 New communities and migration
- 1.11 Chair of Health & Wellbeing Board

**2.0 Cabinet Portfolio: Cabinet Member for Resources**

**Policy Areas**

- 2.1 Medium term financial planning
  - a capital strategy (including schools)
  - b budget development process
  - c treasury management strategy
- 2.2 Creation of wholly owned companies and joint ventures
- 2.3 Housing benefits and council tax benefits
- 2.4 Council tax and business rates
- 2.5 Income generation
- 2.6 Procurement
- 2.7 Customer services
- 2.8 ICT
- 2.9 Channel shift
- 2.10 Audit
- 2.11 Corporate risk
- 2.12 Future Space Programme
- 2.13 Electoral Registration & Elections

**3.0 Cabinet Portfolio: Cabinet Member for Governance**

**Policy Areas**

- 3.1 Legal and governance
- 3.2 Human resources strategy
- 3.3 Organisation development strategy
- 3.4 Democratic services, scrutiny and councillor support
- 3.5 Registrars
- 3.6 Information governance
- 3.7 Mayoralty
- 3.8 Health and safety
- 3.9 Equalities
- 3.10 Business support
- 3.11 YOO Recruit
- 3.12 Complaints and feedback

**4.0 Cabinet Portfolio: Cabinet Member for Education**

**Policy Areas**

- 4.1 School standards and attainment
- 4.2 School governance
- 4.3 School place planning
- 4.4 School admissions
- 4.5 Home to school transport
- 4.6 School asset management
- 4.7 Traded services for schools
- 4.8 Post 16 Education provision
- 4.9 University and College education provision

**5.0 Cabinet Portfolio: Cabinet Member for Children and Young People**

**Policy Areas**

- 5.1 Prevention of child sexual exploitation
- 5.2 Children's safeguarding
- 5.3 Corporate parenting
- 5.4 Children in need (including troubled families, looked after children & children with special educational needs and/or disabilities)
- 5.5 Early years
- 5.6 Early intervention and prevention
- 5.7 Children and young people partnership working (including Youth Zone)
- 5.8 Youth offending
- 5.9 Children and young people's mental health
- 5.10 Primary link for children and young people's health
- 5.11 Children's care commissioning & user engagement



**6.0 Cabinet Portfolio: Cabinet Member for Adults**

**Policy Areas**

- 6.1 Social care for older people, disabilities and mental health
- 6.2 Adult safeguarding
- 6.3 Carer support
- 6.4 Welfare rights
- 6.5 Primary link for adult's health
- 6.6 Wolverhampton Information Network
- 6.7 Better Care Fund and Care Act responses
- 6.9 Quality and Care provision monitoring
- 6.10 Adult care commissioning & user engagement

**7.0 Cabinet Portfolio: Cabinet Member for Public Health and Wellbeing**

**Policy Areas**

- 7.1 Public health
- 7.2 Health protection and public engagement
- 7.3 Vaccination and immunisation
- 7.4 Health visiting & School Nursing
- 7.5 Sports development
- 7.6 Community safety & community cohesion
- 7.7 Resilience and business continuity

**8.0 Cabinet Portfolio: Cabinet Member for City Assets and Housing**  
**Policy Areas**

- 8.1 City housing development strategy
- 8.2 City Housing Company
- 8.3 City Private Sector Housing
- 8.4 City Social/Affordable Housing
- 8.5 City Homelessness
- 8.6 City Strategic Asset Plan (inc schools)
- 8.7 City Asset Management Plan (incl schools)
- 8.8 Corporate landlord – Assets (incl schools)
- 8.9 Corporate landlord – Facilities Management
- 8.10 Corporate landlord – Projects and Works

**9.0 Cabinet Portfolio: Cabinet Member for City Economy**

**Policy Areas**

- 9.1 City development
- 9.2 Skills and employability
- 9.3 City Planning, including policy, development control, building control
- 9.4 Supporting City businesses
- 9.5 Inward investment
- 9.6 Visitor economy
- 9.7 City marketing
- 9.8 Sustainability
- 9.9 Voluntary Sector liaison
- 9.10 Partnership working with University and College to deliver the City skills and Employment action plan
- 9.12 Economic growth and inclusion partnerships
- 9.13 Adult Education
- 9.14 Community Hubs and Libraries

**10.0 Cabinet Portfolio: Cabinet Member for City Environment**

**Policy Areas**

- 10.1 WV Active
- 10.2 Waste management strategy
- 10.3 Street cleansing
- 10.4 Grounds maintenance, parks operations, country parks operations
- 10.5 Strategic Transportation and Operational Transportation including highways management and maintenance
- 10.6 Public protection and consumer protection
- 10.7 Licensing
- 10.8 Parking Services
- 10.9 Markets
- 10.10 Fleet management
- 10.11 Bereavement

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2. DELEGATIONS TO THE CABINET	Cabinet Member(s) with lead responsibility
<b>1. ORGANISATION AND CO-ORDINATION</b>	
1.1 To organise the work of the Council and to advise the Council on the number, scope and functions of and delegations to Cabinet Panels, Cabinet Members, Regulatory or other Committees, Area Committees and Forums, the Scrutiny Board and Scrutiny Panels.	Leader
1.2 To appoint and remove from office the Deputy Leader and Cabinet Members.	Leader
1.3 To advise the Council on membership of Cabinet Panels, Regulatory or other Committees, Area Committees and Forums and the Scrutiny Board and Scrutiny Panels, and to agree permanent membership changes in between annual meetings of the Council, subject to appropriate consultation with the leaders of opposition groups.	Leader
1.4 To co-ordinate the work of the Cabinet and to consider and advise the Council and the Cabinet Panels on major items of policy.	Leader/ALL
1.5 To work positively with the Scrutiny Board and Scrutiny Panels to formulate policies and practices and to ascertain the views of partners, other organisations and individuals.	Leader/ALL
1.6 To consider and, where appropriate, act on the advice and recommendations of the Scrutiny Board and Scrutiny Panels.	Leader/ALL
1.7 To advise Full Council on matters of relevance arising from the deliberations of the Strategic Policing and Crime Board and any Joint Boards and Joint Committees established under the provisions of the Local Government Act 1985.	Leader/ALL
1.8 To appoint representatives on outside bodies when such appointments are not made by the Council or if requested to do so by the Council.	Governance and Performance
1.9 To appoint HM Coroner.	Governance and Performance
1.10 To advise Full Council on Parliamentary and boundary matters and the Council's functions relating to European, Parliamentary and local elections.	Governance and Performance

2. DELEGATIONS TO THE CABINET	Cabinet Member(s) with lead responsibility
1.11 To receive schedules of Individual Executive Decisions taken by Cabinet Members.	Governance and Performance
1.12 To work with the Returning Officer/Electoral Registration Officer to oversee the Council's Electoral Services function, including electoral registration and co-ordination of elections.	Governance and Performance
1.13 To receive reports and minutes from partner bodies and to advise the Council/Cabinet appropriately about issues arising.	Governance and Performance
1.14 To approve use of the Council's Coat of Arms.	Governance and Performance
<b>2. BUDGET AND POLICY FRAMEWORK</b>	
2.1 To prepare the budget and policy framework for consideration by the Council.	Leader/Resources
2.2 To consult on and prepare the revenue and capital budgets for submission to and approval by Full Council.	Leader/Resources
2.3 To determine the Council Tax base and approve the Business rates tax base as detailed in the NNDR1 form.	Leader/Resources
2.4 To consult with the business community, the voluntary sector and individuals and then to advise Full Council on the level of Council Tax and the amount to be charged to the Collection Fund for Council services.	Leader/Resources
2.5 To submit, on behalf of the Council, representations to the Local Government Association on major policy issues.	Leader
<b>3. CORPORATE/COMMUNITY PLANNING</b>	
3.1 To lead the community planning process.	Leader
3.2 To work with partners and other bodies to establish a strategy to promote the economic, social and environmental well-being of Wolverhampton and its citizens.	Leader/ALL
3.3 To take direct responsibility for particular areas of partnership working of key importance to the strategic objectives of the Council.	Leader/ALL
3.4 To review and advise the Council on progress made in implementing corporate plans, policies and objectives and to recommend amendments to take account of changing circumstances.	Leader/ALL



2. DELEGATIONS TO THE CABINET	Cabinet Member(s) with lead responsibility
<b>4. CUSTOMER RELATIONS</b>	
4.1 To oversee press and media relations.	Leader
4.2 To oversee public relations, advertising and marketing.	Leader/Resources
4.3 To oversee community engagement/public consultation.	Leader/Resources
<b>5. RESOURCES</b>	
5.1 To prepare, implement and review the Council's E-Government Strategy, ICT Strategy and Customer Services Strategy, including complaints.	Resources
5.2 To determine policy on Asset Management and approve Asset Management Plans.	Resources
5.3 To discharge the Council's functions relating to the Mayoralty, civic ceremonial and civic hospitality.	Resources
5.4 To authorise the institution, defence or discontinuance of any proposed or pending litigation of special importance to the Council or having significant financial implications.	Resources
5.5 To authorise enforcement policies, practices and procedures and approve prosecution or enforcement action in relation to all regulatory functions.	Resources
5.6 Within relevant statutory provisions, to establish policies, procedures and criteria, and determine fees and charges, for the processing of any applications for any approval, consent, licence, permission or registration, granted by or on behalf of the Cabinet.	Resources
5.7 To discharge the Council's functions as "accountable body" in relation to externally funded schemes.	Leader/Resources
5.8 To be responsible for premises and facilities required to deliver the Council's services.	Resources
5.9 To approve the application of monies in excess of £30,000 received under the Proceeds of Crime Act 2002.	Resources
5.10 To receive regular budget monitoring reports, together with performance against the Treasury Management policy, practices, activities and key targets set out in the CIPFA Code of Practice.	Resources

2. DELEGATIONS TO THE CABINET	Cabinet Member(s) with lead responsibility
5.11 To oversee Housing Benefit, Council Tax Benefit and rate relief arrangements.	Resources
5.12 To approve procurement arrangements, including tender lists and award of contracts for Class IV and Class V contracts, in accordance with the Contract Procedure Rules set out in Appendix 2 of this Constitution.	Resources
5.13 To deal with property transactions, including the disposal of land declared surplus to requirement, in accordance with the Contract Procedure Rules set out in Appendix 2 of this Constitution.	Resources
5.14 To have lead responsibility for the Civic Centre, including use by external bodies.	Resources
5.15 To be responsible for all corporate services, including City Direct, financial services, corporate landlord functions, information technology, legal and procurement services, reprographics and technical services, and democratic services, councillor support and scrutiny (including policies in relation to training, conferences and travel arrangements).	Resources
5.16 To deal with all other financial matters in accordance with the Financial Procedure Rules in Appendix 2 of this Constitution.	Resources
<b>6. EMERGENCY PLANNING</b>	
6.1 To discharge the functions of the Council relating to major emergencies and contingencies arising from natural or man-made disasters.	Leader/Resources
6.2 To prepare and implement local plans relating to civil defence and peacetime emergencies.	Leader/Resources
6.3 To authorise additional financial and material resources and to approve immediate Cabinet action in the event of the initiation of major emergency procedures under the Emergency Plan.	Leader/Resources
<b>7. CITY SERVICES</b>	
7.1 To provide and maintain public conveniences.	City Services
7.2 To prepare, implement and review the operation of a Waste Management Strategy.	City Services
7.3 To discharge the functions of the Council relating to Waste Management including environmental cleansing, litter control,	City Services

2. DELEGATIONS TO THE CABINET	Cabinet Member(s) with lead responsibility
refuse collection and disposal, waste disposal, waste minimisation and recycling.	
7.4 To be responsible for transport services, cleaning, catering, building services and facilities management, street lighting services, highway maintenance services and parking services.	City Services
7.5 To discharge the functions of the Council relating to Bereavement Centre services including the provision and maintenance of cemeteries and crematoria and public mortuary facilities.	City Services
7.6 To prepare, implement and review the food law enforcement service plan.	City Services
7.7 To co-ordinate the Council's markets service, including retail and wholesale markets, and occasional or special market activities.	City Services
<b>8. SENIOR MANAGER/PROPER OFFICER MANAGEMENT STRUCTURES</b>	
8.1 To advise the Council on the Senior Management structure and Appointment of Proper Officers.	Leader
8.2 To advise the Council on the designation of: (i) an employee to be Head of Paid Service; (ii) an employee to be Monitoring Officer; (iii) an employee to be responsible for the proper administration of the Council's financial affairs. (Section 151 Officer)	Leader
8.3 To appoint Proper Officers in connection with Environmental Health, Social Care, Housing and Health matters.	Leader
8.4 To appoint a Proper Officer in connection with the Registration Service.	Leader
<b>9. PEOPLE AND PERFORMANCE</b>	
9.1 To prepare, implement and review the operation of human resource policies and procedures to enhance the organisational development and learning of the Council's employees.	Governance and Performance
9.2. To prepare, implement and review the operation of policies relating to recruitment and resourcing, disciplinary and	Governance and Performance

2. DELEGATIONS TO THE CABINET	Cabinet Member(s) with lead responsibility
grievance procedures, management of attendance, early retirement and redundancy.	
9.3 To prepare, implement and review the operation of the Council's Equal Opportunities in Employment policy with particular reference to the needs of the minority ethnic community, minority groups, women and people with disabilities.	Governance and Performance
9.4 To review and maintain the Council's pay and grading structure and collective agreement. Ensure Pay Strategy Board oversee all pay and grading issues.	Governance and Performance Governance and Performance
9.5 To consult Trade Unions and employee organisations.	
9.6 To ensure equality of opportunity in service delivery.	Governance and Performance
9.7 To determine and review the Council's performance management framework.	Governance and Performance
9.8 To oversee the management of performance, including arrangements for performance monitoring, in respect of both Council activity and activities undertaken in partnership with other organisations.	Governance and Performance
9.9 To respond to performance issues highlighted by monitoring or inspection, referring as appropriate to the Scrutiny Board or a Scrutiny Panel for consideration prior to a Cabinet response.	Governance and Performance
9.10 To advise the Council on progress made in implementing corporate plans, policies and objectives and to recommend amendments to take account of changing circumstances.	Governance and Performance
<b>10. CHILDREN AND YOUNG PEOPLE</b>	
10.1 To have accountability for the effectiveness, availability and value for money of all local authority services for children and young people, namely education and learning provision, social care, support for children and young people with special needs, play and leisure provision.	Children and Families
10.2 To demonstrate leadership to engage partners and encourage local communities in order to improve services and outcomes for children and young people both within the local authority and externally with partner organisations.	Children and Families

## 2. DELEGATIONS TO THE CABINET

### Cabinet Member(s) with lead responsibility

- |       |  |                       |
|-------|--|-----------------------|
| 10.3  | To safeguard and promote the welfare of children across all agencies and ensure that provision meets the needs of the most vulnerable.   | Children and Families |
| 10.4  | To prepare, implement and review the operation of the Children and Young People's Plan.  | Children and Families |
| 10.5  | To promote the welfare of children in need and to provide appropriate services including assessment, advice, counselling and guidance, residential care, day care, adaptations to property and aids to daily living.     | Children and Families |
| 10.6  | To provide a fostering and adoption service including acting as an adoption agency.  | Children and Families |
| 10.7  | To act as a focus for the Council undertaking its role as Corporate Parent and to act on the advice and recommendations of the Corporate Parenting Panel.  | Children and Families |
| 10.8  | To co-ordinate the preparation, implementation and review of the Youth Justice Plan and contribute to the Youth Offending Team.  | Children and Families |
| 10.9  | To provide a developmental play service for children and young people.   | Children and Families |
| 10.10 | To administer grants, awards and loans to pupils and students.   | Children and Families |
| 10.11 | To liaise with providers of information, advice and guidance services to children and young people.  | Children and Families |
| 10.12 | To provide a youth service including youth clubs, projects and programmes aimed at promoting the social and educational development of young people.   | Children and Families |
| 10.13 | To work with the Health and Social Care Partnership Board and Children and Young People's Partnership to develop and implement the Strategic Health Partnership and Joint Planning Arrangements in relation to children. | Children and Families |
| 10.14 | To work with the Early Years Development and Child Care Service to implement the requirements of the Childcare Act 2006.   | Children and Families |

## 11. SCHOOLS

2. DELEGATIONS TO THE CABINET	Cabinet Member(s) with lead responsibility
<p><b>Note:</b> The Children Act 2004 places political accountability for all services for Children and Young People on the Cabinet Member for Children and Young People. Functions marked “Schools” means that operational responsibility has been delegated to the Cabinet Member for Schools, Skills and Learning as far as is consistent with the Statutory Framework.</p>	
11.1 To organise the provision of schools and school places to meet statutory requirements to deliver learners entitlements and to secure value for money.	Schools, Skills and Learning
11.2 To promote school improvement and strategies to improve educational attainment including those for people aged 14 – 19.	Schools, Skills and Learning
11.3 To monitor, review and report on the performance of Wolverhampton schools and to ensure appropriate action, including intervention, is taken in relation to OFSTED reports on individual schools.	Schools, Skills and Learning
11.4 To deal with school budgetary matters including the implementation of the Fair Funding Scheme and the operation of the Schools Forum.	Schools, Skills and Learning
11.5 To appoint Local Authority representatives to school governing bodies.	Schools, Skills and Learning
11.6 To deal with matters relating to admissions to schools and other learning settings in conjunction with the Admissions Forum.	Schools, Skills and Learning
11.7 To make arrangements relating to admission and exclusion appeals.	Schools, Skills and Learning
11.8 To discharge the Council’s functions in respect of the educational requirements of children with Special Educational Needs.	Schools, Skills and Learning
11.9 To develop and implement a comprehensive strategy for post 16 education and to liaise with post 16 colleges and other providers in conjunction with the Black Country Learning and Skills Council.	Schools, Skills and Learning
<b>12. TRAFFIC, TRANSPORTATION AND HIGHWAYS</b>	
12.1 To promote and implement transportation policies in partnership with other local authorities and transport providers.	Economic Regeneration and Prosperity

2. DELEGATIONS TO THE CABINET	Cabinet Member(s) with lead responsibility
12.2 To prepare, implement and review the operation of the Local Transport Plan for Wolverhampton as its contribution to the West Midlands Transport Plan.	Economic Regeneration and Prosperity
12.3 To exercise the Council's functions as lead authority for strategic planning and transportation matters in the West Midlands and to provide or procure services to support the work of the West Midlands Planning and Transportation Sub-Committee.	Economic Regeneration and Prosperity
12.4 To contribute to the Regional Transport Strategy.	Economic Regeneration and Prosperity
12.5 To discharge the functions of the Council relating to highways (except those regulatory functions delegated to the Planning Committee), street lighting, highways structures, bridges, transportation, traffic regulation, and parking.	Economic Regeneration and Prosperity
12.6 To provide facilities which improve access and mobility for the citizens of Wolverhampton.	Economic Regeneration and Prosperity
12.7 To contribute to the development and implementation of Community Safety Programmes including road safety measures, education and training.	Economic Regeneration and Prosperity
12.8 To discharge the Council's functions relating to highways and land drainage.	Economic Regeneration and Prosperity
<b>13. PLANNING AND URBAN DESIGN</b>	
13.1 To be responsible for all matters relating to the physical environment and spatial planning of the City with an appreciation of the need to develop and improve the business prosperity and the sustainable community life of the citizens of Wolverhampton and to exercise the Council's functions and responsibilities as a Section 4(4) strategic planning authority.	Economic Regeneration and Prosperity
13.2 To prepare, implement and review the Statement of Community Involvement to ensure that communities, businesses and other external stakeholders are involved in plan and planning policy making and to work with and take account of the views of the Planning Committee before determining plans and planning policy.	Economic Regeneration and Prosperity
13.3 To discharge the Council's functions relating to the statutory development plan (except those functions which are the responsibility of the Council) including preparing, implementing	Economic Regeneration and Prosperity

2. DELEGATIONS TO THE CABINET	Cabinet Member(s) with lead responsibility
and reviewing the development plan documents (core strategy, area action plans, neighbourhood development plans, site specific allocations, proposals map and generic development control policies) within the local development framework in order to provide the statutory spatial planning framework to guide development and transportation proposals to protect and enhance the environment and address climate change.	
13.4 To prepare, implement and review the Local Development Scheme.	Economic Regeneration and Prosperity
13.5 To prepare, implement and review Supplementary Planning documents which form part of the local development framework, including planning/development briefs and master plans of City wide significance.	Economic Regeneration and Prosperity
13.6 To prepare implement and review appropriate planning and development control policies, practices and procedures to facilitate the improvement of community life and business prosperity within the City.	Economic Regeneration and Prosperity
13.7 To establish a Joint Committee to be for the purposes of Part 2 of the Planning and Compulsory Purchase Act 2004 a local planning authority, confer additional functions on a Joint Committee or its dissolution.	Economic Regeneration and Prosperity
13.8 To assemble land for planning purposes.	Economic Regeneration and Prosperity
13.9 To compulsorily purchase land for planning purposes.	Economic Regeneration and Prosperity
13.10 To consider and determine all matters relating to building control.	Economic Regeneration and Prosperity
<b>14. STRATEGIC AND PRIVATE SECTOR HOUSING</b>	
14.1 To recommend to the Council the rents for Housing Revenue account dwellings.	Economic Regeneration and Prosperity
14.2 To facilitate the provision of affordable housing in conjunction with the Housing Corporation, Registered Social Landlords and other providers.	Economic Regeneration and Prosperity
14.3 To discharge the Council's functions relating to Wolverhampton Homes Limited as set out in the Office of the Deputy Prime Minister's section 27 consent and the Management Agreement.	Economic Regeneration and Prosperity



## 2. DELEGATIONS TO THE CABINET

	<b>Cabinet Member(s) with lead responsibility</b>
14.4 To discharge the Council's functions relating to Tenant Management Organisations and Estate Management Boards.	Economic Regeneration and Prosperity
14.5 To sell and buy back dwellings pursuant to the Right To Buy provisions and those dwellings not required for letting.	Economic Regeneration and Prosperity
14.6 To secure the improvement of private sector dwellings and the surrounding environment by means of Housing Renewal Areas, the application of grants, Care and Repair and other means.	Economic Regeneration and Prosperity
14.7 To work with owners of unfit houses, where necessary adopting legislative steps to remedy unfitness of individual properties.	Economic Regeneration and Prosperity
14.8 To undertake clearance programmes, including the payment of compensation, home loss and disturbance payments.	Economic Regeneration and Prosperity
14.9 To improve health and safety and general physical standards in Houses in Multiple Occupation.	Economic Regeneration and Prosperity
14.10 To prepare, implement and review the Council's Empty Properties Strategy, including the making of Compulsory Purchase Orders.	Economic Regeneration and Prosperity
<b>15. LEISURE AND COMMUNITIES</b>	
15.1 To prepare, implement and review the operation of the Crime Reduction, Community Safety and Drug Strategy including anti-social behaviour strategies.	Leisure and Communities
15.2 To promote Community Safety and to work with the Wolverhampton Community Safety Partnership and any similar body.	Leisure and Communities
15.3 To be responsible for local and neighbourhood arrangements including neighbourhood renewal and management and neighbourhood wardens.	Leisure and Communities
15.4 To consider voluntary sector policy issues in conjunction with the Voluntary Sector Partnership Forum.	Leisure and Communities
15.5 To co-ordinate the Council's response to section 17 of the Crime and Disorder Act 1998.	Leisure and Communities
15.6 To develop and implement a Cultural Strategy for Wolverhampton.	Leisure and Communities

## **2. DELEGATIONS TO THE CABINET**

### **Cabinet Member(s) with lead responsibility**

15.7	To provide public open space, allotments, play areas and nature reserves, together with programmes for active and passive recreational use.	Leisure and Communities
15.8	To provide sport and recreation facilities, resources and programmes for community use and development.	Leisure and Communities
15.9	To ensure the provision of an effective and efficient libraries service in accordance with nationally approved public library standards.	Leisure and Communities
15.10	To provide for the safekeeping of the City's documentary and cultural heritage making it available for public consultation.	Leisure and Communities
15.11	To provide learning opportunities for personal fulfilment and community development throughout Wolverhampton.	Leisure and Communities
15.12	To maintain, evaluate and develop the Wolverhampton Adult Education Service, in particular providing education and training on skills for employability, especially first steps and skills for life i.e. literacy, numeracy, English for speakers of other languages (ESOL) and Information Communication Technology.	Schools, Skills and Learning
15.13	To provide a range of arts and cultural facilities, resources, programmes and events for the development and enjoyment of the performing, literary, visual and media arts.	Leisure and Communities
15.14	To be responsible for community centres through and in partnership with local community based organisations.	Leisure and Communities
15.15	To bid for and allocate resources available for funding the voluntary and community sectors, determining codes of practice, terms and conditions for grants, and reviewing and monitoring performance, varying or terminating grant allocations as required.	Leisure and Communities
<b>16. ENVIRONMENT</b>		
16.1	To prepare, implement and review the operation of the Council's environmental policies including the Sustainability Strategy.	City Services
16.2	To prepare, implement and review the operation of an Air Quality Strategy.	City Services
16.3	To discharge the functions of the Council relating to environmental health including infectious diseases, food safety,	City Services

2. DELEGATIONS TO THE CABINET	Cabinet Member(s) with lead responsibility
contaminated land, pollution control, statutory nuisances and noise nuisance and animal welfare; management of dogs.	
16.4 To discharge the Council's functions relating to trading standards including standards of quality and quantity, safety, fair trading and advice.	City Services
<b>17. ADULT SERVICES</b>	
17.1 To promote the welfare of and commission and provide services for: <ul style="list-style-type: none"> <li>• Older People</li> <li>• People with mental health needs</li> <li>• People with learning disabilities</li> <li>• People with physical and sensory disabilities</li> <li>• Asylum seekers</li> <li>• Carers</li> </ul>	Adult Services
17.2 To maintain, develop and improve services and outcomes for adults working with partner agencies (services include supported housing, residential care, day care, domiciliary care, meals services, welfare, catering, adaptations to property, aids to daily living, sheltered housing care and support).	Adult Services
17.3 To administer the Supporting People Service.	Adult Services
17.4 To administer the Blue Badge Scheme to facilitate the mobility of people with disabilities and to determine and implement the Council's policy in relation to travel concessions for older people and people with disabilities.	Adult Services
17.5 To prepare, implement and review the operation of a Strategy for Adult Social Care Transport Policy and Learning Disability Joint Commissioning Strategy.	Adult Services
17.6 Contribute the social care focus to the Health Economies Local Improvement Plan.	Adult Services
17.7 To undertake and co-ordinate the Council's functions in relation to the protection of vulnerable adults.	Adult Services
17.8 To protect the property of people admitted to the Council's care or to hospital and to arrange for the burial of people without means.	Adult Services

2. DELEGATIONS TO THE CABINET	Cabinet Member(s) with lead responsibility
17.9 To work with the Health and Well Being Board to develop and implement the Strategic Health Partnership and Joint Planning Arrangements in relation to adults.	Adult Services
<b>18. HEALTH</b>	
18.1 To consider and promote matters in relation to health and health inequalities	Health and Well Being
18.2 To consider all health related issues including working in partnership with the Acute Trust within the City.	Health and Well Being/All
18.3 To oversee public health and the public health budget	Health and Well Being
18.4 To receive the Children's Trust Annual Report	Children and Families
18.5 To formally receive the minutes and reports of the Joint Governance Group	Health and Well Being / Adult Services
18.6 To consider the Joint Strategic Needs Assessment and ensure coherent and co-ordinated commissioning.	Health and Well Being
18.7 To be responsible for the production of a Health and Well Being Strategy and an Annual Health Improvement Plan.	Health and Well Being
18.8 To ensure directions of GP Consortia and other Commissioners fit with the Health Improvement Plan and to hold them to account for delivery.	Health and Well Being
18.9 To be responsible for the coordination and delivery of health promotion and ill-health prevention campaigns as well as public health.	Health and Well Being
18.10 To oversee local Health Watch (the local advocacy, complaints resolution and public involvement service).	Health and Well Being
18.11 To support local voice and patient choice by ensuring that the views of local people are used.	Health and Well Being
18.12 To be the formal mechanism to oversee the Joint Commissioning Programme (section 75 pooled budget)	Health and Well Being
<b>19. ECONOMIC REGENERATION</b>	
	Leader

## 2. DELEGATIONS TO THE CABINET

	<b>Cabinet Member(s) with lead responsibility</b>
19.1 To promote and co-ordinate partnership working with the Wolverhampton Partnership and all other public bodies, the business and voluntary sectors and other external stake holders across the full range of Council functions and responsibilities.	Leader
19.2 To advise the Council on issues arising from the Council's functions relating to: <ul style="list-style-type: none"> <li>• European, national and regional issues of significance to the City.</li> <li>• Liaison with European and national Members of Parliament on matters affecting the City.</li> </ul>	Economic Regeneration and Prosperity  Leisure and Communities  ALL
19.3 To detail current and future economic trends for the City and the measures necessary to promote the industrial, commercial and cultural well being of the City.	Economic Regeneration and Prosperity
19.4 The development and implementation of a Tourism Strategy for Wolverhampton in conjunction with the private and voluntary sectors.	Economic Regeneration and Prosperity
19.5 To receive reports and minutes from partner bodies and to advise the Council on issues arising as appropriate.	Leader
19.6 To work with Government agencies, other councils and bodies active in the fields of economic development and regeneration in the sub region and region.	Economic Regeneration and Prosperity
19.7 To exercise the Council's functions relating to West Midlands Enterprise Board Limited and other similar companies or bodies of which the Council is a member.	Economic Regeneration and Prosperity
19.8 To exercise the Council's functions relating to Birmingham International Airport.	Economic Regeneration and Prosperity
19.9 To work with the City Centre Company and similar bodies to promote the town and district centres in the City.	Economic Regeneration and Prosperity
19.10 To take positive steps to encourage industry and commerce by the provision of facilities (including sites, buildings, plant and machinery, finance including grants loans and services) and by promotional activities.	Economic Regeneration and Prosperity
19.11 To promote development of sites with significance for regeneration in the City.	

## 2. DELEGATIONS TO THE CABINET

	<b>Cabinet Member(s) with lead responsibility</b>
<p>19.12 To prepare, implement and review the operation of Conservation, Heritage and Natural Environment Strategies and schemes and work with and take account of the views of local communities, businesses, other stakeholders and the Planning Committee on conservation area appraisals and management plans, review of the local list and article 4 directions, where such authority has not been included under ‘Delegations to Employees’.</p>	<p>Economic Regeneration and Prosperity</p>
<p>19.13 Within the policy framework established by the Council to prepare, implement and review supplementary planning documents which are locally important and area specific including planning/development briefs and master plans and to work with and take account of the views of local communities, businesses, other stakeholders and the Planning Committee in preparing these documents and to advise Cabinet of issues of significance.</p>	<p>Economic Regeneration and Prosperity</p>
<p>19.14 To encourage the creation of employment opportunities and to facilitate a supply of skills and labour as appropriate to the needs of the market.</p>	<p>Economic Regeneration and Prosperity  Resources</p>
<p>19.15 To oversee the Council’s response to and management of the implications of the Welfare Reform Act.</p>	<p>Economic Regeneration and Prosperity</p>
<p>19.16 To make bids for European funding, Single Regeneration Budget, New Deal for Communities, Lottery funding and other external funding to assist in the regeneration and development of the City and the improvement of services.</p>	<p>Economic Regeneration and Prosperity</p>

1. DELEGATIONS TO THE CABINET (RESOURCES) PANEL	Cabinet Member(s) with lead responsibility
1. To discharge the Council’s functions as “accountable body” in relation to externally funded schemes.	ALL
2. To receive regular budget monitoring reports together with performance against the Treasury Management policies, practices, activities and key targets set out in the CIPFA Code of Practice.	Resources
3. To oversee Housing Benefit, Localised Council Tax Support Scheme and rate relief arrangements.	Resources
4. To approve the contract strategy for major, specialist, higher value or important contracts and the award of contracts over the specified limit in accordance with the Contracts Procedure Rules in Part 3 of this Constitution.	Resources
5. To authorise the institution, defence or discontinuance of any proposed or pending litigation of special importance to the Council or having significant financial implication.	ALL
6. To authorise enforcement policies, practices and procedures and approve prosecution or other enforcement action in relation to all regulatory functions of the Council where such authority has not been delegated to an employee in accordance with the “Delegations to Employees” contained in Part 2 of this Constitution.	ALL
7. Within relevant statutory provisions, to establish policies, procedures and criteria, and determine fees and charges for the processing and determination of applications for any approval, consent, licence, permission or registration, granted by or on behalf of the Cabinet.	ALL
8. To prepare, implement and review the Food Law Enforcement Service Plan.	Economic Regeneration and Prosperity

1. DELEGATIONS TO THE CABINET (RESOURCES) PANEL	Cabinet Member(s) with lead responsibility
10. Within policy determined by Cabinet and in accordance with approved Asset Management Plans:	
10.1 To be responsible for the Civic Centre facilities management and associated civic buildings.	Resources
10.2 To be responsible for other premises and facilities required to deliver the Council's services.	ALL
10.3 To control, manage or dispose of all Council land which is surplus to operational requirements.	Economic Regeneration & Prosperity
10.4 To deal with property transactions in accordance with the Contracts Procedure Rules in Part 3.	Economic Regeneration & Prosperity
11. To be responsible for all corporate services, including City Direct, financial services, information technology, legal and procurement services, the Document Centre and technical services.	Resources
12. To oversee Councillors' support services, including policies in relation to training, conference's and travel arrangements	Resources
13. To be responsible for e-government communications, customer services, press office, creative services and complaints.	Leader/ Resources
14. To be responsible for the Press Office.	Leader
15. To be responsible for scrutiny, democratic and Councillor support services.	Leader/ Resources
16. To approve the use of the Council's Coat of Arms.	Governance and Performance
17. To appoint HM Coroner and to provide support services.	Governance and Performance
18. To be responsible for the Council's markets service including its retail and wholesale markets, and occasional or special market activities.	City Services
19. To approve the application of monies received under the Proceeds of Crime Act 2002 in excess of £30,000	All



**1. DELEGATIONS TO THE CABINET (RESOURCES) PANEL**

		<b>Cabinet Member(s) with lead responsibility</b>
20.	To be responsible for the appointment of Council representatives to outside bodies except those bodies to which appointments are made at the Annual Council meeting.	<b>Governance and Performance</b>
21.	To receive schedules of “Green decisions” taken by Cabinet Members in accordance with the Cabinet Procedure Rules in Part 3.	<b>ALL</b>
22.	To prepare, implement and review the Council’s Empty Properties Strategy including the making of Compulsory Purchase Orders in pursuance of the Council’s Private Sector Empty Properties Strategy.	<b>Economic Regeneration and Prosperity</b>
23.	To be responsible for bids for and to allocate resources available for funding the voluntary and community sector and to determine codes of practice, and terms and conditions for grants. (Delegations to Employees - C10 applies to donations and/or grants of up to £10,000 to Local Community Groups.)	<b>Leisure and Communities</b>
24.	To review and monitor performance and as appropriate vary and/or terminate grant allocations.	<b>Leisure and Communities</b>

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4. DELEGATIONS TO THE CABINET (PERFORMANCE MANAGEMENT) PANEL	Cabinet Member(s) with lead responsibility
1. To determine and review the Council's Performance Management Framework.	Governance and Performance
2. To oversee the management of performance within the Council including arrangements for monitoring performance.	Governance and Performance
3. To oversee the arrangements for the management of performance relating to activity undertaken by the Council in partnership with other organisations.	Governance and Performance
4. To respond to performance issues that come to light as a result of performance monitoring or raised by external inspection of the Council.	Governance and Performance
5. Where appropriate refer issues arising from performance monitoring or raised by external inspection to the Scrutiny Board or a Scrutiny Panel for their consideration prior to providing a Cabinet response.	Governance and Performance

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## ***Functions Which Are Reserved to the Full Council***

### **Functions Which Are Reserved to the Full Council**

- 5.1 Adopting and revising the Constitution.
- 5.2 Approving or adopting the budget and policy framework, and any application to the Secretary of State in respect of any Housing Land Transfer (as set out in Article 4.1).
- 5.3 Subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4, making decisions about any matter in the discharge of a Cabinet function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget.
- 5.4 Electing the Leader of the Council and removing him/her from office at any time by passing a resolution to that effect.
- 5.5 Receiving from the Leader his appointments to the Cabinet and Cabinet Panels.
- 5.6 Approving and/or amending the terms of reference for the Cabinet, Cabinet Panels, Cabinet Members' responsibilities, Regulatory or other Committees, the Scrutiny Board, Scrutiny Panels and Local Neighbourhood Partnerships.
- 5.7 To determine the composition of and make appointments to Regulatory or other Committees, Scrutiny Board and Panels, Area Forums.
- 5.8 Appointing representatives to outside bodies unless the appointment has been delegated by the Full Council.
- 5.9 Approving and Adopting a Councillors' Allowances Scheme and a Councillors' Code of Conduct.
- 5.10 Changing the name of the area, conferring the title of Honorary Alderman or Freedom of the City.
- 5.11 Confirming the appointment and dismissal of the Head of Paid Service, Strategic Directors and the Strategic Director - Pensions, West Midlands Pension Fund (as defined by the Local Government and Housing Act 1989).
- 5.12 Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills.
- 5.13 All local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Cabinet.
- 5.14 Approval of the Annual Pay Policy.
- 5.15 Dealing with any petition containing 5000+ signatures received by the Council in accordance with the Protocol for dealing with Petitions at Council Meetings set out in Part 4.

### ***Functions Which Are Reserved to the Full Council***

- 5.16 Resolving not to issue a Casino Premises Licence under section 166 of the Local Government Act 2005.
- 5.17 Appointment of a Returning Officer and Electoral Registration Officer.
- 5.18 The referral of a NHS substantial reconfiguration proposal to the Secretary of State for Health (other health scrutiny responsibilities, including health scrutiny, and responding to consultations by relevant NHS bodies and health service providers on substantial reconfiguration proposals, have been delegated to the Health Scrutiny Panel).
- 5.19 All other matters which, by law, must be reserved to Full Council and Strategic Directors.

## **Delegations to All Regulatory or Other Committees**

### **6. Delegations to All Regulatory or Other Committees**

#### **6.1 Regulatory or Other Committees comprise:**

- The Planning Committee
- The Licensing Committee
- The Appeals Panels
- The Pensions Committee
- The Standards Committee
- The Audit Committee

and any other body established by the Council to exercise non-Cabinet functions.

#### **6.2 Each Regulatory or other Committee:**

May, within guidance set by the Council, delegate any of its functions to an employee of the Council. The Director of Governance shall maintain a list of employee delegations. These are set out in Part 2.

#### **6.3 May, within relevant statutory provisions and Council policy:**

- A. establish policies, procedures and criteria and determine fees and charges for the processing and determination of applications for any approval, consent, licence, permission or registration granted by or on behalf of the Regulatory or other Committees;
- B. impose any condition, limitation or other restriction on any such approval etc;
- C. determine whether and in what manner, to enforce:
  - (i) any failure to comply with an approval etc;
  - (ii) any failure to comply with a condition, limitation or restriction to which any such approval etc is subject;
  - (iii) any other contravention in relation to an approval etc;
- D. amend, modify, vary, suspend or revoke any approval etc.

#### **6.4 May, within relevant statutory provisions, obtain information relating to interests in land necessary for the discharge of functions delegated to the Regulatory or other Committees.**

#### **6.5 May authorise prosecution or other enforcement action in relation to all functions delegated to the Regulatory or other Committees.**

## **Delegations to All Regulatory or Other Committees**

### **6.6 Appointment of Sub-Committees**

Subject to any decision by the Full Council each Regulatory or other Committees may appoint Sub-Committees of not fewer than three voting members for such purposes as they think fit and may make arrangements for a Sub-Committee to discharge any of its functions.

### **6.7 Attendance of the Mayor**

The Mayor shall, in addition to those Regulatory or other Committees to which he/she has been specifically appointed, be entitled "ex-officio" to attend the meetings of all other Regulatory or other Committees (but not of any Sub-Committee) and to speak but not to vote.

### **6.8 Attendance of the Chair and Vice-Chair**

The Chair and Vice-Chair of a Regulatory or other Committees may attend and speak at a meeting of any Sub-Committee appointed by that Regulatory or other Committees, but may not vote unless appointed as a voting member.

### **6.9 Urgent Business**

The appropriate Strategic Director, in conjunction with the Head of Paid Service is authorised to take appropriate urgent action in respect of matters delegated to the Regulatory or other Committees provided that the action shall first have been discussed with and approved in writing by the Chair (or in the Chair's absence the Vice-Chair) of the Regulatory or other Committees. The written authorisation must include details of the proposal and justification for using the expedited procedure. Expenditure must be within existing budgets. Any action taken under this Rule must be reported to the next available meeting of the Regulatory or other Committees for information. A permanent record of all action under this delegation shall be maintained by the Head of Paid Service.



**Delegation to the Planning Committee**

- 7.1 To work with the Cabinet to develop planning policies.
- 7.2 To exercise the Council's functions relating to town and country planning and development control as set out in the Schedule.
- 7.3 To exercise the Council's functions relating to common land or village greens as set out in the Schedule.
- 7.4 To exercise the Council's functions relating to works in or on highways and relating to footpaths as set out in the Schedule.
- 7.5 To exercise the other Council functions set out in the Schedule together with such other specific powers or duties which may be permitted or required to be delegated from time to time by Regulations made under the Local Government Act 2000.

**SCHEDULE**

**Function**

**Provision of Act or Statutory Instrument**

**Functions relating to town and country planning and development control**

- |  |   |
|--|---|
| 1. Powers and duties relating to local development documents which are development plan documents.   | Sections 20 to 23 and 25, 26 and 28 of the Planning and Compulsory Purchase Act 2004. |
| 2. Power to agree to establish a Joint Committee to be, for the purposes of Part 2 of the Planning and Compulsory Purchase Act 2004, a local planning authority. | Section 29 of the Planning and Compulsory Purchase Act 2004.                          |
| 3. Power to determine applications to develop land without compliance with conditions previously attached.   | Section 73 of the Town and Country Planning Act 1990.                                 |
| 4. Power to grant planning permission for development already carried out.   | Section 73A of the Town and Country Planning Act 1990.                                |
| 5. Power to decline to determine application for planning permission.  | Section 70A of the Town and Country Planning Act 1990.                                |

## ***Delegation to the Planning Committee***

<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>
6. Power to decline an overlapping planning permission.	Section 70 B of the Town and Country Planning Act 1990.
7. Power to decline to determine a retrospective planning application.	Section 70 C of the Town and Country Planning Act 1990.
8. Duties relating to the making of determinations of planning applications.	Sections 69, 76 and 92 of the Town and Country Planning Act 1990, The Town and Country Planning (Development Management Procedure) (England) Order 2010 as amended and directions made thereunder.
9. Power to determine applications for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992.
10. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights..	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995.
11. Power to enter into an agreement regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.
12. Power to issue a certificate of existing or proposed lawful use or development with the exception of small Care Homes	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.
13. Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990.
14. Power to grant consent for the display of advertisements.	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 2007, as amended.
15. Powers in relation to the unauthorised advertisements and defacement of premises.	Section 224, 225, 225 A – K of the Town and Country Planning Act 1990.

## ***Delegation to the Planning Committee***

<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>
16. Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990. Section 88 of the Planning (Listed Buildings and Conservation Areas) Act 1990; Section 36 Planning (Hazardous Substances) Act 1990.
17. Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990.
18. Power to serve a planning contravention notice, breach of condition notice or stop notice.	Section 171C, 171 E to H 187A and 183(1) of the Town and Country Planning Act 1990.
19. Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990.
20. Power to apply for a Planning Enforcement Order.	Section 171 AB – 171 BB of the Town and Country Planning Act 1990.
21. Power to issue assurances as regards prosecution for a person served with a Notice.	Section 172 A of the Town and Country Planning Act 1990.
22. Power to apply for an injunction restraining a breach of planning control	Section 187B of the Town and Country Planning Act 1990.
23. Power to determine applications for hazardous substances consent, and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990.
24. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 and paragraph 6(5) of the Schedule 14 to that Act.
25. Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990.
26. Power to determine applications for listed building consent, and related powers.	Sections 16(1) and (2), 17, 27(2) and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

***Delegation to the Planning Committee***

<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>
27. Power to determine applications for conservation area consent.	Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as applied by section 74(3) of that Act.
28. Duties relating to applications for listed building consent and conservation area consent	Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Town and Country Planning (Listed Buildings and Conservation Areas) Regulations 1990 and paragraphs 8, 15 and 22 of Department of the Environment Circular 14/97.
29. Power to serve a building preservation notice, and related powers.	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
30. Power to issue enforcement notice in relation to demolition of unlisted building in conservation area.	Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
31. Powers to acquire a listed building in need of repair and to serve a repairs notice.	Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
32. Power to apply for an injunction in relation to a listed building.	Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990.
33. Power to execute urgent works.	Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
<b>Functions relating to common land or village greens</b>	
34. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to:	Regulation 6 of the Commons Registration (New Land) Regulations 1969.

<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>
(a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 or (b) an order under section 147 of the Inclosure Act 1845.	
35. Power to register variation of rights of common.	Regulation 29 of the Commons Registration (General) Regulations 1966.
<b>Functions relating to works in or on highways and relating to footpaths</b>	
36. Power to grant a street works licence.	Section 50 of the New Roads and Street Works Act 1991 (c.22)
37. Duty to assert and protect the rights of the public to use and enjoyment of highways.	Section 130 of the Highways Act 1980.
38. Duty to keep definitive map and statement under review.	Section 53 of the Wildlife and Countryside Act 1981.
39. Duty to reclassify roads used as public paths.	Section 54 of the Wildlife and Countryside Act 1981.
40. Power to create footpath or bridleway by agreement.	Section 25 of the Highways Act 1980.
41. Power to create footpaths and bridleways.	Section 26 of the Highways Act 1980.
42. Duty to keep register of information with respect to maps, statements and declarations.	Section 31A of the Highways Act 1980.
43. Power to stop up footpaths and bridleways.	Section 118 of the Highways Act 1980.
44. Power to determine application for public path extinguishment order.	Section 118ZA and 118C(2) of the Highways Act 1980.
45. Power to make a rail crossing extinguishment order.	Section 118A of the Highways Act 1980.

***Delegation to the Planning Committee***

<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>
46. Power to make a special extinguishment order.	Section 118B of the Highways Act 1980.
47. Power to divert footpaths and bridleways.	Section 119 of the Highways Act 1980.
48. Power to make a public path diversion order.	Section 119ZA and 119C (4) of the Highways Act 1980.
49. Power to make a rail crossing diversion order.	Section 119A of the Highways Act 1980.
50. Power to make a special diversion order.	Section 119B of the Highways Act 1980.
51. Power to require application for order to enter into agreement.	Section 119C (3) of the Highways Act 1980.
52. Power to make a Sites of Special Scientific Interest diversion order.	Section 119D of the Highways Act 1980.
53. Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA, and 119C of the Highways Act 1980.	Section 121B of the Highways Act 1980.
54. Power to decline to determine certain applications.	Section 121C of the Highways Act 1980.
55. Duty to serve notice of proposed action in relation to obstruction	Section 130A of the Highways Act 1980.
56. Power to apply for variation of order under section 130B of the Highways Act 1980.	Section 130 (B) (7) of the Highways Act 1980.
57. Power to authorise temporary disturbance of surface of footpath or bridleway.	Section 135 of the Highways Act 1980.
58. Power temporarily to divert footpath or bridleway.	Section 135A of the Highways Act 1980.
59. Functions relating to making good of damage and removal of obstructions.	Section 135B of the Highways Act 1980.
60. Power to extinguish certain public rights of way.	Section 32 of the Acquisition of Land Act 1981.

## ***Delegation to the Planning Committee***

<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>
61. Power to include modifications in other orders.	Section 53A of the Wildlife and Countryside Act 1981.
62. Duty to keep register of prescribed information with respect to applications under Section 53 (5) of the Wildlife and Countryside Act 1981.	Section 53B of the Wildlife and Countryside Act 1981.
63. Power to prepare map and statement by way of consolidation of definitive map and statement.	Section 57A of the Wildlife and Countryside Act 1981.
64. Power to designate footpath as cycle track.	Section 3 of the Cycle Tracks Act 1984.
65. Power to extinguish public right of way over land acquired for clearance.	Section 294 of the Housing Act 1981.
66. Power to authorise stopping up or diversion of footpath or bridleway.	Section 257 of the Town and Country Planning Act 1990.
67. Power to extinguish public rights of way over land held for planning purposes.	Section 258 of the Town and Country Planning Act 1990.
68. Power to enter into agreements with respect to means of access.	Section 35 of the Countryside and Rights of Way Act 2000.
69. Power to provide access in absence of agreement.	Section 37 of the Countryside and Rights of Way Act 2000.
70. Power to license planting, retention and maintenance of trees etc. in part of highway.	Section 142 of the Highways Act 1980.
71. Power to authorise erection of stiles etc. on footpaths or bridleways.	Section 147 of the Highways Act 1980.
72. Power to license works in relation to buildings etc. which obstruct the highway.	Section 169 of the Highways Act 1980.
73. Power to consent to temporary deposits or excavations in streets.	Section 171 of the Highways Act 1980.

## ***Delegation to the Planning Committee***

<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>
74. Power to dispense with obligation to erect hoarding or fence.	Section 172 of the Highways Act 1980.
75. Power to restrict the placing of rails, beams etc. over highways.	Section 178 of the Highways Act 1980.
76. Power to consent to construction of cellars etc. under street.	Section 179 of the Highways Act 1980.
77. Power to consent to the making of openings into cellars etc under streets, and pavement lights and ventilators.	Section 180 of the Highways Act 1980.
78. Power to make agreements for the execution of highways works.	Section 278 of the Highways Act 1980 substituted by the New Roads and Street Works Act 1991.
79. Power to authorise stopping up or diversion of highway.	Section 247 of the Town and Country Planning Act 1990.
<b>Various other functions</b>	
80. Powers relating to the preservation of trees and dangerous trees.	Sections 197 to 214D of the Town and Country Planning Act 1990 and the Trees Regulations 1999 and Section 23 of the Local Government (Miscellaneous Provisions) Act 1976.
81. Powers relating to the protection of important hedgerows.	The Hedgerow Regulations.
82. Power to make limestone pavement order.	Section 34(2) of the Wildlife and Countryside Act 1981.
Note: The majority of functions of the Local Planning Authority are exercisable by the Strategic Director for Place in accordance with the delegations to him/her contained in Section F of Part 2 but subject to the Limits on Delegations.	



**8. Delegations to Licensing Committee**

8.1 To exercise the Council's functions relating to the processing, determination and management of licensing matters including but not limited to:

- Licensing functions set out in the Gambling Act 2005
- Licensing functions set out in the Licensing Act 2003, as amended by the Police Reform and Social Responsibility Act 2011
- Animal Welfare Act 2006
- Health Act 2005
- Gambling Act 2005
- Controlling the distribution of free printed material
- Hackney carriages and Private Hire Vehicles, drivers and operators
- Operation of minibuses; pleasure boats and pleasure vessels
- Cinema, (where provisions of the Licensing Act 2003 do not apply) theatre and sex establishment licences; hypnotism
- Street collection and house to house collections; societies lotteries
- Acupuncture, tattooing, ear piercing and electrolysis
- Caravan sites, moveable dwellings and camping sites
- Markets and street trading
- Provision of take away food shops; food preparation premises and food business premises
- Sale of non-medicinal poisons
- Tables and chairs and A boards
- Storage of filling materials
- Scrap yards and motor salvage operators
- Safety certificates for sports grounds and regulated stands; fire certificates
- Dog breeding, animal boarding, pet shops, animal trainers and exhibitors, zoos, dangerous wild animals, guard dogs, knackers yards
- Employment of children

- Operation of loudspeakers
- Anti-social behaviour – high hedges
- Sale and movement of pigs and cattle
- Meat, dairy, egg product and fish product establishments

- 8.2 To exercise the Council’s functions relating to Health, safety and welfare in connection with work and control of dangerous substances.
- 8.3 To exercise the Council’s functions relating to the Registration of Births, Deaths and Marriages and the approval of premises for the solemnisation of marriages.
- 8.4 To receive and approve annual reports on the administration and management of licensing matters.
- 8.5 Statutory Powers and Duties

The functions listed above are detailed in the Schedule to which may be added such other specific powers or duties which may be permitted or required to be delegated from time to time by Regulations made under the Local Government Act 2000.

- 8.6 Schedule

<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>
<b>Licensing and registration functions</b>	
1. Licensing functions set out in the Licensing Act 2003.	Sections 5 to 8 53A-C and 41A-D of the Licensing Act 2003, as amended by Sections 103-140 of the Police Reform and Social Responsibility Act 2011.
2. Power to issue licences authorising the use of land as a caravan site (“site licences”).	Section 3(3) of the Caravan Sites and Control of Development Act 1960.
3. Power to license the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936.
4. Power to license hackney carriages and private hire vehicles.	(a) as to hackney carriages, the Town Police Clauses Act 1847, as extended by section 171 of the Public Health Act 1875 and section 15 of the Transport Act 1985 and sections 47, 57, 58, 60

<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>
	and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
	(b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
5. Power to license drivers of Hackney Carriage and private hire vehicles.	Sections 51, 53, 54, 57, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
6. Power to license operators of private hire vehicles.	Sections 55, 56, 57, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
7. Power to register pool promoters.	Gambling Act 2005.
8. Power to grant track betting licences.	Schedule 3 to the Betting, Gaming and Lotteries Act 1963.
9. Power to license inter-track betting schemes.	Schedule 5ZA to the Betting, Gaming and Lotteries Act 1963.
10. Power to grant permits in respect of premises with amusement machines.	Gambling Act 2005.
11. Power to register societies wishing to promote lotteries.	Gambling Act 2005.
12. Power to grant permits in respect of premises where amusements with prizes are provided.	Schedule 3 to the Lotteries and Amusements Act 1976.
13. Power to license sex shops, sex cinemas and sexual entertainment venues.	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3, as amended by Section 27 of the Policing and Crime Act 2009.
14. Power to license performances of hypnotism.	The Hypnotism Act 1952.
15. Power to license for acupuncture, tattooing, ear-piercing, electrolysis and semi-permanent skin colouring.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Local Government Act 2003.

<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>
16. Power to license pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907.
17. Power to grant permission for provision of, etc of services, amenities, recreation and refreshment facilities on highway and related powers e.g. tables and chairs and A boards.	Sections 115E, 115F, and 115K of the Highways Act 1980.
18. Power to license market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982.
19. Power to license night cafes and take-away food shops.	Licensing Act 2003.
20. Powers relating to the removal of things so deposited on highways as to be a nuisance.	Section 149 of the Highways Act 1980.
21. Authorise prosecution for wilful obstruction of the highway	Section 137 of the Highways Act 1980
22. Duty to publish notice in respect of proposal to grant permission under Section 115E of the Highways Act 1980.	Section 115G of the Highways Act 1980.
23. Enforcement of smoke free provisions including Sections 6(5), 7(4) and 8(4). Authorisation of employees	Health Act 2006 and Orders and Regulations thereunder
24. Power to permit deposit of builder's skip on highway.	Section 139 of the Highways Act 1980.
25. Duty to keep list of persons entitled to sell non-medicinal poisons.	Sections 3 (1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972.
26. Power to register and license premises for the preparation of food.	Section 19 of the Food Safety Act 1990.
27. Power to register scrap metal dealers and licence motor salvage operators.	Section 1 of the Scrap Metal Dealers Act 1964 and Part I of the Motor Vehicles (Crime) Act 2001.

<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>
28. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975.
29. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.	Part III of the Fire Safety and Safety Places of Sport Act 1987.
30. Power to issue fire certificates.	Regulatory Reform Fire Safety Order 2005.
31. Power to license premises for the breeding of dogs.	Section 1 of the Breeding of Dogs Act 1973 and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999.
32. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Section 1 of the Pet Animals Act 1951; section 1 of the Animal Boarding Establishments Act 1963; the Riding Establishments Acts 1964 and 1970; section 1 of the Breeding of Dogs Act 1973 and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.
33. Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925.
34. Power to license zoos.	Section 1 of the Zoo Licensing Act 1981.
35. Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976.
36. Power to license knackers' yards.	Section 4 of the Slaughterhouses Act 1974. See <i>also</i> the Animal By-Products Order 1999.
37. Power to license the employment of children.	Part II of the Children and Young Persons Act 1933, byelaws made under the Part, and Part II of the Children and Young Persons Act 1963.
38. Power to license persons to collect for charitable and other causes.	Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939.
39. Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993.

<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>
40. Power to issue licences for the movement of pigs.	Article 12 of the Pigs (Records, Identification and Movement) Order 1995.
41. Power to license the sale of pigs.	Article 13 of the Pigs (Records, Identification and Movement) Order 1995.
42. Power to license collecting centres for the movement of pigs.	Article 14 of the Pigs (Records, Identification and Movement) Order 1995.
43. Power to issue a licence to move cattle from a market.	Article 5(2) of the Cattle Identification Regulations 1998.
44. Power to approve meat product premises.	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994.
45. Power to approve premises for the production of minced meat or meat preparations.	Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995.
46. Power to approve dairy establishments.	Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995.
47. Power to approve egg product establishments.	Regulation 5 of the Egg Products Regulations 1993.
48. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to eat foods.	Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995.
49. Power to approve fish products premises.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
50. Power to approve dispatch or purification centres.	Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
51. Power to register fishing vessels on board which shrimps or molluscs are cooked.	Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.

<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>
52. Power to approve factory vessels and fishery product establishments.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
53. Power to register auction and wholesale markets.	Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
54. Duty to keep register of food business premises.	Regulation 5 of the Food Premises (Registration) Regulations 1991.
55. Power to register food business premises.	Regulation 9 of the Food Premises (Registration) Regulations 1991.
56. Power to sanction use of parts of buildings for storage of celluloid.	Section 1 of the Celluloid and Cinematograph Film Act 1922.
57. Power to approve premises for the solemnisation of marriages.	Section 46A of the Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995. Civil Partnership Act 2004, The Marriages and Civil Partnerships (Approved Premises) Regulations 2005 and The Marriages and Civil Partnerships (Approved Premises) (Amendment) Regulations 2011.
58. Powers relating to complaints about high hedges.	Part 8 of the Anti-Social Behaviour Act 2003.
59. Licensing functions set out in the Gambling Act 2005 and order and regulations thereunder.	Gambling Act 2005.
60. Power to act when there is a threat of environmental damage and the carrying out of works in default	Environmental Damage (Prevention and Remedial) Regulations 2009
<b>Functions relating to the enforcement of byelaws</b>	Any provision of any enactment (including a local Act) whenever passed, and section 14 of the Interpretation Act 1978.
<b>Functions relating to health and safety at work</b>	Part I of the Health and Safety at Work etc. Act 1974.
Functions under any of the “relevant statutory provisions” within the meaning of Part I (health, safety and	

**Function**

**Provision of Act or Statutory Instrument**

welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.

- 8.7 Terms of Reference of the Licensing Sub-Committee
- 8.8 The Sub-Committee will comprise three elected Councillors appointed on a rota basis from the Licensing Committee who will:-
- A. consider and determine contentious applications in respect of licensed premises and Hackney Carriage and Private Hire Drivers/operators,
  - B. authorise the institution of legal proceedings in respect of various licensing and environmental matters.



**9. Delegations to Appeals Panels**

9.1 To hear and determine appeals against decisions of employees, the Cabinet and Cabinet Panels or Regulatory or other Committees including but not limited to:

- (i) appeals against decisions affecting pupils/students (excluding admission and exclusion appeals which are dealt with by independent panels)
- (ii) housing appeals

Appeals will be dealt with by a Panel drawn from eligible Councillors.

9.2 Appeals will be dealt with by a Panel drawn from eligible Councillors.

- (i) To determine individual appointments, dismissals and conditions of service matters which cannot be dealt with by the Cabinet and which require Councillor involvement.

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## **Delegations to the Pensions Committee**

- 10.1 To exercise all those functions of City of Wolverhampton Council which are required to be performed by it in its role as Administering Authority for the Local Government Pension Scheme under the Public Service Pensions Act 2013 (and any associated legislation) adhering to the principles required by Statutory Guidance and the Code of Practice issued by the Pensions Regulator.
- 10.2 Under Section 4 of the Public Service Pensions Act 2013 the Scheme Manager for the Administering Authority shall be the Pensions Committee. The Administering Authority shall at Full Council every year approve the delegation of Scheme Manager under Section 101 of the Local Government Act 1972 to the Pensions Committee and appoint representatives to sit on the Committee for that year.
- 10.3 To exercise all the general powers and duties of the Council granted to the Cabinet and Cabinet Panels and Regulatory or other Committees provided that those parts of the Council's Financial Procedure Rules and Contracts Procedure Rules which relate to the acquisition and disposal of land, Fund Investment transactions, custody of assets, appointment of advisors, approval of expenditure and their related activities, shall not apply in relation to such acquisitions and disposals and expenditure in connection with the Pension Fund.
- 10.4 To ensure that equality issues are addressed in the development of policies and the provision of services and are appropriately monitored.
- 10.5 To ensure that consideration is given to the impact which the Committee's policies and provision of services have with regard to environmental matters.
- 10.6 **PENSIONS COMMITTEE TERMS OF REFERENCE**
  - 10.6.1 The Council's financial procedure rules, contract procedure rules and internal financial limits concerning procurement do not relate to the Pensions Committee who, by delegation from Council, has authority to enter into contracts, procure services, purchase goods and manage financial investment through the internal controls of the West Midlands Pension Fund and in compliance with all applicable legislation.
  - 10.6.2 The Pensions Committee may call upon the Pensions Board to seek assistance on matters to be discussed at the committee meeting. Where such assistance is sought it must be considered as part of the decision making process.

**10.6.3** Any reference within the Council's constitution that refers to Council or Cabinet and includes powers relevant to the work of the Pensions Committee should be read to include Pensions Committee, including the setting of the Budget and Policy framework of the Fund.

**10.6.4** The Pensions Committee shall adhere to the Standing Orders of City of Wolverhampton Council and all matters of due process so far as they do not conflict with the preceding delegation.

**10.6.5 MEMBERSHIP**

10.6.5.1 The membership of the Pensions Committee shall consist of ten City of Wolverhampton Council members, one Elected Member from each of the six District Councils and four (non-voting) trade union representatives.

10.6.5.2 The quorum is eight.

10.6.5.3 A substitution for any person appointed to the Pension Committee shall follow the Council's procedure.

10.6.5.4 Should an elected Councillor no longer be a member of their authority, their appointment on the Committee shall cease and a further nomination will be sought from that authority.

10.6.5.5 The Committee shall meet a minimum of quarterly.

10.6.5.6 All persons appointed to the Committee will adhere to the Committee's code of conduct.

10.6.5.7 Persons sitting on the Committee are expected to make themselves available to attend committee meetings. Persons who fail to attend three or more events (to include committees and training) will be asked to leave the committee and a replacement sought from their nominating body unless there are exceptional reasons for their failure to attend. Such reasons to be considered by the committee.

**10.6.6 CHAIRING THE COMMITTEE**

10.6.6.1 It will be the first business of the Committee at its annual meeting to receive nominations of a Chair and Vice Chair from Full Council who will sit for the term of one year.

10.6.6.2 In the event of a tie of votes of any business to be conducted, the Chair will have the casting vote. In the circumstances where

the vote is to appoint a new Chair, the outgoing Chair will have the casting vote in the event of a tie.

#### **10.6.7 DUTIES OF THE PENSION COMMITTEE**

- 10.6.7.1 The Pensions Committee to act as the Pension Scheme Manager for the Administering Authority in the management and administration of the local government pension scheme for the West Midlands.
- 10.6.7.2 To adhere to the principles set out in the Statutory Guidance and Codes of Practice issued by the Scheme Advisory Board and the Pensions Regulator and undertake its duties in compliance with the obligations imposed on it.
- 10.6.7.3 To provide independent assurance to members of the fund of the adequacy of the risk management framework and the associated control environment, responsible for the fund's financial and non-financial performance to the extent that it affects the fund's exposure to risk.
- 10.6.7.4 To administer all aspects of the West Midlands Pension Fund on behalf of City of Wolverhampton Council and the West Midlands Integrated Transport Authority Pension fund under S101 Local Government Act 1972 delegation from the Combined Authority.
- 10.6.7.5 To determine staffing structures, changes to vacant posts or the establishment of new posts and to receive reports on matters of staffing and employment of officers within the Fund.
- 10.6.7.6 To ensure that equality issues are addressed in the development of policies and the provision of services and are appropriately monitored.
- 10.6.7.7 To communicate with members of the fund keeping accurate records and publishing information as required about the fund and its work.
- 10.6.7.8 To monitor investment activity and the performance of the Fund(s)
- 10.6.7.9 The selection, appointment and dismissal of an investment pool operator to manage the assets of the Fund

- 10.6.7.10 To determine the asset allocation/investment strategy of the WMPF/WMITA Pension Fund
- 10.6.7.11 Determining what the Fund requires the pool to provide to enable it to execute its investment strategy effectively
- 10.6.7.12 Receiving and considering reports and recommendations from the Joint Committee in relation to LGPS Central Ltd
- 10.6.7.13 Ensuring that appropriate measures are in place to monitor and report on the ongoing costs of investment pooling
- 10.6.7.14 Ensuring the responsible investment, corporate governance and voting policies of the Fund are delivered effectively
- 10.6.7.15 Receiving recommendations from the Practitioners Advisory Forum on the performance and management of LGPS Central Ltd
- 10.6.7.16 Reviewing and agreeing the Investment Strategy Statement, Fund Strategy Statement, Administration Policy, Pension Administration Strategy, Governance Compliance Statement, Communications Statements and publish a Pension Fund Annual Report

#### **10.6.8 TRAINING**

- 10.6.8.1 In compliance with the requirements of the Public Service Pensions Act 2013 persons appointed to the Committee shall undertake at least 3 training session per year. The first training session will be organised within 28 days of their appointment to the Committee with subsequent training scheduled after three months of appointment and after nine months of appointment.

## **11. Delegations to the Standards Committee**

### **11.1 Standards Committee**

The Council will establish a Standards Committee.

### **11.2 Composition**

The Standards Committee will comprise five Councillors.

### **11.3 Ethical Role and Functions**

The Standards Committee will have the following terms of reference:

- a. To promote and maintain high standards of conduct by Councillors, Co-opted members and Church and Parent Governor representatives;
- b. To assist Councillors, Co-opted Members and Church and Parent Governor representatives to observe the Councillors' Code of Conduct;
- c. To deal with all functions under the relevant provisions of, or Regulations made under the Localism Act 2011;
- d. To appoint any Sub-Committee, as appropriate, to hear and determine complaints against Councillors and Co-opted Members under the provisions of the Councillors Code of Conduct, and in accordance with locally agreed procedures
- e. To make recommendations to Council on the appointment of an Independent Person as required under the Localism Act and any relevant Regulations.
- f. Advising the Full Council on the adoption or revision of the Councillors' Code of Conduct and Councillors' Allowances Scheme;
- g. Monitoring the operation of the Councillors' Code of Conduct and Councillors' Allowances Scheme;
- h. Advising, training or arranging to train Councillors, Co-opted Members and Church and Parent Governor representatives on matters relating to the Councillors' Code of Conduct;
- i. Following consultation with the Independent Person, to grant dispensations to Councillors, Co-opted Councillors and Church and Parent Governor representatives from requirements relating to interests set out in the Councillors' Code of Conduct under the following circumstances:-
  - (i) That, without the dispensation, the representation of different political groups on the body transacting business would be so upset as to alter the outcome of any vote on an issue.

- (ii) That the Council considers that the dispensation is in the interests of persons living in the Council's area.
- (iii) That, without a dispensation, no member of the Cabinet would be able to participate on this matter.

- j. Maintaining oversight of the Council's whistle blowing policy;
- k. Maintaining oversight of the Council's Complaints and Compliments procedure.
- l. Maintaining oversight of the Local Code of Corporate Governance.

#### **11.4 Additional Role and Functions**

The Standards Committee will have the following additional terms of reference:-

- a. to liaise between the Council and the Ombudsman;
- b. to advise the Council on the conferment of the title of Honorary Alderman or Freedom of the City;
- c. to advise the Council on the making, amendment, revocation or re-enactment of bylaws and the promotion of or opposition to local or personal Bills in Parliament.

#### **11.5 Statutory Powers and Duties**

The additional roles and functions listed above are detailed in the Schedule to which may be added such other specific powers or duties which may be permitted or required to be delegated from time to time by Regulations made under the Local Government Act 2000.



**SCHEDULE**

**Function**

**Provision of Act or Statutory Instrument**

**Functions relating to name and status of areas and individuals**

- |  |   |
|--|---|
| 1. Power to change the name of the district.   | Section 74 of the Local Government Act 1972.  |
| 2. Power to confer title of honorary alderman or to admit to be an honorary freeman.   | Section 249 of the Local Government Act 1972.   |
| 3. Power to make, amend, revoke or re-enact bylaws.                                    | Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978. |
| 4. Power to promote or oppose local or personal Bills.                                 | Section 239 of the Local Government Act 1972.   |
| 5. Power to make standing orders.  | Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972.                                      |
| 6. Power to make payments or provide other benefits in cases of maladministration etc. | Section 92 of the Local Government Act 2000.  |
| 7. Duty to provide employees to person nominated by Monitoring Officer.                | Sections 82A (4) and (5) of the Local Government Act 2000.  |
| 8. To administer the Code of Conduct and any allegations/investigations thereunder     | Localism Act 2011 and regulations made thereunder   |

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## **1. Delegations to Audit and Risk Committee**

1.1 The Audit Committee is a key component of the Council's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards. The purpose of the Audit Committee is to provide independent assurance to Councillors of the adequacy of the risk management framework and the internal control environment. It provides independent review of the governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

### 1.2 Governance, risk and control

- To review the Council's corporate governance arrangements against the good governance framework and consider annual governance reports and assurances.
- To review the annual governance statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control.
- To consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
- To consider the Council's framework of assurance and ensure that it adequately addresses the risks and priorities of the Council.
- To monitor the effective development and operation of risk management in the Council.
- To monitor progress in addressing risk-related issues reported to the committee.
- To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
- To review the assessment of fraud risks and potential harm to the Council from fraud and corruption.
- To monitor the counter-fraud strategy, actions and resources.

### 1.3 Internal Audit

- To approve the internal audit charter.

## *Delegations to Audit and Risk Committee*

- To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.
- To approve risk based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
- To approve significant interim changes to the risk-based internal audit plan and resource requirements.
- To make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.
- To consider reports from the head of internal audit on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:
  - (i) Updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work;
  - (ii) Regular reports on the results of the quality assurance and improvement programme;
  - (iii) Reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards and Local Government Application Note, considering whether the non-conformance is significant enough that it must be included in the annual governance statement.
- To consider the head of internal audit's annual report:
  - (i) The statement of the level of conformance with the Public Sector Internal Audit Standards and Local Government Application Note and the results of the quality assurance and improvement programme that supports the statement - these will indicate the reliability of the conclusions of internal audit.
  - (ii) The opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control together with the summary of the work supporting the opinion - these will assist the committee in reviewing the annual governance statement.
- To consider summaries of specific internal audit reports as requested.
- To receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.

## *Delegations to Audit and Risk Committee*

- To contribute to the quality assurance and improvement programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years.
- To consider a report on the effectiveness of internal audit to support the annual governance statement, where required to do so by the Accounts and Audit Regulations.
- To support the development of effective communication with the head of internal audit.

### 1.4 External Audit

- To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.
- To consider specific reports as agreed with the external auditor.
- To comment on the scope and depth of external audit work and to ensure it gives value for money.
- To commission work from internal and external audit.
- To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

### 1.5 Financial Reporting

- To receive detailed training in respect of the process associated with the preparation, sign off, audit and publication of the Council's annual statement of accounts.
- To monitor the on-going progress towards publication of the Council's annual statement of accounts, ensuring the statutory deadlines are achieved.
- To obtain explanations for all significant variances between planned and actual expenditure to the extent that it impacts on the annual statement of accounts.
- To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
- To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

### 1.6 Accountability arrangements

### *Delegations to Audit and Risk Committee*

- To report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions.
- To report to full Council on a regular basis on the committee's performance in relation to the terms of reference, and the effectiveness of the committee in meeting its purpose.

#### 1.7 Audit Committee Sub-Committees

1.8 The Audit Committee has established a Monitoring of Audit Investigations Sub-Committee to facilitate the discharge of its responsibilities. The sub-committee's terms of reference are:

- (i) To monitor the progress of investigations undertaken by Audit Services.
- (ii) To refer significant issues arising from the above to the next scheduled meeting of the Audit Committee.

## **Terms of Reference – Special Advisory Group**

### **16. Terms of Reference – Special Advisory Group**

- 16.1 The Special Advisory Group shall be an advisory body, comprising Councillors, dealing with governance and constitutional arrangements.
- 16.2 The Special Advisory Group shall, where appropriate, consider and advise the Standards Committee on matters relating to the Council's governance and Constitution, including standards of conduct, the timetable of meetings, the administrative and procedural arrangements for implementing new legislation and the terms of reference of or scheme of delegation to Council bodies.
- 16.3 The Special Advisory Group shall consider and advise the Council on elections and electoral arrangements, including boundary reviews, and polling districts, places and stations, where these are not the sole responsibility of the Returning Officer.
- 16.4 The Special Advisory Group will be consulted, and may offer feedback for consideration, on elections and electoral arrangements that are the sole responsibility of the Returning Office

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**17. Terms of Reference – Corporate Parenting Board**

- 17.1 Provide clear strategic and political direction in relation to corporate parenting.
- 17.2 Ensure that all Councillors and City of Wolverhampton Council Service Groups are all fulfilling their roles and responsibilities as corporate parents proactively.
- 17.3 Make a demonstrable commitment to prioritising the needs of looked after children and young people and their carers.
- 17.4 Show ambition and aspirations for all looked after children and care leavers.
- 17.5 Undertake regular monitoring of the outcomes associated with the above priorities as they are articulated in the 'Corporate Parenting Pledge'.
- 17.6 Set objectives for monitoring the work of and evaluating the progress of the Corporate Parenting Officers Group.
- 17.7 To receive regular reports on the level and quality of services to looked after children and care leavers from the Children and Young People's Service Group and other Service Groups and external organisations.
- 17.8 Ensure that Councillors undertake a programme of visits to children's homes.
- 17.9 Promote achievement and acknowledging the aspirations of children and young people looked after by supporting celebration events.
- 17.10 Champion the provision of Council based work placements and apprenticeships for looked after young people.
- 17.11 To determine ways in which the role of corporate parenting can be improved, using examples from other local authorities and countries.
- 17.12 To be responsible for ensuring that the views of children and young people and their carers are involved in the assessment, development and delivery of services.
- 17.13 Engaging with children and young people who are looked after or who have left care including inviting them to act as advisers to the Panel on a regular basis.
- 17.14 Meeting with Government inspectors where appropriate, for their input into overall inspections such as the Annual Performance Assessment (APA) and individual inspections of fostering/adoption services and children's homes.
- 17.15 Approve a work plan, reviewing progress, membership of the Panel and attainment of its role and terms of reference.

***Terms of Reference – Corporate Parenting Board***

17.16 Through appropriate mechanisms, to report to Cabinet or other appropriate bodies on the work of the Panel.

## **Terms of Reference Health and Wellbeing Board**

### **Membership**

- Leader of the Council (Chair)
- Wolverhampton CCG (Vice-chair)
- Strategic Director – People
- Director of Public Health
- Representative of Local Healthwatch
- Cabinet Member – Children and Young People
- Cabinet Member – Adults
- Cabinet Member – Public Health & Wellbeing
- Shadow Cabinet Member – Public Health & Wellbeing
- Strategic Director – Place
- Service Director – Adults
- National Health Service England Representative
- University of Wolverhampton – Faculty of Education, Health and Wellbeing
- West Midlands Fire Service
- West Midlands Police – Wolverhampton Local Policing Unit
- Third Sector Partnership
- Independent Chair Children’s and Adult Safeguarding Boards
- Royal Wolverhampton NHS Trust Representative
- Black Country Partnership NHS Foundation Trust Representative

Additional members will be considered by the Health and Wellbeing Board as appropriate. The overall size of the Board will, however, be kept at a level which is manageable and able to support efficient and effective decision-making.

A report will be presented by Democratic Services to the Health and Wellbeing Board with revisions to the membership to consider and approve.

### **Frequency of meetings**

The Board will meet every other month.

An extraordinary meeting can be called when the Chair considers this necessary and or/ in the circumstances where the Chair receives a request in writing from 50% of the membership of the Board.

The Board may hold informal focus days / sessions on specific issues of interest to the Board.

The Board will establish its own forward planning programme of activity which will be reviewed at each meeting to ensure it remains both strategic and timely. The 'Forward Plan' will be used to facilitate discussion as to priority areas, new items and agenda timetabling. Any reports for a meeting of the Board should be submitted to the Democratic Services team no later than eleven days in advance of the meeting. No business will be conducted that is not on the agenda.

Agendas and papers for Board meetings will be made publicly available via the website unless covered by exempt information procedures.

**Meetings of the Health and Wellbeing Board will be conducted in public.**

The quorum for meetings will be 50% of the membership. There must be at least one Council and one CCG Board Member representative at each meeting.

**Purpose**

(a) To identify and act upon changes required under the enactment of the NHS Health and Social Care Act 2012 and subsequent related legislation.

The statutory Health and Wellbeing board will the following functions:

- To prepare and publish a joint strategic needs assessment;
- To prepare and publish a health and wellbeing strategy based on the needs identified in the joint strategic needs assessment and to oversee the implementation of the strategy;
- Discretion to give an opinion on whether the Council is discharging its statutory duty to have due regard to the joint strategic needs assessment and the health and wellbeing strategy;
- To promote and encourage integrated working including joint commissioning in order to deliver cost effective services and appropriate choice. This includes providing assistance and advice and other support as appropriate, and joint working with services that impact on wider health determinants.

**Terms of Reference**

- a) To provide leadership and democratic / public accountability to improve health and wellbeing and reduce inequalities.

- b) To promote integration and partnership working between the NHS, social care, public health and other commissioning organisations.
- c) To assess the robustness of and continued development of the Joint Strategic Needs Assessment (JSNA) for the local population and to ensure that key commissioning decisions reflect local needs.
- d) To receive the Director of Public Health's Annual Report and agree to performance manage the forward plan for Public Health priorities and to review progress.
- e) To review and update in the light of the JSNA, a Wolverhampton Joint Health and Wellbeing Strategy. The strategy will set out how the health and well-being needs of the community will be addressed. To set an action plan to take forward the key priorities from the Joint Health and Wellbeing Strategy and to performance manage progress against defined targets.
- f) To support and challenge, as appropriate joint commissioning integrated care and management and pooled budget arrangements as a means of delivering service priorities.
- g) To determine appropriate partnership structures required to deliver the Board's responsibilities. To oversee and performance manage the work programmes of sub-groups. To oversee major partnership service transformation programmes and to monitor the continued work of Wolverhampton Healthwatch and receive regular reports on work undertaken.
- h) To oversee the governance and partnership arrangements for both Adults and Children's Safeguarding Boards.
- i) Ensure the decisions of commissioners align with the JSNA and the Joint Health and Wellbeing Strategy and hold them to account for delivery.
- j) To oversee the work of Public Health on health promotion and ill-health prevention campaigns.
- k) Support local voice and patient choice by ensuring that the views of local people are used. To respond to major Government launched inquiries into Health and Wellbeing.
- l) Members have a responsibility to feedback to their respective organisations the deliberations and decisions of the Board as appropriate.

### **Accountability**

There will be sovereignty around decision making processes. Members will be accountable through their own organisation's decision making processes for the decisions they take. It is expected that members of the Board will have delegated authority from their organisations to take decisions within the terms of reference.

Decisions within the terms of reference will be taken at meetings and will not normally be subject to ratification or a formal decision process by partner

organisations (provided that at least 10 days notice of forthcoming decisions had been given).

However, where decisions are not within the delegated authority of the Board members, these will be subject to ratification by constituent bodies.

It is expected that decisions will be reached by consensus.

30.11.16

## **19. Terms of Reference – Councillor Champions**

### **Equalities Councillor Champion**

- 19.1 Although advancing equality is the responsibility of all Councillors, the Equalities Councillor Champion provides a focus by raising the profile of equalities amongst his/her colleagues, employees, partners, stakeholders and community groups. The Equalities Councillor Champion also provides support and constructive challenge to officers driving forward the Council's equalities agenda through the Equalities Advisory Group.

### **Councillor Development and ICT Champion**

- 19.2 The Councillor Development and ICT Champion provides a focus by raising the profile of Councillor development and ICT developments amongst his/her colleagues. The Councillor Development and ICT Councillor Champion also provides support and constructive challenge to officers driving forward the Council's Councillor Development Programme and ICT agenda through the Councillor Development and IT Advisory Group.

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**A Delegations to Employees**

- A1 Sections 1-19 of Part 2 of the Constitution set out how the Council's functions have been allocated between the Council, the Cabinet, Regulatory and other Committees, individual Councillors, or other bodies on which the Council may be represented. Those sections also indicate which functions are reserved to the Council and which functions have been delegated to the Cabinet, Cabinet Panels and various Regulatory or other Committees.
- A2 This section of Part 2 sets out which functions have been delegated to employees. One of the main principles of the Constitution is the need to be able to ascertain who is responsible for any decision made by or on behalf of the Council and this is particularly so for employee delegations which must be comprehensive.
- A3 The following sections set out the functions which are delegated to Officers. All delegations must be exercised in accordance with this Constitution, policies, procedures and Codes of Practice which are adopted from time to time by the Council and any specific limitations or restrictions which are included in the following tables.
- A4 When exercising any of the delegations, Officers must take note of any statutory or other legal requirements including the principles of public law, human rights and equalities legislation.
- A5 Directors are required to maintain written delegations which prescribe the delegations which operate within their area of purview. Such written delegations will indicate which employees are responsible for the management and delivery of services and will specify relevant operational and financial limits.
- A6 Employees who are entitled to exercise delegated powers should always refer a complex or sensitive matter for decision by the Cabinet, appropriate Cabinet Panel or Regulatory or other Committees.

Complex or sensitive matters to include: -

1. One of significant financial or legal risk not previously brought before Cabinet.
2. One which requires Councillors to be made aware of as it is of a significant political nature.
3. One which affects the Councils reputation and needs to be brought to Councillors' attention.
4. Matters that constitute a change to explicit policy statements.

- A7 References in the delegations to any statutory provision shall be deemed to include any statutory provisions which may from time to time replace, amend or revoke them and any orders, directions, regulations, codes of practice, byelaws or government guidance currently in force.
- A8 in the event an Officer is unclear as to any delegation or what constitutes a complex or sensitive issue, advice should first be sought from the Director of Governance and Solicitor to the City Council as to how to proceed.

## **B Delegations to Managing Director, Strategic Directors and Directors**

	<i>Function</i>	<b>Limits or restrictions on delegation</b>
B1	Financial administration.	In accordance with the Financial Procedure Rules.
B2	Contracts and tendering.	In accordance with the Contracts Procedure Rules.
B3	Management of Human Resources.	In accordance with the Council's Human Resources Policies and Procedures and the attached Schedule of Human Resources Schedules.
B4	Day to day administration and operational management excluding key decisions as defined in the Access to Information Procedure Rules.	In accordance with the Constitution and any specific restrictions or limitation imposed by the Cabinet or relevant Regulatory or other Committee.
B5	Management of operational land and premises used for service delivery.	In accordance with the Financial Procedure Rules, the Contracts Procedure Rules and the Asset Management Plan.
B6	The administration of all fees and charges levied in respect of operational services including the waiving or remission of fees and charges.	In accordance with the Financial Procedure Rules.

<i>Function</i>	<b>Limits or restrictions on delegation</b>
B7 Compliance with the Health and Safety at Work etc. Act 1974 and the Regulatory Reform (Fire Safety) Order 2005.	In accordance with the Council's Health and Safety policies and procedures.
B8 Compliance with the Council's Equal Opportunities Policy and relevant legislation.	In accordance with the Council's Equal Opportunities policies and procedures.
B9 Compliance with the Human Rights Act 1998.	
B10 Compliance with the Data Protection Act 1998 and the Freedom of Information Act 2000.	
B11 Identification of "Employees responsible for the management of investigations" under the Regulation of Investigatory Powers Act 2000.	In accordance with policy agreed by Cabinet (Resources) Panel on 2 November 2010
B12 Discharge of functions under the Major Emergency Plan.	In accordance with the Major Emergency Plan.
B13 Compliance with the Local Code of Corporate Governance and production of an annual Assurance Statement.	In accordance with the Code.
B14 Compliance with Risk Management Strategy.	
B15 Approval for overseas trips by employees.	Where there is no cost to the Council (i.e. funded by a third party).

<b>C Delegations to the Managing Director</b>	
<b>Function</b>	<b>Limits or restrictions on delegation</b>
C1 Discharge of functions as Head of Paid Service.	In accordance with Article 12 of the Constitution
C2 To undertake any function delegated to any Strategic Director/Director in the absence of that Director or due to his/her inability to act.	In accordance with any restriction on delegation specified in this Delegation Scheme.
C3 To undertake functions in respect of the West Midlands Metropolitan Authorities Pension Fund.	In accordance with the statutory provisions and any determinations of the Pensions Committee.
C4 Discharge of functions in relation to the compilation and maintenance of the Register of Electors, including the appointment of a Deputy Electoral Registration Officer, and the organisation and management of European, Parliamentary and local elections.	In accordance with the Representation of the People Acts and associated legislation.  <b>Note:</b> The day to day functions are within the remit of the Director of Governance and therefore also referred to in the delegations to the Managing Director.
C5 To consent to dispersal of groups under section 30 of the Anti-Social Behaviour Act 2003.	In accordance with the report approved by Cabinet 24/01/07
C6 Communications and Customer Relations.	
C7 Performance Management.	

C8	Organisational planning; tactical planning.	
C9	To manage and administer the Council's central ICT resources, corporate ICT strategy and IEG statement.	
C10	In consultation with the Director of Finance, to make donations and/or grants of up to £10,000 to local community groups.	
C11	To approve "continuous service in the public sector" to be recognised for the purposes of annual leave entitlement.	In accordance with HR policies, procedures and processes
C12	In consultation with the Section 151 Officer to determine the grade for posts below JNC for Senior Management grading levels.	In accordance with HR policies, procedures and processes
C13	In consultation with the Section 151 Officer to deal with applications for discretionary added years for pension purposes with a maximum financial impact of £20,000	In accordance with report approved by Cabinet 15/11/06
C14	Discharge of functions as Proper Officer for the purposes of Section 100 of the Local Government Act 1972 and other provisions relating to admission to meetings and access to documents.	
C15	To develop an effective assurance framework based upon the Council's risk management and internal audit arrangements.	

C16	The operational and business management of the Council's Street Scene Services, including environmental cleansing, litter control, grounds maintenance, arboriculture and gully cleansing.	
C17	To provide the client agency function for grounds maintenance.	In accordance with Council Procurement Strategy.
C18	To undertake the management of the Bereavement Centre including the provision and maintenance of cemeteries, crematorium and public mortuary facilities.	
C19	The operational management of the Document Centre.	
C20	Delivery of the Corporate Customer Services Strategy and operational management of City Direct, Main Switchboard and reception.	
C21	To develop and operate the Sport and Recreation service.	Sport & Recreation Strategy (1999) Wolverhampton Swimming Strategy 2005 Wolverhampton Playing Pitch Strategy 2004
C22	To undertake the management of bars and licensed premises attached to Aldersley Leisure Village.	Licensing Acts 1964, 1988 and 2003 Food Safety Act 1990 Intoxicating Substances (Supply) Act 1985.

*Delegations to the Managing Director*

C23 To make minor editorial and other amendments to the Constitution, including to reflect senior management changes, for administrative convenience and/or consequential to legislative changes.

Where an amendment follows a change in legislation or will alter delegations to Councillors or employees, the Group Leaders should be notified in advance of any change being effected.

C24 Discharge of functions in relation to the compilation and maintenance of the Register of Electors and the organisation and management of European, Parliamentary and local elections.

The Managing Director is the Statutory Officer for these functions

Birmingham International Airport

C25 In consultation with the Section 151 Officer to deal with any matters requiring the consent of the Council as a shareholder in Birmingham Airport, or in relation to matters falling under the Shareholders' Agreement, which have been recommended by the West Midlands Joint Committee, or the financial and legal advisors to the Joint Committee, and which have no adverse financial impact on the Council or do not prejudice the value of its shareholding in the Airport.

In accordance with the reports approved by Cabinet on  
05.12.01 and 30.01.02.



**D Delegations to the Director of Governance**

<b>Function</b>	<b>Limits or restrictions on delegation</b>
D1 Scrutiny and Executive Support	
D2 Democratic and Members Services	
D3 Discharge of functions as Monitoring Officer including the selection process by which Independent Persons are recommended to the Council for appointment	
<p>D4 Discharge of functions as Proper Officer for the purposes of: -</p> <p>Section 83 of the Local Government Act 1972 (declaration of acceptance of office)</p> <p>Section 84 (resignation)</p> <p>Section 96 (general notices and recording of disclosures of interest)</p> <p>Section 225 (deposit of documents)</p> <p>Section 229 (photographic copies of documents)</p> <p>Section 232 (public notices)</p> <p>Section 233 (service of notices)</p> <p>Section 234 (authentication of documents)</p> <p>Section 238 (evidence of bylaws).</p>	

*Delegations to the Director of Governance*

- |     |   |  |
|-----|---|--|
| D5  | Discharge of any other Proper Officer functions which may be delegated from time to time by the Council.  |  |
| D6  | To undertake functions in respect of the West Midlands Metropolitan Authorities Pension Fund at the request of the Managing Director.   |  |
| D7  | To affix the Common Seal of the Council and to execute by any other means any deed or document on behalf of the Council.  | In accordance with the Constitution.   |
| D8  | To take all such action as is necessary to commence, prosecute, defend, appear in or discontinue any legal proceedings brought by or against the Council and to authorise employees in accordance with section 60 of the County Courts Act 1984 and section 223 of the Local Government Act 1972. | In accordance with the Constitution and any specific restrictions or limitations imposed by the Council, the Cabinet or any Regulatory or other Committee. |
| D9  | In consultation with the appropriate Strategic Director and the Section 151 Officer to institute proceedings for the recovery of possession of any land, premises or dwellings owned by the Council.  |  |
| D10 | In consultation with the appropriate Strategic Director and the Section 151 Officer to institute proceedings for the recovery of rent, service charges, mortgage arrears and any other monies due to the Council.   |  |
| D11 | In Consultation with the appropriate Strategic Director to authorise arrangements for the appointment of Education Appeals Panel Members and Chairs.  |  |

*Delegations to the Director of Governance*

<p>D12 To make minor editorial and other amendments to the Constitution, including to reflect senior management changes, for administrative convenience and/or consequential to legislative changes.</p>	<p>Where an amendment follows a change in legislation or will alter delegations to Councillors or employees, the Group Leaders should be notified in advance of any change being effected.</p>
<p>D13 Maintenance and operation of the Local Land Charges Register.</p>	
<p>D14 The authorisation of appropriately qualified and experienced employees to act as markets officers.</p>	<p>Scheme of delegation in respect to allocation procedures and Market rules Cabinet 17.04.07</p>
<p>Markets officers and other duly authorised employees are empowered to undertake inspections, investigations, interviews, sampling, prohibitions, seizures, detentions, recording, service of notices, (including suspension and compliance notices) notifications, waivers, transfer, authorisations, licensing registrations, legal proceedings and formal cautions under the following legislation thereto, and to exercise all other relevant powers including powers of entry provided under such legislation.</p>	
<p>Markets and Fairs Clauses Act 1847 Fairs Act 1868 Local Government (Miscellaneous Provisions) Acts 1976 and 1982 Food Act 1984</p>	
<p>D15 Discharge of functions as Proper Officer for the Registration of Births, Deaths and Marriages including powers under: -</p>	<p>In accordance with the statutory scheme.</p>
<p>Registration Services Act 1953 The Local Registration Scheme Registration of Births, Deaths and Marriages Regulations 1968 etc.</p>	

Marriage Act 1949, including authority to approve premises to be used as a venue for marriages in pursuance of section 26(i) (bb) of the Marriage Act 1949 (Marriages On Approved Premises) Regulations 1995. Civil Partnership Act 2004

D16 The operational management of the Council's licensing functions.

In accordance with the Constitution and any specific restrictions or limitations imposed by the Cabinet or relevant Regulatory or other Committee through approved policies, procedures and service delivery programmes. Employee delegations relating to the Licensing Act 2003 were approved by the Licensing Committee 2 March 2005

D17 To exercise such functions of the Licensing Committee as may be delegated by the Committee from time to time.

Scheme of Delegation approved by the Licensing Committee 02.03.05.

**E Delegations to the Director of Finance**

	<b>Function</b>	<b>Limits or restrictions on delegation</b>
E1	To administer the financial affairs of the Council in accordance with section 151 of the Local Government Act 1972, section 114 of the Local Government Finance Act 1988, the Accounts and Audit Regulations 2011.	
E2	To administer and manage or approve the management arrangements for the Council's payroll arrangements.	
E3	To approve and oversee the management arrangements for the Council's tax liabilities including National Insurance, Value Added Tax etc.	
E4	To opt to tax land and property transactions not affected by policy considerations.	
E5	To administer and manage or approve the management arrangements for the Council's creditor payment, telephone transfers and CHAPS payments etc. arrangements.	
E5	To collect non-domestic rates and Council Tax or any similar tax from those persons liable, to take such steps in relation to non-domestic rates and Council Tax as the Billing Authority are authorised or required to take and in particular, but without prejudice to the generality of the foregoing: -	

- (i) to institute, carry on or defend proceedings in relation to the collection or recovery of non-domestic rates, Council Tax and other charges;
- (ii) to authorise the institution or defence of any proceedings or the taking of any steps in relation to the valuation list or rating list which the Council are authorised or required to institute, carry on, defend or take;
- (iii) the imposition of penalties as provided for under the provisions of the Local Government Finance Acts 1988 and 1992;
- (iv) to take any necessary steps in representing the Billing Authority at Valuation Tribunals;
- (v) in respect of non-domestic rates, Council Tax and other charges to take any necessary steps in protection of the interests of the Council in connection with bankruptcies, receiverships and liquidations;
- (vi) to reduce or remit liability in accordance with sections 44A and 49 of the Local Government Finance Act 1988.
- (vii) to reduce or remit liability in accordance with S13A Local Government Act 1992.

E6 To administer the assessment and payment of Housing Benefit, the Localised Council Tax Support Scheme

Developing and Supporting the Organisation Cabinet Team 28.06.02.

	and the Sanctions Policy in respect of fraud.	
E7	To approve exceptional hardship payments.	Authority is further delegated to the Head of Benefits to approve Discretionary Housing Payments
E8	To determine the individual claims for Housing Benefit, Localised Council Tax Support and rate relief and administer the relevant scheme and regulations.  To represent the authority at Housing and Localised Council Tax Support Appeals Tribunals.	
E9	To administer, collect, recover or issue all monies due to or from the Council to approve arrangements for the same and the setting of interest rates for mortgage advances for house purchases, improvements and conversions.	
E10	To manage, administer, monitor and report on day to day borrowing, investment or financing, in accordance with the CIPFA Code of Practice for Treasury Management in Local Authorities. To review and report on the Treasury Policy Statement.	
E11	To deal with all risk management and insurance matters and settle all insurance claims in accordance with terms agreed from time to time with the Council's insurers.	
E12	In consultation with the Director of Governance to deal with ex-gratia claims up to £500.	Developing and Supporting the Organisation Cabinet Team 22.03.02

- E13 To make loans for vehicle purchase and to arrange leasing or contract hire as appropriate.
- E14 To supervise and administer the Council's banking arrangements.
- E15 To provide or approve the arrangements for financial advice and services on all matters relating to: -
- (i) the financial affairs of joint ventures, partnerships, companies and other arrangements in which the Council has an interest;
  - (ii) delegations of a financial nature to other bodies e.g. School Governors.
- E16 In conjunction with the Strategic Director for Place to agree to the application of monies recovered under the proceeds of Crime Act 2002 to a maximum of £30,000
- E17 To undertake functions in respect of the West Midlands Metropolitan Authorities Pension Fund.
- E18 To administer and manage or approve the management arrangements for the Council's procurement arrangements.
- E19 To deliver a full risk based internal audit service, based on the CIPFA Code of Practice for Internal Audit in Local Government.

In accordance with report approved by Cabinet 20/03/07



E20 To maintain a counter fraud service in order to promote raising fraud awareness and to investigate suspected cases of fraudulent activity, in partnership with the WM Police.

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## **G DELEGATIONS TO THE DIRECTOR OF EDUCATION**

<b>Function</b>	<b>Limits or restrictions on delegation</b>
G1 To secure provision for pupils with special educational needs through delivery of Education Health Care Plans.	In accordance with the Special Education Plan.
G2 To deal with admissions to schools in accordance with the statutory Admissions Code of Practice and the Council's admission arrangements subject to consultation with the appropriate Cabinet Member(s) in cases of over-subscription.	
G3 To take action in relation to school improvement in accordance with the Education and Inspection Act 2006 and other relevant legislation.	
G4 To implement School Improvement Partnership Board initiatives including the implementation of the Standards Fund Local Delivery Plan.	
G5 To manage the arrangements for the payment of grants, loans and allowances to or in respect of pupils and students.	In accordance with the statutory provision and the scheme of delegation approved by the Lifelong Learning Cabinet Team on 30.05.02.
G6 To make provision for pupils to receive free school meals and to make arrangements for home-school transport where appropriate.	
G7 In consultation with the Section 151 Officer to manage the delegation arrangements for Schools' Budgets	

- G8 In consultation with the Director of Governance, authorise the service of notices and/or the institution of legal proceedings in accordance with Section 547 of the Education Act 1996 (nuisance or disturbance on school premises).
- G9 To exercise such functions of the Licensing Committee relating to child employment as may be delegated by the Panel from time to time.
- G10 In consultation with the Director of Governance, authorise the institution of appropriate legal proceedings in respect of non-attendance.
- G11 Approval and making of school instruments of Government and any subsequent changes prepared by governing bodies
- G12 To determine statutory proposals for schools where no objections have been received to the proposals contained in the publicised Statutory Notice.
- G13 To take action in relation to school improvement in accordance with the Education and Inspection Act 2006 and other relevant legislation.
- G14 To exercise the powers and duties of the authority in respect of the attendance of children at school including children excluded from school or otherwise unable to attend.

Scheme of Delegation  
approved by the former  
Licensing and Environmental  
Protection Panel on 26.02.03.

**H Delegations to the Strategic Director of People**

<b>Function</b>	<b>Limits or restrictions on delegation</b>
Social Services	
H1 The operational management of the provision by the Council of personal social services as permitted or required by the Local Authority Social Services Act 1970.	In accordance with the delegations approved by Cabinet 28/06/06
H2 The appointment of Proper Officers for social services functions.	In accordance with the Individual Executive Decision notice dated 8 April 2003 and reported to the Developing and Supporting the Organisation Cabinet Team 25 April 2003.
H3 To implement the Crime Reduction Community Safety Strategy and Drug Strategy.	
<b>Community Centres</b>	
H4 Assistance to management groups of Community Centres and management of all relevant support services provided by the Council.	In accordance with inter-agency plans and priorities.
H5 Co-ordination of community development support and partnership.	In accordance with inter-agency plans and priorities

H6 To manage the Anti-Social Behaviour Unit in conjunction with Wolverhampton Homes and, in conjunction with the Director of Governance to institute proceedings to combat anti-social behaviour.

**I Delegations to the Director of Children's Services**

<b>Function</b>	<b>Limits or restrictions on delegation</b>
I1 To act as the statutory Director of Children's Services	
I2 The provision of financial assistance under the Children Act 1989 within the Council's agreed scheme of financial delegations in respect of each application.	
I3 In consultation with the Director of Governance to authorise the institution of appropriate legal proceedings in respect of children.	
I4 To place children being looked after by the Council in suitable accommodation and pay appropriate fees, charges and allowances and grants.	
I5 To give any necessary consent, including consent to medical treatment, holidays abroad etc. in respect of children looked after by the Council.	
I6 In consultation with the Director of Governance to instruct solicitors to act on behalf of children looked after by the Council.	
I7 In conjunction with the Director of Governance to make applications for Contribution Orders etc. in respect of children looked after by the Council.	
I8	

- I9 To exercise the statutory functions, powers and duties of the Council in relation to vulnerable children and young people as set out in Working Together 2015.
- I10 To provide specialist and integrated services to young offenders and children with complex needs and disabilities
- I11 To exercise any of the Council's functions relating to childcare provision
- I12 To establish and maintain an adoption services and provide the requisite facilities



## **J Delegations to the Director of Adult Services**

	<b>Function</b>	<b>Limits or restrictions on delegation</b>
J1	To act as the statutory Director of Adult Services	
J2	The provision of improvements and adaptations under the Chronically Sick and Disabled Persons Act 1970 within the Council's agreed scheme of financial delegations in respect of each application.	
J3	In consultation with the Director of Governance to authorise the institution of appropriate legal proceedings, including in the Court of Protection, in respect of adults.	
J4	To make arrangements for the temporary protection of property of persons admitted to hospital or other accommodation.	
J5	To make application to act, and to act as receiver of property for persons who are incapable of managing their own affairs.	
J6	To make arrangements for the burial or cremation of any person found dead in their area where no suitable arrangements have been made under Part III of Public Health (Control of Disease) Act 1984.	

- J8 To exercise the statutory functions, powers and duties of the Council in relation to vulnerable adults and adults at risk as set out in the Care Act 2014
- J9 To make applications for the admission to hospital of persons with mental health problems for the purposes of assessment, detention and treatment and to make decisions in connection with deprivation of liberty safeguards
- J10 To maintain the appropriate registration for internally provided care services
- J11 To appoint approved mental health professionals

K Delegations to the Strategic Director Place	Limits or restrictions on delegation
Function	
K1 Responding to applications for operating centres under the Good Vehicles (Licensing of Operators) Act 1995.	
K2 To exercise the Council's functions under the War Memorials (Local Authorities' Powers) Act 1923.	
<p>K3 In respect of the Construction (Design and Management) Regulations 1994 (made under the Health and Safety at Work Act 1974): -</p> <ul style="list-style-type: none"> <li data-bbox="280 1021 943 1178">(i) to act as Agent for in-house clients in respect of duties defined for clients and undertaking highways and civil engineering projects; and</li> <li data-bbox="280 1267 943 1413">(ii) to carry out the duties defined for Planning Supervision in respect of duties defined for clients undertaking highways and civil engineering projects.</li> </ul>	
<i>Building Control</i>	
<p>K4 To exercise the Council's functions under the Building Act 1984 including: -</p> <p>Section 16 - 25 - passing or rejection of plans</p> <p>Section 35 - contravention of building regulations</p> <p>Section 36 - removal of offending work</p>	

<b>Function</b>	<b>Limits or restrictions on delegation</b>
<p>Section 55 - appeals</p> <p>Section 77 and 78 - dangerous buildings</p> <p>Section 80, 81 and 82 - demolition</p> <p>Section 99 - requiring works</p> <p>Section 102 - appeals.</p>	
<p>K5 To administer the approved Scheme of Charges for Building Control in accordance with the requirements of the Building (Local Authority Charges) Regulations 2010.</p>	
<p><b>Town and Country Planning etc. decisions</b></p>	
<p>K6 The responsibility for determining planning and other applications, planning enforcement and safety is exercised by the Planning Committee and the Strategic Director for Place.</p>	
<p>K7 The Planning Committee will determine the classes of applications and related functions listed in the Schedule below which also sets out the conditions and exceptions under which decisions delegated to employees shall be carried out.</p>	
<p>K8a The Strategic Director for Place is authorised to exercise the powers of the Local Planning Authority in the area of Development Control, namely the determination of those planning and other applications, “including all requests for screening and scoping opinions made under the Town and Country Planning (Environmental Impact Assessment) (England &amp; Wales) Regulations 1999”, and including the drafting of conditions and of reasons for refusal on notices of decision, and the carrying out of planning enforcement, including in relation to</p>	

<b>Function</b>	<b>Limits or restrictions on delegation</b>
<p>listed building and conservation areas, advertisement control including discontinuance notices, and serving section 215 notices, and tree protection and safety functions, other than those listed in the Schedule and subject to the conditions and exceptions specified in the Schedule.</p>	
<p>K8b The power to enter into an agreement pursuant to section 111 of the Local Government Act 1972.</p>	
<p><b>Schedule Limits on Delegation</b></p>	
<p>K9 Where the applicant is, an employee involved in the planning process, or a Councillor, a Senior Manager or (at the discretion of the Strategic Director for Place) a Senior employee of the Council, the application shall be reported to Committee for decision.</p>	
<p>K10 Where the Strategic Director for Place or a nominated employee so considers, either because of its potential controversy, significant public interest or environmental impact, the application shall be reported to Committee for decision.</p>	
<p>K11 All applications, other than prior determination applications (see 1 above), on which a petition, or six letters or more of unresolved objection or adverse comment with a legitimate planning basis e.g. excluding purely commercial objections or those simply about devaluation of property, have been received, either from residential or other neighbours or from statutory consultees, shall only be determined by Committee. (Applications subject to five or</p>	

<b>Function</b>	<b>Limits or restrictions on delegation</b>
<p>less objections may be granted or refused by the Strategic Director for Place or other nominated employee.)</p> <p>For the avoidance of doubt the phrase “six letters or more of unresolved objection or adverse comment with a legitimate planning basis” shall be interpreted as being where there is a conflict between the employee recommendation and the views expressed as a result of public consultation. Also, a petition shall be defined as a written document signed by ten or more persons from five or more identifiable households.</p>	
<p>K12 In respect of any application, where an objector or applicant indicates in writing within the appropriate timetables their desire to speak to Committee, such applications shall be determined by Committee.</p>	
<p>K13 All applications which are advertised as a departure from the Development Plan and the employee recommendation is in support of the application, shall be determined by the Planning Committee.</p>	
<p>K14 All applications apart from applications for Deeds of Variation where it is proposed to enter into a planning agreement under Section 106 of the Town and Country Planning Act 1990 shall be reported to Committee for decision.</p>	
<p>K15 All applications for consent to fell more than five trees shall be reported to Committee for decision.</p>	

<b>Function</b>	<b>Limits or restrictions on delegation</b>
<p>K16 Confirmation of any tree preservation order where objections have been received shall be reported to Committee for decision.</p> <p>K17 Council's own applications for listed buildings or locally-listed buildings that involve total or substantial demolition shall be reported to Committee for decision.</p>	
<p><b>Regeneration</b></p>	
<p>K18 Management of non-operational investment property e.g. industrial units.</p>	
<p>K19 The authorisation of appropriately qualified and experienced employees to act as inspectors.</p> <p>Inspectors and other duly authorised employees are empowered to undertake inspections, investigations, interviews, sampling, prohibitions, seizures, detentions, recording, service of notices (including suspension and compliance notices), notifications, waivers, transfer, authorisations, licensing registrations and legal proceedings and formal cautions under the following legislation applicable thereto, and to exercise all other relevant powers, including powers of entry provided under such legislation.</p> <p>Building Act 1984</p> <p>Caravan Sites Act 1968</p>	<p>In accordance with the Scheme of Delegation approved by the former Housing Services Committee on 03.06.97.</p> <p>Housing Act 2004 in accordance with reports to Cabinet (Resources) Panel 21.03.06 and Cabinet 06.06.06</p>

Function	Limits or restrictions on delegation
<p>Chronically Sick and Disabled Persons Act 1970</p> <p>Defective Premises Act 1972</p> <p>Environmental Protection Act 1990</p> <p>Health and Safety at Work etc. Act 1974</p> <p>Housing Acts 1985, 1988, 1996 and 2004</p> <p>Housing and Building Control Act 1984</p> <p>Housing Grants, Construction and Regeneration Act 1996</p> <p>Housing and Planning Act 1986</p> <p>Landlord and Tenant Act 1985</p> <p>Local Government (Miscellaneous Provisions) Act 1976 and 1982</p> <p>Local Government and Housing Act 1989</p> <p>Public Health Acts 1936 and 1961</p> <p>Protection from Eviction Act 1977</p> <p>Rents Act 1974 and 1977</p> <p>Rent (Agriculture) Act 1976</p> <p>Rent (Agriculture) Amendment Act 1977</p> <p>Social Security and Housing Benefits Act 1982, Parts II and III</p> <p>Town Development Act 1952</p> <p>West Midlands County Council Act 1980 Ss 32 and 43</p> <p>Any orders or regulations made thereunder or relating to any of the foregoing or having effect by virtue of the European Communities Act 1972.</p> <p>Any offence under any legislation or at Common Law which is of a similar nature or</p>	<p>Report approved by Cabinet 28.11.06 with response to legal proceedings pursuant to Sections 189, 352 and 376 of the Housing Act 1985</p>



<b>Function</b>	<b>Limits or restrictions on delegation</b>
<p>related to the foregoing, including offences of aiding, abetting, counselling or procuring, incitement, conspiracy, perverting the course of justice and criminal attempts.</p>	
<p><b>Environmental Services</b></p>	
<p>K20 The appointment of Proper Officers for environmental health functions.</p>	<p>In accordance with the Green Decision notice dated 8 April 2003 and reported to the Developing and Supporting the Organisation Cabinet Team 25 April 2003.</p>
<p>K21 The operational management of the Council's environmental health and trading standards and street trading services.</p>	<p>In accordance with the Constitution and any specific restrictions or limitations imposed by the Cabinet or relevant Regulatory or other Committee through approved policies, procedures and service delivery programme.</p>
<p>K22 The authorisation of appropriate qualified and experienced employees to act as inspectors.</p>	
<p>K23 Inspectors and other duly authorised employees are empowered to undertake inspections, investigations, interviews, sampling, prohibitions, seizures, detentions, recording, service of notices (including suspension and compliance notices), notifications, waivers, transfer, authorisations, licensing registrations and legal proceedings and simple cautions under the following legislation applicable thereto, and to exercise all other relevant powers, including powers of entry and authorisation of work in default provided under such legislation.</p>	

Function	Limits or restrictions on delegation
<p><i>Cabinet functions</i></p> <p><b>Food and Environmental Safety Service and Public Protection Service</b></p> <p>Agriculture (Miscellaneous Provisions) Act 1968</p> <p>Animal Act 1971</p> <p>Animal Health Act 1981</p> <p>Animal Health and Welfare Act 1984</p> <p>Animal Welfare Act 2006</p> <p>Anti-Social Behaviour Act 2003</p> <p>Building Act 1984</p> <p>Chronically Sick and Disabled Persons Act 1970</p> <p>Clean Air Act 1993</p> <p>Clean Neighbourhoods and Environment Act 2005</p> <p>Control of Horses Act 2015</p> <p>Control of Pollution Act 1974</p> <p>Control of Pollution (Amendment) Act 1989</p> <p>Cremation Acts 1902 and 1952</p> <p>Criminal Attempts Act 1981</p> <p>Criminal Justice &amp; Public Order Act 1994</p> <p>Criminal Justice and Police Act 2001</p> <p>Dangerous Dogs Act 1991</p> <p>Dogs Act 1906</p> <p>Dogs (Fouling of Land) Act 1996</p> <p>Environment Act 1995</p> <p>Environmental Protection Act 1990</p> <p>Environmental and Safety Information Act 1998</p>	

Function	Limits or restrictions on delegation
Food and Environmental Protection Act 1985	
Food Safety Act 1990	
Health Act 2006	
Highways Act 1980	
Home Safety Act 1961	
Housing Act 1964	
Local Government Acts 1972 and 1988	
Local Government (Miscellaneous Provisions) Acts 1976 and 1982	
Mines and Quarries (Tips) Act 1969	
National Assistance Act 1948	
National Assistance (Amendment) Act 1951	
National Health Services (Amendment) Act 1986	
Noise Act 1996	
Noise and Statutory Nuisance Act 1993	
Police and Criminal Evidence Act 1984	
Pollution Prevention and Control Act 1999	
Prevention of Damages by Pests Act 1949	
Protection of Animals Act 1911	
Protection of Badgers Act 1992	
Public Health Acts 1875 to 1969	
Public Health (Control of Diseases) Act 1984	
Public Health (Recurring Nuisances) Act 1969	
Refuse Disposal (Amenity) Act 1978	
Regulation of Investigatory Powers Act 2000	
Sunday Trading Act 1994	
Town and Country Planning Act 1990 Sections 224 and 225	
Water Industry Act 1991	
Weeds Act 1959	

<b>Function</b>	<b>Limits or restrictions on delegation</b>
<p>West Midlands County Council Act 1980</p> <p>Wildlife and Countryside Act 1981</p> <p>Wolverhampton Corporation Act 1969</p> <p>Any orders or regulations made thereunder or relating to any of the foregoing or having effect by virtue of the European Communities Act 1972.</p> <p>Any offence under any legislation or at Common Law which is of a similar nature or related to the foregoing, including offences of aiding, abetting, counselling or procuring, incitement, conspiracy, perverting the course of justice and criminal attempts. For the avoidance of doubt, this shall include any new legislations offering an extension of powers to Local Authority</p> <p><b><i>Cabinet Functions</i></b></p> <p><b>Trading Standards Service</b></p> <p>Accommodation Agencies Act 1953</p> <p>Administration of Justice Act 1970 &amp; 1972</p> <p>Agriculture Act 1970</p> <p>Animal Health Act 1981</p> <p>Animal Health and Welfare Act 1984</p> <p>Animal Welfare Act 2006</p> <p>Anti-Social Behaviour Act 2003</p> <p>Architects Act 1997</p> <p>Auctions (Bidding Agreement) Acts 1922 &amp; 1969</p> <p>Banking Act 1987</p>	

Function	Limits or restrictions on delegation
Business Names Act 1985	
Cancer Act 1939	
Children and Young Persons (Protection from Tobacco) Act 1991	
Children and Young Persons Act 1933	
Children and Families Act 2014	
Clean Neighbourhoods and Environment Act 2005	
Companies Acts 1985 & 2006	
Consumer Credit Acts 1974 and 2006	
Consumer Protection Acts 1961, 1971, 1987	
Consumer Rights Act 2015	
Control of Pollution Act 1974	
Copyright, Designs and Patents Act 1988	
Copyright and Trade Marks (Offences and Enforcement) Act 2002	
Courts & Legal Services Act 1990	
Criminal Attempts Act 1981	
Criminal Justice Act 1988	
Criminal Justice and Police Act 2001	
Criminal Justice & Public Order Act 1994	
Criminal Law Act 1977	
Customs and Excise Management Act 1979	
Development of Tourism Act 1969	
Education Reform Act 1988	
Energy Act 1976	
Energy Conservation Act 1981	
Enterprise Act 2002	
Enterprise and Regulatory Reform Act 2013	

Function	Limits or restrictions on delegation
Environmental Protection Act 1990	
Estate Agents Act 1979	
European Communities Act 1972	
Fair Trading Act 1973	
Food Safety Act 1990	
Forgery and Counterfeiting Act 1981 & 1988	
Fraud Act 2006	
Hallmarking Act 1973	
Health Act 2009	
Health and Safety at Work etc. Act 1974	
Highways Act 1980	
Insolvency Act 1986	
Insurance Brokers Registration Act 1977	
Intoxicating Substances (Supply) Act 1985	
Knives Act 1997	
Licensing Act 1964 (as amended)	
Licensing Act 2003	
Local Government Acts 1972 and 1988	
Malicious Communications Act 1988	
Medicines Act 1968	
Mock Auctions Act 1961	
Motor Cycle Noise Act 1987	
Motor Vehicles (Safety Equipment for Children) Act 1991	
National Lottery etc. Act 1993	
Offensive Weapons Act 1996	
Olympic Symbol etc. (Protection) Act 1995	
Osteopaths Act 1993	
Poisons Act 1972	

Function	Limits or restrictions on delegation
<p>Prices Acts 1974 and 1975</p> <p>Proceeds of Crime Act 2002</p> <p>Property Misdescriptions Act 1991</p> <p>Protection from Harassment Act 1997</p> <p>Protection of Children (Tobacco) Act 1986</p> <p>Regulation of Investigatory Powers Act 2000</p> <p>Road Traffic Acts 1988 and 1991</p> <p>Road Traffic (Foreign Vehicles) Act 1972</p> <p>Road Traffic Offenders Act 1988</p> <p>Road Traffic Regulation Act 1984</p> <p>Solicitors Act 1974</p> <p>Sunbeds (Regulation) Act 2010</p> <p>Telecommunications Act 1984</p> <p>Theft Acts 1968 and 1978</p> <p>Timeshare Act 1992</p> <p>Trade Descriptions Act 1968</p> <p>Trade Marks Act 1994</p> <p>Trading Representations (Disabled Persons) Acts 1958 and 1972</p> <p>Trading Stamps Act 1974</p> <p>Unsolicited Goods and Services Acts 1971 and 1975</p> <p>Vehicles (Crime) Act 2001</p> <p>Video Recordings Acts 1984 and 1993</p> <p>Weights and Measures Acts 1976 and 1985</p> <p>Any orders or regulations made thereunder or relating to any of the foregoing or having effect by virtue of the European Communities Act 1972.</p>	

<b>Function</b>	<b>Limits or restrictions on delegation</b>
<p>Any offence under any legislation or at Common Law which is of a similar nature or related to the foregoing, including offences of aiding, abetting, counselling or procuring, incitement, conspiracy, perverting the course of justice and criminal attempts.</p>	
<p><b>Property Services</b></p>	
<p>K24 To discharge the functions of Corporate Property Officer.</p>	
<p>K25 To discharge valuation and estates services and deal with property acquisition/disposals.</p>	<p>In accordance with the Scheme of Delegations and Contract Procedure Rules agreed from time to time by the Council.</p>
<p>K26 In consultation with the Director of Governance to authorise Legal Proceedings under Paragraph L31.</p>	
<p>K27 In respect of the Construction (Design and Management) Regulations 1994 (made under the Health and Safety at Work Act 1974): -</p> <p>(1) to act as Agent for in-house clients in respect of duties defined for clients undertaking building constructions projects (including planned maintenance where applicable); and</p> <p>(ii) to carry out the duties for Planning Supervision in respect of building construction projects (including planned maintenance where applicable).</p>	



Function	Limits or restrictions on delegation
K28 To manage and maintain the Civic Centre and to deal with applications for use of the Civic Centre by outside bodies.	
<p style="text-align: center;"><b>Commercial Services</b></p>	
K29 The operational management of the Council's function relating to cleaning and catering.	
K30 The management of the Council's functions relating to waste management, environmental cleansing, litter control, refuse collection and disposal, waste disposal, waste minimisation and recycling.	The Council's functions are to be discharged in accordance with the Waste Partnership
K31 <i>To manage the Council's corporate transport service.</i>	
K32 To manage the Council's Street Scene Services.	
K33 To submit planning applications: <ul style="list-style-type: none"> <li>(i) for the development or redevelopment of surplus properties (where Development Briefs or Planning Briefs are not required) in order to maximise sales potential prior to offering the properties for disposal on the open market.</li> <li>(ii) for deemed applications for building works where funding is contained in approved Capital or Revenue budgets.</li> </ul>	In accordance with Green Decision 04.05.05.

<b>Function</b>	<b>Limits or restrictions on delegation</b>
(iii) Submit planning applications for Council owned properties	In accordance with Green Decision 19.09.08
K34 To undertake operational management of the Arts and Museums Service in accordance with the Public Libraries and Museums Act 1964.	
K35 To collect and commission works of art for the Arts and Museums Service.	Wolverhampton Arts and Museums Service Acquisition and Disposal Policy (1999).
K36 To provide for the safekeeping of the City Council's documentary heritage and make it available for public consultation in accordance with the Local Government (Records) Act 1962.	Wolverhampton Archives and Local Studies Acquisition and Disposal Policy (2000).
K37 To accept items from Public Records under the terms of the Public Records Act 1958.	Wolverhampton Archives and Local Studies Acquisition and Disposal Policy (2000).
	Wolverhampton Arts and Museums Service Acquisition and Disposal Policy (2005)
K38 To accept other items on deposit which contribute to the understanding of the history of the City and its people and make such items available for public consultation.	Wolverhampton Archives and Local Studies Acquisition and Disposal Policy (2000).
K39 To undertake the operational management of the Civic Halls, arranging for a variety of programming and dealing with applications for use of the premises by outside bodies.	Hypnotism Act 1952 Licensing Act 2003 Cinemas Act 1985 Theatres Act 1968.

<b>Function</b>	<b>Limits or restrictions on delegation</b>
K40 To undertake the management of bars and licensed premises attached to the Civic Halls.	Food Safety Act 1990 Intoxicating Substances (Supply) Act 1985 Late Night Refreshment Houses Act 1988 Licensing Acts 1964 and 1988 Licensing Act 2003
K41 To arrange outdoor events to take place throughout the City.	Performing Animals (Regulation) Act 1925 Food Safety Act 1990 Intoxicating Substances (Supply) Act 1985 Licensing Acts 1964 and 1988 Licensing Act 2003
K42 To grant aid a number of projects, companies and individuals in the furtherance and provision of cultural development in the City.	
K43 To provide information and services with regard to local places of interest, events, accommodation and travel in accordance with the Development of Tourism Act, 1969.	
K44 To seek additional funding for the above from a range of funding organisations.	
<i>Play and Youth</i>	

<b>Function</b>	<b>Limits or restrictions on delegation</b>
K45 Operational management of the Youth Service including youth clubs, projects and programmes.	Senior Managers to prioritise need in accordance with the Service Plan.
K46 Operational management of Adventure Playgrounds and other developmental play provision.	In accordance with priorities set within the Service Plan.
K47 To act as Contract Administrator and perform the duties imposed thereon by building and engineering contracts.	
K48 To support and assist the Wolverhampton Leisure Gardens Association.	Smallholdings & Allotments Act 1908.
<b>Cultural Services</b>	
K49 To undertake operational management of the Libraries and Information Service in accordance with the Public Libraries and Museums Act 1964.	Public Library Standards Statement.
<b>Transportation</b>	
K50 To implement the provisions of the New Roads and Street Works Act 1991 as respects Streets, Street Works and Undertakers.	E47–E54 In accordance with any restrictions or limitations imposed by the Cabinet or relevant Regulatory or other Committee through approved policies, procedures and service delivery programmes.
K51 To implement temporary and permanent traffic management measures and temporary prohibition of traffic on highways under the:	

Function	Limits or restrictions on delegation
<p>Road Traffic Regulation Act 1984</p> <p>Road Traffic Act 1991</p> <p>Road Traffic (Temporary Restrictions) Act 1991</p> <p>Transport and Works Act 1992</p> <p>Traffic Management Act 2004</p> <p>and any associated legislation.</p>	
<p>K52 To exercise the Council's functions relating to highways in the Town Police Clauses Act 1847 and the West Midlands County Council Act 1980.</p>	
<p>K53 To exercise the Council's functions under the Road Traffic Act 1988.</p>	
<p>K54 To implement measures under the Traffic Calming Act 1992.</p>	
<p>K55 To undertake repair, maintenance, signage etc. of paths under the:</p>	
<p>National Parks and Access to the Countryside Act 1949</p> <p>Countryside Act 1968</p> <p>Wildlife and Countryside Act 1981</p> <p>Rights of Way Act 1990</p> <p>Countryside and Rights of Way Act 2000</p>	

<b>Function</b>	<b>Limits or restrictions on delegation</b>
<p>K56 To exercise the Council's functions under the Highways Act 1980 including: -</p> <p>Section:</p> <ul style="list-style-type: none"> <li>56 - repair of highways</li> <li>59 - recovery of expenses due to extraordinary traffic</li> <li>60 - liability for cost of alternative routes</li> <li>79 - removal of obstructions</li> <li>100 - laying and repair of drains</li> <li>101 - filling ditches</li> <li>102 - protection of highways</li> <li>130 - rights of public to use highway</li> <li>132 - consent to display temporary signs</li> <li>133 - repairing damage to footways</li> <li>139 - placing of builders skips</li> <li>142 - planting in the highway</li> <li>144 - erection of flagpoles</li> <li>143, 149, 151-153 – removal of obstructions</li> <li>154 - removal of trees</li> <li>156 - activities of statutory undertakers</li> <li>163 - water from private land</li> <li>164 - removal of barbed wire</li> <li>165 - fencing of dangerous land</li> <li>166 - dangerous forecourts</li> <li>167 - retaining walls</li> <li>169 - erection of scaffolding</li> <li>171 - deposit of building materials</li> </ul>	

Function	Limits or restrictions on delegation
172 - erection of hoardings	
176 - construction of bridges	
177 - construction of buildings	
178 - placing of cables etc.	
179 & 180 - construction of cellars	
181 & 182 - private apparatus	
184 - vehicle crossings	
193 & 194 - new streets	
205 & 212 - private street works schemes	
230 - urgent repair of private streets	
286 - new buildings	
287 - barriers	
289 & 290 – surveys	
291 & 294 – powers of entry	
295 - disposal of materials	
296 - execution of works	
297 - information on to ownership	
K57 To implement the Council's functions under the Midland Metro Act 1989 and associated legislation.	
K58 To enter into an adoption agreement with a developer under section 38 of the Highways Act 1980.	
K59 To confirm the adoption of the roads once the development is complete.	

<b>Function</b>	<b>Limits or restrictions on delegation</b>
K60 To enter into agreements with developers under section 278 of the Highways Act.	
<p><b>Historic environment</b></p>	
K61 To exercise the Council's functions under the Planning (Listed Buildings and Conservation Areas) Act 1990 with regards to conservation area appraisals and management plans, review of the local list and Article 4 directions. Where the Strategic Director or a nominated employee so considers, either because of its potential controversy or significant public interest, the function shall be reported to Cabinet for a decision.	
K62 To administer heritage grants, including the making of grant offers and authorisation of grant payments made pursuant to such offers, in accordance with codes of practice and terms and conditions for grants as determined by the Cabinet (Resources) Panel.	
<p><b>Strategic Housing and Neighbourhood Renewal</b></p>	
K63 The operational management of the Council's housing and neighbourhood renewal Strategies and Plans including Performance monitoring and effective delivery of housing management services by Wolverhampton Homes and any Tenant Management Organisations and Estate Management Boards.	In accordance with the Constitution and any specific restrictions or limitations imposed by the Cabinet or relevant Regulatory or other Committee through approved policies, procedures and service delivery programme.
K64 To agree capital expenditure and operational decisions regarding investment in the Council's housing stock, in consultation with the Asset Management Group.	Financial procedure rules and limits on expenditure.
K65 The authorisation of appropriately qualified and experienced employees to act as inspectors.	In accordance with the Scheme of Delegation approved by the



Function	Limits or restrictions on delegation
<p>Inspectors and other duly authorised employees are empowered to undertake inspections, investigations, interviews, sampling, prohibitions, seizures, detentions, recording, service of notices (including suspension and compliance notices), notifications, waivers, transfer, authorisations, licensing registrations and legal proceedings and formal cautions under the following legislation applicable thereto, and to exercise all other relevant powers, including powers of entry provided under such legislation.</p>	<p>former Housing Services Committee on 03.06.97.</p> <p>Housing Act 2004 in accordance with reports to Cabinet (Resources) Panel 21.03.06 and Cabinet 06.06.06</p>
<p>Building Act 1984</p>	
<p>Caravan Sites Act 1968</p>	
<p>Chronically Sick and Disabled Persons Act 1970</p>	
<p>Defective Premises Act 1972</p>	
<p>Environmental Protection Act 1990</p>	
<p>Health and Safety at Work etc. Act 1974</p>	
<p>Housing Acts 1985, 1988, 1996 and 2004</p>	
<p>Housing and Building Control Act 1984</p>	
<p>Housing Grants, Construction and Regeneration Act 1996</p>	
<p>Housing and Planning Act 1986</p>	
<p>Landlord and Tenant Act 1985</p>	
<p>Local Government (Miscellaneous Provisions) Act 1976 and 1982</p>	<p>Report approved by Cabinet 28.11.06 with response to legal proceedings pursuant to Sections 189, 352 and 376 of the Housing Act 1985</p>
<p>Local Government and Housing Act 1989</p>	
<p>Public Health Acts 1936 and 1961</p>	
<p>Protection from Eviction Act 1977</p>	
<p>Rents Act 1974 and 1977</p>	
<p>Rent (Agriculture) Act 1976</p>	

<b>Function</b>	<b>Limits or restrictions on delegation</b>
<p>Rent (Agriculture) Amendment Act 1977</p> <p>Social Security and Housing Benefits Act 1982, Parts II and III</p> <p>Town Development Act 1952</p> <p>West Midlands County Council Act 1980 Ss 32 and 43</p> <p>Any orders or regulations made thereunder or relating to any of the foregoing or having effect by virtue of the European Communities Act 1972.</p> <p>Any offence under any legislation or at Common Law which is of a similar nature or related to the foregoing, including offences of aiding, abetting, counselling or procuring, incitement, conspiracy, perverting the course of justice and criminal attempts.</p>	
<p>K66 To implement the Approved Development Programme for Housing Association newbuild.</p>	<p>In accordance with the Programme.</p>
<p>K67 To implement the annual investment programme identified for housing under the Major Repairs Allowance and Unitary Capital Pot.</p> <p>Housing Support Services</p>	<p>In accordance with the Programme.</p>
<p>K68 To carry out the investigative and assessment duties of the Council under Part III of the Housing Act 1985 (Housing and Homelessness).</p>	
<p>K69 To provide general and specific advice on housing in order to prevent homelessness and assist in maintaining existing tenancies.</p>	

<b>Function</b>	<b>Limits or restrictions on delegation</b>
<p>K70 The nomination of tenants to Housing Associations schemes.</p> <p>K71 The administration of the 24-Hour Control Centre and the Carelink alarm system.</p> <p>K72 To make arrangements for asylum seekers.</p> <p>K73 To manage the Anti-Social Behaviour Unit in conjunction with Strategic Director for People and, in conjunction with the Director of Governance to institute proceedings to combat anti-social behaviour.</p>	
<p><b>Adult Education</b></p> <p>K74 To provide an adult education service.</p>	<p>In accordance with the Learning and Skills Council.</p>

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## M Delegations to the Director of Pensions

Function	Limits or restriction on delegation
<p><b>West Midlands Metropolitan Authorities Pension Fund</b></p>	
<p>M1 The administrative management of matters in connection with the Council's role as administering authority for the West Midlands Pension Fund.</p>	<p>In accordance with the statutory provisions and any determinations of the Pensions Committee.</p>
<p>M2 The investment and general management of the Fund in accordance with the Pensions Committee's investment strategy set out in its policy statement.</p>	<p>Consultation to take place with the Chairman of the Investment Advisory Sub-Committee prior to any major investment decision if it is possible to do so.</p>
<p>M3 To provide services to the West Midlands Integrated Transport Authority Pension Fund.</p>	<p>In accordance with the agreement between the Council and the ITA.</p>
<p>M4 The general delegations to Strategic Directors as they relate to the Council's role as administering body and to the following:</p>	
<p>4.1 Financial administration</p>	<p>In accordance with the Fund's financial procedure rules</p>
<p>4.2 Contracts and tendering</p>	<p>In accordance with the Fund's contract procedure rules</p>
<p>2.1 Management of human resources</p>	<p>In accordance with the Fund's employee and staffing schedule and only for Fund staff</p>

2.2 Day to day administration and operational management	In accordance with the Constitution and any specific restrictions or limitations
2.3 Management of operational land and premises used for service delivery	In accordance with the Fund's financial and contract procedure rules
2.4 Compliance with the Health and Safety at Work, etc. Act 1974 and the Regulatory Reform (Fire Safety) Order 2005	In accordance with the Council's health and safety policies and procedures
2.5 Compliance with the Council's equal opportunities policy and relevant legislation	In accordance with the Council's equal opportunities policies and procedures
2.6 Compliance with the Human Rights Act 1998	
4.3 Compliance with the Data Protection Act 2000.	
4.4 To maintain written delegations for employee responsibility for their Business Units.	

## K Delegations to the Service Director Health and Well-Being

Function	Limits or restriction on delegation
<p>K1 To be the designated Service Director - Public Health and Wellbeing in accordance with Section 30 of the Health and Social Care Act 2012.</p> <p>The exercise of the responsibilities set out below are delegated by the Council, taking all operational decisions necessary to secure the provision of service and/or the discharge of statutory functions, including the power to enter into contracts in consultation with the Director of Governance, in accordance with approved policies and Financial Regulations in relation to the following areas:</p> <ul style="list-style-type: none"> <li>a. Public health.</li> <li>b. Holding officers to account for the performance of their service areas.</li> </ul>	
<p>K2 To support and assist the Wolverhampton City Sports Advisory Council, the Wolverhampton Sports Development Trust, the Black Country Sports Board and the network of adopted Wolverhampton sport specific development groups.</p>	<p>Sport &amp; Recreation Strategy 1999</p> <p>Wolverhampton Swimming Strategy 2005</p> <p>Wolverhampton Playing Pitch Strategy 2004</p> <p>Adopted sport specific development plans.</p>
<p>K3 To grant aid sports development projects, sports clubs and sporting events.</p>	<p>Sport and Recreation Strategy 1999</p> <p>Wolverhampton Swimming Strategy 2005</p>

K4 The following statutory duties and functions are delegated to the Director of Public Health and Wellbeing

- (i) To take responsibility for the management of the Council's Public Health Services, with professional responsibility and accountability for their effectiveness, availability and value for money.
- (ii) To represent the Council on partnership, external bodies such as the Health and Wellbeing Board and the Child Death Overview Panel.
- (iii) To contribute to and influence the work of the NHS Commissioners, ensuring a whole system approach across the public sector and ensuring NHS Commissioners receive the public health advice they need.
- (iv) To provide leadership, expertise and advice to Senior Officers and Elected Members on a range of issues from outbreaks of disease and emergency preparedness through to improving local people's access to health services.
- (v) To provide Elected Members, Senior Officers and the public with expert, objective advice on health matters.
- (vi) To promote action across the life course, working together with council colleagues and with NHS colleagues.
- (vii) To work with local Criminal Justice Partners and the Police and Crime Commissioner to promote safer communities, including cooperating with the police, the probation service and the prison service to assess the risk posed by violent or sexual offenders.
- (viii) Under the NHS Act 2006 and the Health & Social Care Act 2012, to discharge any functions in relation to the corporate public health duties of the Council including responsibility



for writing the annual report on the health of the local population.

(The Council has a duty to Publish this report under section 73B (5) & (6) of the 2006 Act and Section 31 of the 2012 Act).

(ix) Under Section 73A (1) of the 2006 Act (inserted by section 30 of the 2012 Act);

- To undertake duties to take steps to improve public health

- To undertake such other public health protection or health improvement functions that the Secretary of State delegates to Local Authorities either by arrangement or under regulations - these include services mandated by regulations under Section 6C of the 2006 Act Inserted by section 18 of the 2012 Act

- To respond as a responsible authority under the Licensing Act 2003, such as making representations

- about licensing applications

- To provide Healthy Start Vitamins (under the Healthy Start and Welfare Food Regulations 2005 ) for maternity or child health clinics

- To consult and make decisions on Fluoridation Schemes

(x) Under section 6C of the NHS Act 2006

- To ensure appropriate access to sexual health services

- To take responsibility for the National Child Measurement Programme

- To take responsibility for the NHS Health Check Assessment

(xi) To oversee the NHS screening programmes, both cancer and non-cancer, ante-natal and children's screening

- programmes, ensuring the health of the population is adequately protected and raising issues and concerns appropriately at the Health and Wellbeing Board.
- (xii) To oversee the NHS immunisation programmes including children 0-5 years, HPV and seasonal flu and any other issues that the Secretary of State instructs, including catch up programmes, raising issues and concerns appropriately.
  - (xiii) To discharge the Council's responsibilities in relation to communicable and infectious diseases, including healthcare acquired infections.
  - (xiv) Implementing or determining, subject to any rights of review or appeal which may apply, all matters concerning the Statutory Public Health complaints procedure.
  - (xv) Setting, varying and recovering charges in respect of certain steps taken in the exercise of health improvement duties.

To discharge Proper Officer functions under

- Public Health (Control of Diseases) Act 1984 (as amended)
- Health Protection (Local Authority) Regulations 2010
- Public Health Act 1936
- Public Health Act 1961

## Schedule of Human Resources Delegations

### Schedule of Human Resources Delegations

HR Topic/Procedure	Delegations and Controls
Appointment of all employees below JNC (Senior Management) level, excluding persons appointed as assistants for political groups	<p>Managing Director, Strategic Director, Director or their nominee</p> <p>In accordance with Council HR policies, procedures and processes.</p>
Dismissal of employees below JNC (Senior Management) level	<p>Managing Director, Strategic Director, Director or their nominee</p> <p>In accordance with Council HR policies, procedures and processes.</p>
Retirement on the grounds of efficient exercise	<p>Managing Director, Strategic Director, Director or their nominee</p> <p>In consultation with the Head of HR and Section 151 Officer or their nominees</p>
Redundancies (compulsory and voluntary redundancies)	<p>Strategic Director/Director or their nominee</p> <p>In accordance with Council HR policies, procedures and processes.</p>
Approval of voluntary redundancies in excess of the current scheme criteria	<p>Managing Director, Strategic Director or Director in consultation with the Head of HR and Section 151 Officer or their nominees.</p>
Other dismissals and disciplinary action	<p>Managing Director, Strategic Director, Director or their nominee</p> <p>In accordance with Council HR policies, procedures and processes.</p> <p>Appeals against dismissal are heard by the Human Resources Panel</p>
Grievances from employees	<p>Managing Director, Strategic Director, Director or their nominee</p> <p>In accordance with Council HR policies, procedures and processes.</p> <p>Appeals against grievances are heard by the Human Resources Panel</p>

## Schedule of Human Resources Delegations

<p>Restructures and reviews to services with staffing implications</p>	<p>Managing Director, Strategic Director, Director or their nominee</p> <p>In accordance with Council HR policies, procedures and processes.</p>
<p>Establishment of new posts and extensions to fixed term contracts</p>	<p>Managing Director, Strategic Director, Director or their nominee</p> <p>In accordance with Council HR policies, procedures and processes.</p>
<p>Regrading of posts holders</p>	<p>Managing Director, Strategic Director, Director or their nominee</p> <p>In accordance with Council HR policies, procedures and processes.</p> <p>Regrading's are endorsed by the Pay Strategy Board</p>
<p>Extension of full sick pay beyond the entitlement under the national agreement</p>	<p>Managing Director, Strategic Director, Director or their nominee</p> <p>In consultation with the Head of HR and Section 151 Officer or their nominees</p>
<p>Approval of accelerated salary increments</p>	<p>Managing Director, Strategic Director, Director or their nominee</p> <p>In accordance with Council HR policies, procedures and processes, collective agreement and senior manager's terms and conditions.</p>
<p>Approval of attendance on all training courses</p>	<p>Managing Director, Strategic Director, Director or their nominee</p> <p>In accordance with Council HR policies, procedures and processes.</p>
<p>Submission of HR1 Redundancy Notifications to Secretary of State</p>	<p>Head of HR</p> <p>In consultation with the Head of HR and Section 151 Officer or their nominees</p>
<p>Lead Counter signatory for Disclosure Barring Service (DBS) checks</p>	<p>Head of HR</p>

## Schedule of Human Resources Delegations

<p>Role of Proper Officer in respect of appointment and dismissal of JNC (Senior Management) Officers, excluding the dismissal of the Head of Paid Service, Monitoring Officer and Section 151 Officer</p>	<p>Head of HR</p>
<p>Terms and Conditions authorisations:</p> <ul style="list-style-type: none"> <li>• Carry over of annual leave beyond 5 days</li> <li>• Recognition of previous public sector service for annual leave entitlement</li> <li>• Time off for dependants beyond 5 days in 1 year</li> </ul>	<p>Head of Service/Manager</p> <p>In accordance with Council HR policies, procedures and processes.</p>
<p>Flexible retirement approvals where the strain on the pension fund is 2 years and under</p>	<p>Managing Director, Strategic Director, Director or their nominee</p> <p>In consultation with the Head of HR and Section 151 Officer or their nominees</p>
<p>Flexible retirement approvals where the strain on the pension fund is in excess of 2 years</p>	<p>Managing Director, Strategic Director or Director in consultation with the Head of HR and Section 151 Officer or their nominees.</p>

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## **Full Council Meetings Procedure Rules**

### **1. DEFINITIONS AND APPLICATION OF RULES**

#### **1.1** In these Rules, unless the context otherwise demands, the following terms shall have the meaning assigned to them:

“Cabinet” -. Leader and two but not more than nine other Councillors appointed by the Leader acting together

“Cabinet Panel” - a number of Cabinet Members acting together.

“Constitution” - the Constitution of the Council required by the 2000 Act.

“Council” - the City of Wolverhampton Council acting by the Council.

“Head of Paid Service” - the Managing Director or other person designated as such under Article 12 of the Constitution.

“Leader” - the person elected by the Council to be the Leader of the Council.

“Meeting” - a meeting of the Council.

“Councillor” - an elected member of the Council.

“Monitoring Officer” - the Director of Governance or other person designated as such under Article 12 of the Constitution.

“Director of Finance” – the Council’s appointed Officer under section 151 of the Local Government Act 1972 and who is responsible for the proper administration of the Council’s financial affairs. Also, referred to as the Section 151 Officer, the Director of Finance’s role is independent and reports to Council. This role can also be fulfilled by another employee where authorised by the Director of Finance to act on their behalf.

“number of Councillors” - in relation to the Council, the number of persons who may act at the time in question as Councillors, and in relation to the Scrutiny Board or a Scrutiny Panel or Regulatory or other Committee the number of persons who may act at the time in question as voting members of that body.

“person presiding” - the person entitled, or appointed, to preside at any meeting.

“Co-opted Member” – A person who is not an elected Councillor of the Council but who has been appointed to membership of a Council Scrutiny Panel. Statutory Co-opted Members are Church and Parent Governor representatives who have voting rights and serve on the Children, Young People and Families Scrutiny Panel. Non-statutory Co-opted Members are Youth Council representatives serving on the Children, Young People

and Families Scrutiny Panel and Wolverhampton Healthwatch members serving on the Health Scrutiny Panel.

“political group” - a political group as defined in Regulations made under the Local Government and Housing Act 1989.

“political balance rules” - the rules made under the Local Government and Housing Act 1989.

“Scrutiny Board”- Board comprising Councillors who are not Cabinet Members.

“Scrutiny Panel” - Panels comprising Councillors who are not Cabinet Members.

Regulatory or other Committee” - Committees or Panels comprising Councillors or other persons established to deal with functions which are neither reserved to the Full Council nor are Cabinet functions.

“the 1972 Act” - the Local Government Act 1972.

“the 1989 Act” - the Local Government and Housing Act 1989.

“the 2000 Act” - the Local Government Act 2000.

1.2 Rules 1 to 21 apply to meetings of the Full Council.

1.3 The following Rules will apply to meetings of the Cabinet, Cabinet Panels, the Scrutiny Board or Scrutiny Panels and Regulatory or other Committees:

Rule 5	Time and Place of Meetings
Rule 6	Notice of and Summons to meetings except that notice of and summons of meetings shall be sent only to Councillors of the body in question.
Rule 7	Quorum except that: (i) a Quorum shall be not less than 2; (ii) the Quorum of the Cabinet and the Cabinet Panels shall be in accordance with the Cabinet Procedure Rules.
Rule 11 (a) (b) (d) (e) (f) (g) (n) (p)	Motions without notice.
Rule 12	Rules of Debate.
Rule 14	Voting.
Rule 15	Minutes.
Rule 16	Record of Attendance.
Rule 17	Exclusion of public.
Rule 18.2 – 18.5	Councillors’ conduct.
Rule 19	Disturbance by the public.
Rule 21.1	Suspension of Council Procedure Rules.



1.4 Rule 21 will apply to Regulatory or other Committees only.

1.5

- (i) Subject to (ii) below, filming, including the taking of photographs, video recording, the use of tweeting, blogging or other forms of social media by the public and press will generally be allowed in respect of Part 1 (public) of the proceedings of Full Council, Cabinet, Scrutiny and Regulatory or other Committee meetings of the Council in accordance with the Protocol set out in this section.
- (ii) Individual Chairs of meetings may, in the interests of the good conduct of a meeting, refuse permission for such activity. Any decision to refuse permission will be explained at the meeting and will not be open to challenge.

## **2. ANNUAL MEETINGS OF THE COUNCIL**

2.1 Timing and business

In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting will take place in May.

The annual meeting will:

- a. elect a person to preside if the Mayor and the Deputy Mayor are not present;
- b. elect the Mayor of Council;
- c. appoint the Deputy Mayor of Council;
- d. approve the minutes of the last meeting;
- e. receive any announcements from the Mayor;
- f. elect the Leader of the Council;
- g. receive the Leader's appointments to the Cabinet;
- h. appoint the Scrutiny Board and at least one Scrutiny Panel; a Standards Committee and such other Regulatory or other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Cabinet functions (as set out in this section);
- i. appoint Member Champions;
- j. appoint representatives to Outside Bodies unless the appointment is a Cabinet function or has been delegated by the Full Council;
- k. approve the scheme of delegation or such part of it as the Constitution determines it is for the Council to approve (as set out in Part 2);

- l. approve a programme of Ordinary Meetings of the Full Council, the Cabinet, the Scrutiny Board and Scrutiny Panels and Regulatory or other Committees for the year; and
  - m. consider any business set out in the notice convening the meeting.
- 2.2 Appointments to the Scrutiny Board Scrutiny Panels, Regulatory or other Committees and Outside Bodies

At the Annual Meeting, the Council will:

- a. decide which Scrutiny Panels and Regulatory or other Committees to establish for the municipal year;
- b. decide the size and terms of reference for the Scrutiny Board, Scrutiny Panels and Regulatory or other Committees;
- c. decide the allocation of seats to political groups in accordance with the political balance rules set out in paragraph 2.4 below;
- d. appoint a Member Champion for Equalities;
- e. appoint to the Scrutiny Board, Scrutiny Panels, Regulatory or other Committees and outside bodies except where appointment to those outside bodies has been delegated by the Full Council or is exercisable only by the Cabinet;
- f. appoint voting and non-voting co-opted members to the Scrutiny Board, Scrutiny Panels and Regulatory or other Committees.

**Note:** Every Councillor who is not a Cabinet Member shall serve on at least two Scrutiny Panels or two Regulatory or other Committees or on at least one of each such bodies. Appointment to the Scrutiny Board will count towards the requirement to sit on at least two bodies.

- 2.3 Appointment of Chairs to the Scrutiny Board, Scrutiny Panels and Regulatory or other Committees
- a. Full Council will appoint from among the voting Councillors, Chairs and Vice-Chairs of the Scrutiny Board, Scrutiny Panels and Regulatory or other Committees.
  - b. If any appointment possible under the previous paragraph is not made, the body at its first meeting after the annual meeting of the Council shall, from among its voting Councillors, appoint a Chair and Vice-Chair.
  - c. If it is necessary for the body to appoint a person to preside, the Head of Paid Service shall call on a Councillor of the body to move that a voting Councillor of the body shall take the Chair.

**Note:** The appointment of the Chair of the Standards Committee shall be in accordance with Article 9.2 of the Constitution.

## 2.4 Political Balance Rules

- a. The Local Government and Housing Act 1989 requires that the Council periodically reviews the political composition of the Council and how this is applied to appointments to Committees and Sub- Committees of the Council.
- b. The rules for securing political balance on Committees and Sub-Committees appointed by local authorities are contained in sections 15 and 16 of the Act and the Local Government (Committees and Political Groups) Regulations 1990.

The Council is under a duty to:

- Ensure the membership of those Committees and Sub-Committees covered by the rules reflect the political composition of the Council as far as practicable;
- To review the allocation of seats to political groups at or as soon as practical after the Annual Council meeting and at certain other specified times e.g. as a result of changes in political balance or an increase in the number of Committees established
- To allocate seats on the Committees to the political groups in proportion to their numerical strength on the Council, as far as is practicable;
- To accept nominations made by the groups for the filling of seat allocated to them

In determining the allocation of seats, the Council must also apply the following four principles, as far as reasonably practicable:

- a. Not all seats to be allocated to the same political group
- b. If a political group has a majority on the Council, it must have a majority of seats on the Committees
- c. Subject to (a) – (b) above, the total of all seats on ordinary Committees be allocated to the groups in proportion to their respective strengths on the Council and
- d. Subject to (a) – (c ) the number of seats on ordinary Committees or Sub-Committees to be allocated to each political group in proportion to the number of all the seats on the Committee or Sub-Committee in proportion to their relative strengths on the Council.

Independent Councillors who have not formed a political group in accordance with Regulation 8 of the Local Government (Committees and Political Groups) Regulations are to be allocated seats in accordance with section 16 (3) of the Regulations.

i.e. any seats not allocated according to the requirements in section 15 and section 16 of the Act, to be allocated to Councillors who are not Members of any political group

Under Section 17 of the Local Government and Housing Act 1989 and Regulation 21 of the Local Government (Committee and Political Groups) Regulations 1990 certain bodies of the Council are exempt from the requirements relating to political balance as they are established under separate legislation. For this reason, the following meetings are not covered by these arrangements: -

- The Cabinet
- All Cabinet Panels
- Standards Committee
- Standards (Hearings) Sub Committee
- Standards (Assessment) Sub Committee
- Licensing Sub Committee

Additionally, where meetings are (a) advisory in nature or (b) where the Council has determined otherwise and no Councillor has voted against, the political balance requirements need not apply.

### **3. ORDINARY MEETINGS OF THE COUNCIL**

Ordinary Meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. Ordinary Meetings will:

- a. elect a person to preside if the Mayor and Deputy Mayor are not present;
- b. receive apologies for absence;
- c. approve the minutes of the last meeting;
- d. receive any declarations of interest from Councillors;
- e. receive any announcements from the Mayor;
- f. deal with any business from the last Council meeting;
- g. receive reports from the Cabinet, the Scrutiny Board, Scrutiny Panels and Regulatory or other Committees and receive questions and answers on any of those reports;
- h. receive reports about and receive questions and answers on the business of joint arrangements and external organisations;

- i. consider motions; and
- j. consider any other business specified in the summons to the meeting including consideration of proposals from the Cabinet in relation to the Council's budget and policy framework and reports of the Scrutiny Board and Scrutiny Panels for debate.

#### **4. EXTRAORDINARY MEETINGS OF THE COUNCIL**

##### **4.1 Calling ExtraOrdinary Meetings**

Those listed below may request the Head of Paid Service to call Council meetings in addition to Ordinary Meetings:

- a. the Full Council by resolution;
- b. the Mayor, or if the office of Mayor is vacant, or if the Mayor is unable to act for any reason, the Deputy Mayor;
- c. the Leader;
- d. the Monitoring Officer; and
- e. any five Councillors if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition. A requisition may be presented to the Mayor by being left for him/her with the Head of Paid Service;
- f. the Head of Paid Service shall arrange for the additional meeting to be held within 21 days of the receipt of the request. If, after such a request has been made, and no meeting has been called within five days, the Councillors concerned shall inform the Head of Paid Service of their intention to call an extraordinary meeting of the Council, the business to be transacted and the date and time of the meeting.

##### **4.2 Business**

The business to be transacted at an Extraordinary Meeting of the Council shall be only the business which is specified in the summons.

#### **5. TIME AND PLACE OF MEETINGS**

The time and place of meetings will be determined by the Head of Paid Service in consultation with the person presiding and notified in the summons.

#### **6. NOTICE OF AND SUMMONS TO MEETINGS**

The Head of Paid Service will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules. At least five clear days before a meeting he/she will

send a summons signed by him/her by post to every Councillor or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

## **7. QUORUM**

The quorum of a meeting will be one quarter of the whole number of Councillors. During any meeting if the person presiding counts the number of Councillors present and declares there is not a quorum present, then the meeting will adjourn for fifteen minutes. If after that period, there is still not a quorum present the meeting will end. Remaining business will be considered at a time and date fixed by the person presiding. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

## **8. DURATION OF MEETING**

Unless the majority of Councillors present vote for the meeting to continue, any meeting that has lasted for 3½ hours will adjourn immediately. A motion to continue the meeting shall be moved immediately before or immediately after the expiration of 3½ hours and before the person presiding declares the meeting closed. Remaining business will be considered at a time and date fixed by the person presiding. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting. Provided that this shall not prevent:

- a. statutory or other business which by law must be transacted at any such meeting;
- b. the transaction of unopposed business, that is to say, business which can be transacted without the making of any speeches by any Councillor other than proposing and seconding of the necessary motions. If any Councillor indicates that he/she wishes to speak thereon, the business shall not be regarded as unopposed, but the person presiding shall rule it as standing adjourned.

## **9. QUESTIONS BY COUNCILLORS**

- 9.1 On reports of the Cabinet, Scrutiny Board, Scrutiny Panels or Regulatory or other Committees

A Councillor may ask a Cabinet Member or the Chair of the Scrutiny Board or a Scrutiny Panel or a Regulatory or other Committee any question upon an item of a report of the Cabinet or Board or Panel or Regulatory or other Committee when that item is being received or under consideration by the Full Council.

9.2 Questions on notice at Council meetings

Subject to Rule 9.4 below, a Councillor may ask:

- a. the person presiding;
- b. a Cabinet Member;
- c. the Chair of the Scrutiny Board or any Scrutiny Panel or Regulatory or other Committee;
- d. a Councillor appointed as the Council's representative on any joint authority or Committee where the Council is a constituent member

a question on any matter in relation to which the Council has powers or duties or which affects the City.

9.3 Number of questions

Subject to Rule 9.6 any Councillor may ask no more than one question (except questions under Rule 9.1) at a meeting of the Full Council. The Leader of the Council and the leader of the main opposition group on the Council, if any, may ask more than one question at a meeting of the Full Council.

9.4 Notice of questions

A Councillor may only ask a question under Rule 9.2 if either:

- a. they have given at least five clear day's notice in writing of the question to the Head of Paid Service or
- b. the question relates to urgent matters, they have the consent of the person to whom the question is to be put and the content of the question is given to the Head of Paid Service three hours before the start of the meeting.

9.5 Response

An answer may take the form of:

- a. a direct oral answer by the person to whom the question was put or some other Councillor nominated by him/her;
- b. where the desired information is in a publication of the Council or other published work, a reference to that publication, or
- c. where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

9.6 Supplementary question

A Councillor asking a question under Rule 9.2 may ask one supplementary question without notice of the Councillor to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply.

**10. MOTIONS ON NOTICE**

10.1 Notice

- a. Except for motions which can be moved without notice under Rule 11, written notice of every motion, signed by at least one Councillor, must be delivered to the Head of Paid Service not later than five clear days before the date of the meeting.
- b. The Head of Paid Service shall not accept any notice of motion which, by reason of any enactment or provision in these Rules, could not be considered at the meeting for which it is given.

10.2 Motions set out on Agenda

- a. Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the Councillor giving notice states, in writing, that he/she withdraws it.
- b. A motion shall only be moved by the Councillor by whom notice has been given or by a Councillor authorised in writing by that Councillor.

10.3 Number of motions

Any Councillor may give notice of not more than one motion for consideration at any meeting of the Full Council. The Leader of the Council and the Leader of the Main Opposition Group on the Council, if any, may give notice of more than one motion for consideration at any meeting of the Full Council.

10.4 Scope of motions

Motions must be about matters for which the Council has a responsibility or which affect the City.

**11. MOTIONS WITHOUT NOTICE**

The following motions may be moved without notice:

- a. to appoint a person to preside at the meeting at which the motion is moved;
- b. in relation to the accuracy of the minutes;



- c. to change the order of business in the agenda;
- d. to refer something to an appropriate body or individual;
- e. to receive reports or adoption of recommendations of the Scrutiny Board or Scrutiny Panels or Regulatory and other Committees or employees and any resolutions following from them;
- f. to withdraw a motion;
- g. to amend a motion;
- h. to proceed to the next business;
- i. that the question be now put;
- j. to adjourn a debate;
- k. to adjourn a meeting;
- l. that the meeting continue beyond 3½ hours in duration;
- m. to suspend a particular Council Procedure Rule;
- n. to exclude the public and press in accordance with the Access to Information Procedure Rules;
- o. to not hear further a Councillor named under Rule 18.3 or to exclude him/her from the meeting under Rule 18.4; and
- p. to give the consent of the Council where its consent is required by the Constitution.

## **12. RULES OF DEBATE**

The diagram set out overleaf outlines the process for consideration of a motion, whether that motion be moved with or without notice.

### **12.1 No speeches until motion seconded**

No speeches may be made until a Councillor has moved a motion, explained its purpose and the motion has been seconded.

### **12.2 Right to require motion in writing**

When any motion of which notice has not been given, or any amendment has been moved and seconded, the person presiding may require the motion or any amendment to be written down and handed to him/her before it is further discussed.

12.3 **Secunder's speech**

When seconding a motion or amendment, a Councillor may reserve their speech until later in the debate.

12.4 **Content and length of speeches**

Speeches must be directed to the question under discussion or to a point of information or point of order. Except as detailed in paragraph 12.5, no speech moving a motion may exceed ten minutes and no other speech may exceed five minutes without the consent of the person presiding.

12.5 **Content and length of speeches: setting the budget or revised budget**

At a meeting at which the annual budget is set (or a revised budget proposed), the principal speeches and responses of the leader of each Political Group, or his/her nominated representative, shall not be time limited. All other speeches will be limited as detailed in paragraph 12.4. The group leader, or his/her nominated representative, will normally be the first person to speak from each group, and each group leader shall be entitled to be called before any other Councillor speaks. The Leader of the Council will normally propose the budget and, once it has been seconded, the other group leaders will be called in order of precedence according to the number of Councillors in each group. As with other Council meetings, the exact length of speeches and management of the debate is at the discretion of the person presiding.

12.6 **When a Councillor may speak again**

A Councillor who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- a. to speak once on an amendment moved by another Councillor;
- b. to move a further amendment if the motion has been amended since he/she last spoke;
- c. if his/her first speech was on an amendment moved by another Councillor, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- d. in exercise of a right of reply under Rule 12.10;
- e. on a point of order under Rule 12.13; and
- f. on a point of information under Rule 12.14.

12.7 **Amendments to motions**

- a. An amendment to a motion must be relevant to the motion and will either be:

- (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
- (ii) to leave out words;
- (iii) to leave out words and insert others; or
- (iv) to insert words;

as long as the effect of (ii) to (iv) is not to negate the motion.

- b. Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- c. If an amendment is not carried, other amendments to the original motion may be moved. In the absence of any such subsequent amendments, debate on the original motion will proceed.
- d. If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- e. After an amendment has been carried, the person presiding will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

#### 12.8 Alteration of motion

- a. A Councillor may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- b. A Councillor may alter a motion which he/she has moved without notice with the consent of the meeting.
- c. Only alterations which could be made as an amendment may be made.

#### 12.9 Withdrawal of motion

A Councillor may withdraw a motion which he/she has moved with the consent of the meeting. No Councillor may speak on the motion after the mover has asked permission to withdraw it, unless consent is withheld and the debate continues.

#### 12.10 Right of reply

- a. The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

- b. If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- c. The mover of the amendment has no right of reply to the debate on his or her amendment.

#### 12.11 Motions which may be moved during debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

- a. to withdraw a motion;
- b. to amend a motion;
- c. to proceed to the next business;
- d. that the question be now put;
- e. to adjourn a debate;
- f. to adjourn a meeting;
- g. that the meeting continue beyond 3½ hours in duration;
- h. to exclude the public and press in accordance with the Access to Information Procedure Rules; and
- i. to not hear further a Councillor named under Rule 18.3 or to exclude him/her from the meeting under Rule 18.4.

#### 12.12 Closure motions

- a. A Councillor may move, without comment, the following motions at the end of a speech of another Councillor:
  - (i) to proceed to the next business;
  - (ii) that the question be now put;
  - (iii) to adjourn a debate; or
  - (iv) to adjourn a meeting.
- b. If a motion to proceed to next business is seconded and the person presiding thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote. If the procedural motion is carried the original motion shall lapse.

- c. If a motion that the question be now put is seconded and the person presiding thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed, he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- d. If a motion to adjourn the debate or to adjourn the meeting is seconded and the person presiding thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply. The original motion or remaining business shall then stand over as uncompleted business until the next meeting of the Council.

#### 12.13 Point of order

A Councillor may raise a point of order at any time. The person presiding will hear him/her immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The Councillor must indicate the Rule or law and the way in which he/she considers it has been broken. The ruling of the person presiding on the matter will be final.

#### 12.14 Point of information

A point of information may only relate to some material part of an earlier speech by the Councillor which may appear to have been misunderstood in the present debate. The point of information may be given whilst another Councillor is speaking but only if that Councillor is willing to give way. The ruling of the person presiding on the admissibility of a point of information will be final.

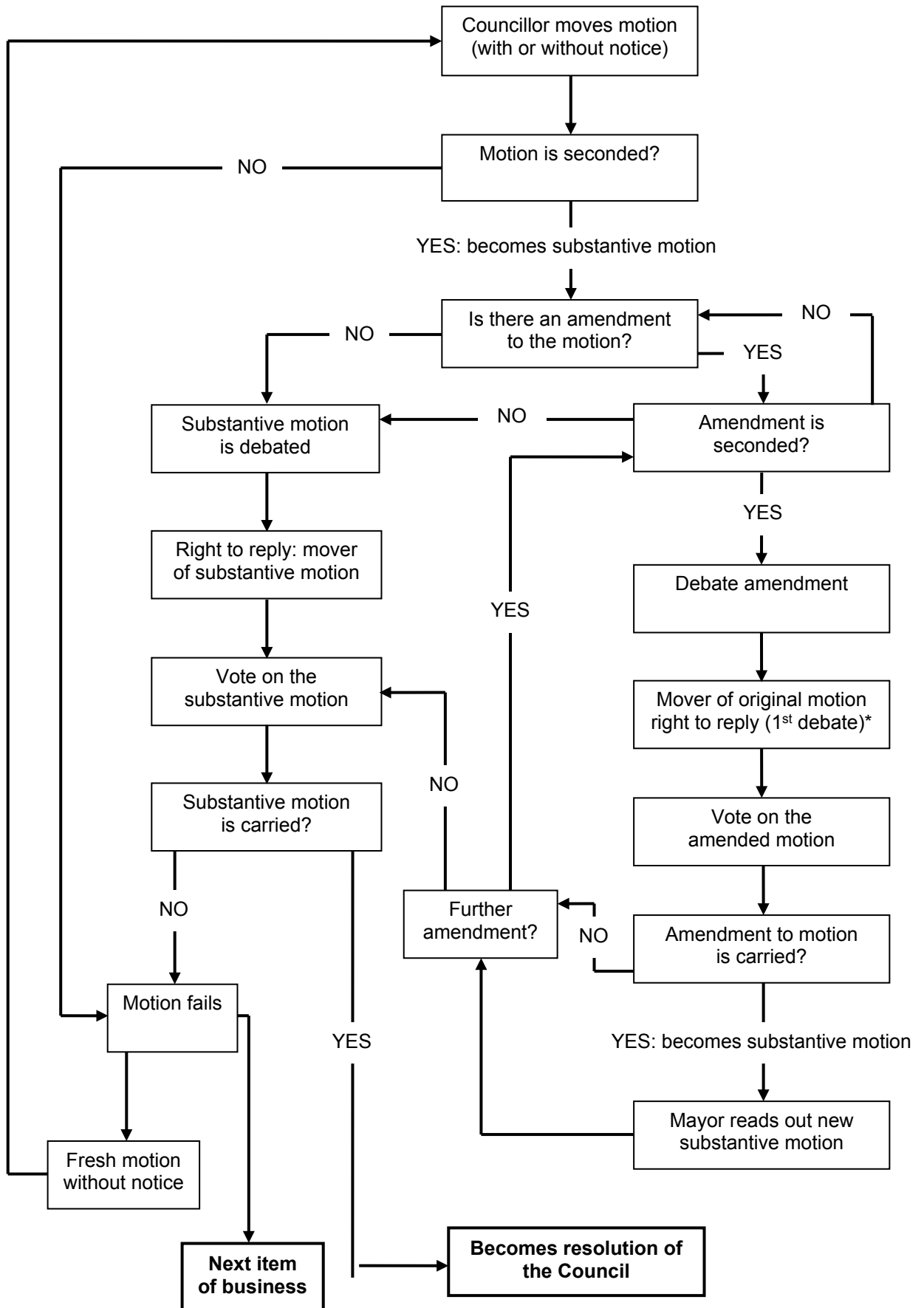
#### 12.15 Attendance at another body

A Councillor who is not otherwise entitled to speak at a body may so attend and speak (but not vote) during consideration of any item which he/she has moved or seconded at Council and which has been referred to that body.

### **13. PREVIOUS DECISIONS AND MOTIONS**

Except on the recommendation of the Cabinet, the Scrutiny Board or a Scrutiny Panel or a Regulatory or other Committee, no matter which has been decided by the Full Council on a motion or otherwise shall again be submitted to the Full Council for further consideration until after the next annual meeting; and when any matter shall be so prohibited from being considered, the effect of this Rule shall not be evaded by substituting any motion differently worded but substantially the same in effect or in principle, and if any such attempt be made, the person presiding shall rule it out of order.

**PROCESS FOR CONSIDERATION OF MOTIONS AT COUNCIL**



\*Mover of the amendment has no right to reply

## **14. VOTING**

### **14.1 Majority**

Unless the Constitution provides otherwise, any matter will be decided by a simple majority of those Councillors voting and present in the room at the time the question was put. The method of voting shall be at the discretion of the person presiding.

### **14.2 Casting vote of person presiding**

If there are equal numbers of votes for and against, the person presiding will have a second or casting vote exercised in accordance with the Protocol approved by the Council. The protocol governing the use of the Mayor's casting vote at meetings of the Full Council is set out in section 22.

### **14.3 Recorded vote**

a. If ten Councillors present at a meeting of the Council or one third of the Councillors present at a meeting of the Scrutiny Board or a Scrutiny Panel or a Regulatory or other Committee demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

b. In relation to meetings of the Full Council only, a division bell shall be rung allowing a period of three minutes to enable Councillors to resume their places in the Chamber. Any Councillor not then present shall not be permitted to vote on the issue in question.

### **14.4 Right to require individual vote to be recorded**

Where any Councillor requests it immediately after the vote is taken, his/her vote will be so recorded in the minutes to show whether he/she voted for or against the motion or abstained from voting.

### **14.5 Voting on appointments**

If there are two or more Councillors nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

### **14.6 Voting on the Council's budget**

In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, a record will be made in the minutes of the meeting of the names of the persons who cast a vote for or against the decision or who abstained from voting, where that vote is in relation to the setting of the Council's budget or revised budget.

## **15. MINUTES**

### **15.1 Signing the minutes**

The person presiding will sign the minutes of the proceedings at the next suitable meeting. The person presiding will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

### **15.2 No requirement to sign minutes of previous meeting at extraordinary meeting**

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the 1972 Act (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of signing the minutes.

### **15.3 Form of minutes**

Minutes will contain all motions and amendments in the exact form and order the person presiding put them.

## **16. RECORD OF ATTENDANCE**

A record will be made of all Councillors present during the whole or part of a meeting.

## **17. EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Part 3 **or** Rule 19 below (Disturbance by Public).

## **18. COUNCILLORS' CONDUCT**

### **18.1 Standing to speak**

When a Councillor speaks at a Council meeting he/she must stand unless disabled from doing so and address the meeting through the person presiding. If more than one Councillor stands, the person presiding will ask one to speak and the others must sit. Other Councillors must remain seated whilst a Councillor is speaking unless they wish to make a point of order or a point of information.

### **18.2 Person presiding standing**

When the person presiding stands during a debate, any Councillor speaking at the time must stop and sit down. The meeting must then be silent.



18.3 Councillor not to be heard further

If a Councillor persistently disregards the ruling of the person presiding by behaving improperly or offensively or deliberately obstructs business, the person presiding may direct that the Councillor be not heard further.

18.4 Councillor to leave the meeting

If the Councillor continues to behave improperly after such a direction, the person presiding may direct that either the Councillor leaves the meeting or that the Councillor be removed from the meeting or that the meeting is adjourned for a specified period.

18.5 General disturbance

If there is a general disturbance making orderly business impossible, the person presiding may adjourn the meeting for as long as he/she thinks necessary.

**19. DISTURBANCE BY PUBLIC**

19.1 Removal of members of the public

If a member of the public interrupts proceedings, the person presiding will warn the person concerned. If he/she continues to interrupt, the person presiding will order his/her removal from the meeting room.

19.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the person presiding may call for that part to be cleared.

**20. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

20.1 Suspension

All of these Council Procedure Rules except Rule 14 and 15.2 above may be suspended by motion on notice or without notice if at least one half of the whole number of Councillors are present. Suspension can only be for the duration of the meeting. This Rule will apply to meetings of the Cabinet, the Scrutiny Board, Scrutiny Panels and Regulatory or other Committees provided that one half of the whole number of voting Councillors are present.

20.2 Amendment

These Council Procedure Rules may only be amended by the Full Council after consideration by the Monitoring Officer, the Constitution Review Group, the Special Advisory Group and the Standards Committee.

**21. Approach to dealing with petitions at Council Meetings**

- a. Where a Petition contains more than 5,000+ signatures, the Council's Constitution provides for the matter to be debated by Full Council.
- b. Full Council will endeavour to consider the Petition at its next scheduled meeting, although on some occasions this may not be possible and consideration will then take place at the following scheduled meeting.
- c. The relevant Cabinet Member, or nominated substitute, will be in attendance at the Full Council meeting.
- d. The lead Petitioners will be given up to five minutes to present the Petition. The Petition will then be considered by Councillors for a maximum of a further 40 minutes, of which up to five minutes will be specifically allocated to the Cabinet Member for his or her response. Broad timings are detailed in the diagram at the end of this section but they are provided as guidelines – management of the debate is ultimately at the Mayor's discretion.

Detailed procedure:

- (i) Democratic Services will have already invited representatives of the Petitioners (lead Petitioner and a further Petitioner to be referred to as the Second Petitioner) to attend the meeting and to give oral evidence to Full Council. Petitioners may also provide written evidence in support of their Petition. Full Council's role is to ensure that appropriate action is taken in respect of each admissible Petition.
- (ii) A report on the details of the Petition, including background details and comments from the appropriate service, will have been circulated to Councillors, as part of their Council papers, together with a copy of the Petition; a copy of the report will also have been provided to the lead and second Petitioners.
- (iii) Petitioners may nominate someone else, including a Councillor, to speak and present the Petition on their behalf. In the absence of the Petitioners, or a representative to speak on their behalf, Council will consider the matter anyway in accordance with this process.
- (iv) Where Petitioners are present, the lead and second Petitioners will be seated near to the public gallery. At the appropriate juncture, the lead and second Petitioners will be shown to a seat at the front of the Council Chamber.

- (v) The Petition will be considered as the first item of substantive business following consideration of formal Council business i.e. following consideration of Apologies for Absence, Declarations of Interest, Minutes and Mayor's Communications.
- (vi) The Mayor will announce that the Petition will be considered as the next item of business, upon which a time limit of 45 minutes shall apply. This time limit includes five minutes for the lead or second Petitioner, but not both, to present the Petition.
- (vii) The Mayor will invite the relevant Cabinet Member to respond to the Petition and propose a motion in light of the Petition for Council to consider. The Cabinet Member has up to five minutes for his or her response, including proposal of a motion. The motion should be based upon one of the four options open to the Council for its response to a Petition:
  - a. decide to take the action the Petition requests
  - b. decide not to take the action requested
  - c. decide to commission further investigation into the matter, for example by a relevant Cabinet meeting, or
  - d. where the issue is one on which the Cabinet is required to make the final decision, Council must decide whether to make recommendations to Cabinet to inform that decision.
- (viii) The Mayor will ask if there is a seconder for the motion.
- (ix) The Mayor will invite Councillors to debate the motion, which may include asking questions of the Cabinet Member. Normal rules of debate with regard to amendments are suspended during consideration of a Petition. Any speaker is limited to a maximum of three minutes.
- (x) At the conclusion of the general debate, the Mayor will ask the lead or second Petitioners to ask up to three questions of the Cabinet Member. The questions must all be raised at the same time.
- (xi) The Cabinet Member will have up to five minutes to respond to any questions raised. The Cabinet Member may recommend an amendment to their original motion based on the debate and consideration of the issues.

- (xii) At the conclusion of consideration of the item, the Mayor will ask Council to vote on the motion proposed by the Cabinet Member. In the event that the motion is not passed, an alternative motion will be proposed and seconded, based on the options detailed in (vii) above. Votes on a second or any subsequent motion will be taken immediately without any further debate.
- (xiii) Following approval of a motion, the Mayor will explain the outcome of the debate to the Petitioners and thank them for their attendance. At this point the lead and second Petitioners will be asked if they wish to either leave the meeting or, if not, return to their seats in the public gallery.
- (xiv) The lead and second Petitioners will receive written confirmation of Full Council's decision. This confirmation will also be published on the Council's website.

**PETITIONS PROTOCOL FLOW DIAGRAM**

<i>Timescale*</i>	<i>Activity</i>	<i>Notes</i>
5 minutes	The lead or second petitioner presents the Petition ↓	The petitioners may nominate someone (including a Councillor) to speak on their behalf.
5 minutes	Cabinet Member responds to Petition and proposes motion ↓	The Cabinet Member will offer a response to the Petition and may ask questions of clarification of the Petitioners.
20 minutes	Councillors participate in debate or ask questions of the Cabinet Member ↓	Normal debate rules do not apply in terms of amendments. Three minutes maximum per speaker.
3 minutes	Petitioner able to ask three questions of the Cabinet Member ↓	All three questions to be raised at the same time.
5 minutes	Cabinet Member to respond to any questions ↓	
	The Mayor asks Council to vote on the Petition ↓	
	The Mayor explains the outcome of the debate to the Petitioners ↓	
	The lead and second Petitioner receive written confirmation of Council's decision	This will normally be sent within 14 days of the meeting

\*Timings are provided as a guide. Exact timings are at the Mayor's discretion.

## **22. Protocol Governing the use of the Mayor's Casting Vote**

### **22.1 Introduction**

The Local Government Act 1972 provides that the Mayor has a second or casting vote at Council Meetings in two specific circumstances.

- a. The out-going Mayor **must** exercise a second or casting vote if there is a tie for the election of a new Mayor (Section 23 Local Government Act 1972).
- b. On all other occasions the Mayor **may** (but is not obliged) to exercise a second or casting vote (Local Government Act 1972 Schedule 12 Para 39(2)).

Under revised arrangements for the rotation of the Mayoralty adopted at the Annual Council Meeting in May 2001 there should be no call to exercise a second or casting vote on the election of a new Mayor. The vote should be unopposed.

A tied vote at a Council Meeting in any other circumstances requires a clear and binding protocol governing the discretionary use of the second or casting vote which is –

- a. Based upon the principles set out in the Leader's speech to the Annual Council Meeting in May 2001 which established the arrangements for the rotation of the offices of Mayor and Deputy Mayor.
- b. Strongly endorsed by the Leaders of all three political parties on City of Wolverhampton Council on behalf of their groups and their nominees for the office of Mayor or Deputy Mayor.
- c. Accepted as an essential pre-requisite of office by all Councillors who are nominated for and appointed to the office of Mayor or Deputy Mayor.

### **2.2 Protocol**

It is the duty of the Cabinet to make decisions. It is also in the interests of the City that there is certainty of decision making.

In the event of a tied vote at a Council Meeting the Mayor [or in his or her absence the Deputy Mayor] shall not exercise the second or casting vote unless advised by the Managing Director; Section 151 Officer [as S151 Officer] or Director of Governance that it is necessary to do so.

In order to preserve the impartiality and dignity of the Office of Mayor whenever a vote is tied the Mayor shall obtain appropriate advice (if necessary by seeking a short adjournment) from the Managing Director; Section 151 Officer [as S.151 Officer] or Director of Governance

- a. Whether it is necessary to use a second or casting vote.
- b. If it is so necessary, how it should be done.

On receipt of that advice the Mayor will reconvene the meeting, if adjourned, and inform the Council of the advice that has been received. The Mayor will then vote in accordance with that advice exercising one of the four options identified in the schedule attached to this protocol.

Councillor N G Davies OBE  
Leader of Labour Group

Councillor B K Carpenter  
Leader of Conservative Group

Councillor R Whitehouse  
Leader of Liberal  
Democrat Group

24.04.2002

25.04.2002

30.04.2002

<b>ADVICE</b>	<b>ACTION</b>	<b>CONSEQUENCE</b>
Only one decision is permissible for the Council to act lawfully	<u>Option 1</u> <ul style="list-style-type: none"> <li>◆ Reconvene meeting and report advice received</li> <li>◆ Vote in accordance with that advice</li> </ul>	<ul style="list-style-type: none"> <li>◆ Decision taken and actioned</li> </ul>
<p>A decision must be taken at the meeting to protect/preserve the Council's position in relation to -</p> <p>(a) Any application for or entitlement to any grant or subsidy</p> <p>(b) The securing of any income or other revenue</p> <p>(c) The avoidance of any penalty or other liability</p> <p>(d) Any other matter of a like nature relating to the proper and lawful discharge of the Council's functions</p>	<u>Option 2</u> <ul style="list-style-type: none"> <li>◆ Reconvene meeting and report advice received</li> <li>◆ Vote in a manner that protects/preserves the Council's interest</li> <li>◆ Where this can be limited to an interim step recall the Council to a special meeting to consider the matter afresh in accordance with Option 3</li> </ul>	<ul style="list-style-type: none"> <li>◆ Decision taken and actioned</li> <li>◆ If possible this be limited to interim decision and special meeting be called in accordance with Option 3</li> </ul>
A decision must be made but may be deferred to enable discussions between party groups	<u>Option 3</u> <ul style="list-style-type: none"> <li>◆ Reconvene meeting and report advice received</li> <li>◆ Adjourn item to a special meeting when it will be considered afresh</li> </ul>	<ul style="list-style-type: none"> <li>◆ Special meeting to be convened within 5 working days unless special reasons accepted by Monitoring Officer for shorter or longer period. Such reasons to be specified in Summons for special meeting</li> <li>◆ Advice of Monitoring Officer will be sought and followed in relation to any interim arrangements that may be necessary as a result of the adjournment. Such arrangements will, so far as possible, seek to maintain status quo pending a resolution of the issue</li> </ul>



No decision is required	<u>Option 4</u> <ul style="list-style-type: none"> <li>◆ Reconvene meeting and report advice received</li> <li>◆ Do not exercise casting vote</li> </ul>	<ul style="list-style-type: none"> <li>◆ Item not carried – eligible for re-submission to a subsequent Council Meeting</li> </ul>
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## **Cabinet Procedure Rules**

### **1. The Operation of the Cabinet**

#### **1.1 Who may make Cabinet decisions**

The arrangements for the discharge of Cabinet functions are set out in the Cabinet arrangements shown in Part 2. The arrangements provide for Cabinet functions to be discharged by:

- a. the Cabinet or a Cabinet Panel.

These decisions are referred to in this Constitution as “Amber Decisions” if they are delegated to the Cabinet, and as “Red decisions” if they require the approval of the Full Council as set out in Article 4. Amber Decisions are those relating to the functions listed in the delegations to the Cabinet and Cabinet Panels. Red decisions are those matters referred to in Article 4.

- b. an Individual Cabinet Member relating to their individual responsibilities. These decisions are referred to in this Constitution as “Green Decisions”, the definition of which is set out in section 21 – Procedure for Decision-making by Individual Cabinet Members in Part 3.
- c. an employee;
- d. an Area Structure;
- e. joint arrangements; or
- g. another local authority.

#### **1.2 Sub-delegation of Cabinet functions**

- a. Where the Cabinet is responsible for a function, it may delegate further to a Designated Officer in consultation with a Cabinet Member or to an employee, an Area Structure, or joint arrangement.
- b. Even where Cabinet functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated. This means that items of business classified as Green decisions may be referred by the Cabinet Member to the Cabinet for decision.
- c. The Cabinet may, when sub-delegating a Green decision, require that an Opposition Councillor from the relevant Scrutiny Panel be consulted prior to the decision being taken.
- d. The Cabinet may, when sub-delegating an Amber decision, require that an Opposition Councillor from the relevant Scrutiny Panel be consulted prior to the decision being taken. In such a case the call-in rules will apply.

1.3 The Council's scheme of delegation and Cabinet functions

The Council's scheme of delegation will be subject to adoption by the Full Council and may only be amended by the Full Council. It will contain the details required in Article 7 and is set out in Part 2.

1.4 Conflicts of Interest

- a. If every Cabinet Member has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Councillors in Part 3 of this Constitution.
- b. If the exercise of a Cabinet function has been delegated to a Designated Officer (in consultation with a Cabinet Member or otherwise) and a conflict of interest arises, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Councillors in Part 5.

1.5 Times and Locations of Cabinet meetings

The Council will approve a programme of Ordinary Meetings for the Cabinet and Cabinet Panels. In addition, extraOrdinary Meetings may be called from time to time as appropriate. Meetings shall take place at the Civic Centre or another location to be approved by the Leader.

1.6 Quorum

The quorum for a meeting of the Cabinet shall be five Councillors and for a Cabinet Panel shall be two Councillors.

1.7 How decisions are taken by the Cabinet or by Cabinet Members in consultation with Designated Officers

- a. Red decisions – these are decisions relating to the budget and policy framework. The decision-making process is set out in the Budget and Policy Framework Procedure Rules and the Access to Information Rules in Part 4. They may be considered by the Cabinet or a Cabinet Panel in advance of consideration by the Council.
- b. Amber Decisions - these are decisions which have been delegated to the Cabinet or a Cabinet Panel and will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4.
- c. Green decisions - the Designated Officer will meet regularly with the appropriate Cabinet Member to consider items of business. Items of business will be supported by written reports. If the Cabinet Member is satisfied with the Designated Officer's recommendation, then the Cabinet Member will make the decision which will be recorded as a Green decision. The decision can then be implemented immediately. Every Green Decision will be published on the Council's web site as

soon as it is notified to the Democratic Services team. A schedule of Green decisions will be notified to the next meeting of the Cabinet (Resources) Panel for information. Copies of Green decision reports will be open for inspection in accordance with the Access to Information Rules in Part 4. Cabinet Members must take into account professional, legal and financial implications and any advice given by employees. If any employee gives advice that a decision would fall within one of the exceptions listed in Part 2 or that the matter should not be the subject of an individual Cabinet Member decision, then the matter shall be a decision for the Cabinet.

## **2. How Cabinet Meetings are Conducted**

### **2.1 Presiding at the meeting**

If the Leader is present, he/she will preside. In his/her absence, then a person appointed to do so by those present shall preside.

### **2.2 Attendance at the meeting**

- a. Members of the public may attend meetings of the Cabinet unless they are excluded from all or part of the meeting because it is likely in view of the nature of the business to be transacted that Exempt Information would be disclosed.
- b. All Councillors may attend the whole of the meeting unless the Cabinet by resolution decides that they should be excluded from any part of the meeting during which Exempt Information may be disclosed.

### **2.3 Business conducted at the meeting**

At each meeting of the Cabinet the following business will be conducted:

- a. apologies for absence;
- b. declarations of interest, if any;
- c. consideration of the minutes of the last meeting;
- d. matters referred to the Cabinet (whether by the Scrutiny Board or a Scrutiny Panel or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 3;
- e. consideration of reports from the Scrutiny Board or Scrutiny Panels;  
and
- f. matters set out in the agenda for the meeting. The agenda shall indicate which are Key Decisions and which are not in accordance with

the Access to Information Procedure Rules set out in Part 4 of this Constitution.

Subject to any directions given by the person appointed to preside at the meeting the items of business shall be arranged in such order as the Head of Paid Service, in consultation with the relevant Designated Officer(s) thinks will best ensure the effective despatch of business.

#### 2.4 Who can include items on the Cabinet agenda

- a. The Leader
- b. Where the Scrutiny Board or a relevant Scrutiny Panel or the Full Council have resolved that an item be considered by the Cabinet the Head of Paid Service will ensure that an item is placed on the agenda of the next available meeting of the Cabinet.
- c. The Head of Paid Service, the Monitoring Officer or the Section 151 Officer may include an item for consideration on the agenda of a Cabinet meeting and may require such a meeting to be called in pursuance of their statutory duties.

#### 2.5 Consultation

All reports to the Cabinet from any Cabinet Member or an employee on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant Scrutiny Panels, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

### 3. Key Decisions

#### 3.1 Period of the Forward Plan

A list of key decisions will be prepared to cover a period of four months. A key decision is an Executive decision which is likely:

- a. to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates (in Wolverhampton, this is defined as expenditure or savings **in excess of £250,000**), and/or
- b. to be significant in terms of its effects on communities living or working in an area comprising **two or more wards** in the area of the local authority.

The Forward Plan details 'key decisions' that will be taken by the Cabinet or one of the Cabinet Panels (the Executive) over the coming months. It will include the following information:

- a. the matter in respect of which a decision is to be made;
- b. where the decision maker is an individual, his/her name and title, if any and where the decision maker is a body its name and details of membership;
- c. the date on which, or the period within which, the decision will be taken;
- d. how, to whom and by when representations (about the "key decision") can be made;
- e. what reports/papers are, or will be, available for public inspection;
- f. whether the report is a private report with reasons.

#### **4. General Exception**

- 4.1 If a matter which is likely to be a key decision has not been included in the Forward Plan, the key decision may still be taken if:
  - a. the decision must be taken because it is impracticable to defer the decision, in the opinion of the Managing Director;
  - b. the relevant employee has informed the Chair of the Scrutiny Board or a relevant Scrutiny Panel, or if there is no such person, each member of that Scrutiny Panel in writing, by notice, of the matter to which the decision is to be made;
  - c. the Democratic Service Officer has made copies of that notice available to the public at the offices of the Council; and
  - d. at least five clear days have elapsed since compliance with (a) and (b).

#### **5. Special Urgency**

- 5.1 If the date by which a decision must be taken, makes compliance with section 2 above (general exception) impracticable, then the decision can only be taken if:
  - a. the decision maker (if an individual) or the Chair of the body making the decision, obtains the agreement of the Chair and Vice-Chair of the Scrutiny Board or a relevant Scrutiny Panel that the taking of the decision cannot be reasonably deferred. If there is no such Chair, or if the Chair is unable to act, then the agreement of the Mayor, or in his/her absence the Deputy Mayor will suffice.
  - b. the Democratic Service Officer has made copies of that notice available to the public at the offices of the Council;

**6. Report to Council where the key decision procedure is not followed**

- 6.1 If the Scrutiny Board or a Scrutiny Panel thinks that a key decision has been taken which was not:
- a. included in the Forward Plan; or
  - b. the subject of the general exception procedure; or
  - c. the subject of an agreement with a relevant Chair, or the Mayor/Deputy Mayor of the Council under section 23.6 above (special urgency);
- 6.2 The Board or Panel may require the Cabinet to submit a report to the Full Council within such reasonable time as the Board or Panel specifies.

**7. Cabinet's report to Council**

- 7.1 The Cabinet will prepare a report for submission to the next available meeting of the Full Council. However, if the next meeting of the Full Council is within five days of the decision of the Scrutiny Board or Panel, then the report may be submitted to the meeting after that. The report to Full Council will set out particulars of the decision, the individual or body making the decision, and if the Leader is of the opinion that it was not a key decision the reasons for that opinion.

**8. Reports on special urgency decisions**

- 8.1 The Leader of the Council will submit a report to Council on an annual basis detailing all late reports not on the Forward Plan and all reports authorised for immediate implementation.

**9. Record of Decisions**

- 9.1 After any meeting of the Cabinet whether held in public or private, the Democratic Services Officer will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

**10. Cabinet Meetings Relating to Matters Which Are Not Key Decisions**

- 10.1 Cabinet Members will be entitled to receive five clear working days' notice of a meeting to which they are summoned, unless the meeting is convened at shorter notice as a matter of urgency.
- 10.2 Unless otherwise agreed by the members of the relevant Scrutiny Panel, the notice of the meeting and the agenda and reports will be sent to all members of the Panel.

**11. Scrutiny Board and Scrutiny Panels Rights to copies of documents**



- 11.1 The Scrutiny Board and Scrutiny Panels will be entitled to copies of any document which is in the possession or control of the Cabinet and which contains material relating to any business transacted at a meeting of the Cabinet, except any document which is in draft form or which contains the advice of a political adviser.

## **12. Additional Rights of Access for Councillors**

### **12.1 Material relating to previous business**

All Councillors will be entitled to inspect any document which is in the possession or under the control of the Cabinet and contains material relating to any business previously transacted at a meeting unless either (a.) or (b.) below applies.

- a. it appears to the Proper Officer that it discloses exempt information of a description falling within Part 1 of Schedule 12A
- b. it contains the advice of a political adviser.

But a document referred to in (a.) will be available for inspection if:

- the information relates to the financial and business affairs of any particular person (including the Council) except to the extent that the information relates to any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract or
- the information reveals that the Council proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person or to make an order or direction under any enactment.

### **12.2 Material relating to key decisions**

All Councillors will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Cabinet which relates to any key decision unless paragraph (a) or (b) above applies.

### **12.3 Nature of rights**

These rights of a Councillor are additional to any other right he/she may have.

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**Overview and Scrutiny Procedure Rules**

1. **The number and terms of reference of the Scrutiny Board and the Scrutiny Panels.**
  - 1.1 The Council will have a Scrutiny Board and the Scrutiny Panels set out in Article 7 and will appoint to them as it considers appropriate from time to time. The Health Scrutiny Panel may need to undertake joint arrangements with other local authority scrutiny committees as are necessary to facilitate the overview and scrutiny of health functions. Where this is required, these arrangements will be established by Full Council on a case-by-case basis.
  - 1.2 The terms of reference for the Scrutiny Board and Panels are set out in Article 7.
  - 1.3 The general responsibilities of each of the Scrutiny Panels are outlined below. Detailed terms of reference, specific to each Panel, are in Article 7.
    - a. To assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues and by liaison and discussion with the Cabinet.
    - b. To conduct research, community and other consultation in the analysis of policy issues and possible options.
    - c. To consider and implement mechanisms to encourage and enhance community participation in the development of policy options.
    - d. To question Cabinet Members and/or Council employees about their views on issues and proposals affecting the area.
    - e. To liaise with individuals and external organisations operating in the area, whether national, regional or local, to ensure that the interests of the citizens of Wolverhampton are enhanced by collaborative working.
    - f. To review and scrutinise the decisions made by and performance of the Cabinet and Council employees both in relation to individual decisions and over time.
    - g. To review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas and to receive and consider other reports received from external auditors and external regulatory Inspectors and to work with the Cabinet to respond to recommendations from reviews and inspections.
    - h. To undertake reviews of the Councillors Call for Action where referred by the Monitoring Officer.
    - i. To question Cabinet Members and/or Council employees about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects.

## **Overview and Scrutiny Procedure Rules**

- j. To make recommendations to the Cabinet and/or appropriate Regulatory or other Committee and/or Council arising from the outcome of the scrutiny process.
- k. To review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Panel and local people about their activities and performance.
- l. To consider call-ins related to their area of responsibility.
- m. To question and gather evidence from any person (with their consent).
- n. To deal with any other matter which is by law required to be dealt with by an “overview and scrutiny committee”.

## **2. Who may serve on the Scrutiny Board and Scrutiny Panels**

### **2.1 Councillors**

All Councillors except Cabinet Members may be members of the Scrutiny Board or a Scrutiny Panel. However, no Councillor may be involved in scrutinising a decision in which he/she has been directly involved.

### **2.2 Co-opted Members**

The term Co-opted Members is restricted to:

- a. Statutory Parent Governor, Church Diocesan and Youth Council representatives, appointed to serve on the Children, Young People and Families Scrutiny Panel by the Annual Council Meeting.
- b. Wolverhampton HealthWatch representatives appointed to serve on the Health Scrutiny Panel.

The membership of Scrutiny Panels and Scrutiny Review Groups by representatives of external organisations or individuals will be restricted to those Co-opted Members appointed at Annual Council.

The Children, Young People and Families Scrutiny Panel shall include in its membership the following representatives:

- a. One voting Church of England diocesan representative.
- b. One voting Roman Catholic diocesan representative.
- c. Two voting parent governor representatives\*.
- d. One non-voting Youth Council representative.

\*Details of the eligibility and appointment arrangements relating to parent governor representatives are set out in section 26.17.

When the Panel deals with matters other than those relating to education functions, these representatives shall not vote on those other matters, though they may stay in the meeting and speak.

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The Health Scrutiny Panel shall include in its membership three representatives of Wolverhampton HealthWatch.

It is a requirement of accepting a position as a Co-opted Member that those persons should sign and abide by the Councillors' Code of Conduct.

A review, inquiry or task and finish group may appoint representatives of external organisations to support their work as appropriate, and may invite 'witnesses' to present evidence to meetings. These are not Co-opted Members.

### **3. Times and locations of meetings of the Scrutiny Board and Scrutiny Panels**

3.1 The Council will approve a programme of Ordinary Meetings for the Scrutiny Board and each Scrutiny Panel. In addition, extraOrdinary Meetings may be called from time to time as and when appropriate. A Board or Panel meeting may be called by the Chair or one quarter of the total number of voting Councillors or by the Head of Paid Service if he/she considers it necessary or appropriate.

3.2 Meetings shall take place at the Civic Centre or such other location(s) as may be agreed.

### **4. Quorum**

4.1 The quorum for the Scrutiny Board and Scrutiny Panels shall be as set out for Regulatory or other Committees in the Council Procedure Rules in Part 3.

### **5. The Chairs of the Scrutiny Board and Scrutiny Panels**

5.1 The Chair and Vice-Chair will be appointed by the Council from amongst eligible Councillors.

### **6. Work programme**

6.1 Each Scrutiny Panel will, subject to guidance from the Scrutiny Board, be responsible for setting and reviewing their priorities and work programme for the year.

### **7. Agenda items**

7.1 Any member of the Scrutiny Board or a Scrutiny Panel shall be entitled to give notice to the Head of Paid Service that he/she wishes an item relevant to the functions of the Panel be included on the agenda for the next available meeting of the Board or Panel. On receipt of such a request the Head of Paid Service will ensure that it is included on the next available agenda.

**8. Ensuring that overview and scrutiny reports are considered by the Cabinet**

- 8.1 Once a Scrutiny Board or Scrutiny Panel report on any matter which is the responsibility of the Executive has been completed, it shall be included on the agenda of the next available meeting of the Cabinet or, by agreement with the Chair of the Board or Panel, the next meeting of the Cabinet which is scheduled to consider the subject matter of the report. If for any reason the Cabinet does not consider the Board or Panel report the matter will be referred to Council for review, and the Head of Paid Service will call a Council meeting to consider the report and make a recommendation to the Cabinet.
- 8.2 The Scrutiny Board and Scrutiny Panels will have access to the Executive's timetable for decisions and intentions for consultation. The Board and Panels may consider any such item in advance of a decision by the Cabinet and may require the Cabinet to have regard to their views when considering the item. The Board and Panels will also use the decision schedule to identify items for scrutiny prior to decision in accordance with paragraph 12.2.

**9. Rights of Scrutiny Board and Scrutiny Panel members to documents**

- 9.1 In addition to their rights as Councillors, members of the Scrutiny Board and Scrutiny Panels have additional right to documents, and to notice of meetings, as set out in the Access to Information Procedure Rules in Part 4.
- 9.2 Nothing in this section prevents more detailed liaison between the Cabinet and the Scrutiny Board and Scrutiny Panels as appropriate depending on the particular matter under consideration.

**10. Councillors and employees giving account**

The Scrutiny Board and Panels may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any Cabinet Member, the Head of Paid Service and/or any Designated Officer to attend before it to explain in relation to matters within their remit:

- a. any particular decision or series of decisions;
- b. the extent to which the actions taken implement Council policy; and/or
- c. their performance,
- d. and it is the duty of those persons to attend if so required.

**11. Attendance by others**

- 11.1 The Scrutiny Board and Scrutiny Panels may invite people other than those people referred to in paragraph 10 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear

from residents, stakeholders and Councillors and employees in other parts of the public sector and may invite such people to attend.

### **12. Scrutiny and Call-in**

12.1 Scrutiny of Executive decisions will be undertaken by the Scrutiny Board and Scrutiny Panels (NB: this does not include decisions made by regulatory committees, such as Licensing and Planning, which are not subject to call-in provisions). It has two principal elements:

- a. consideration of forthcoming decisions, known as pre-decision scrutiny, through which the Scrutiny Board or Panel can scrutinise a decision yet to be made and, if appropriate, shape the final decision through comment and advice to the Executive;
- b. consideration of Executive decisions already made, whether by the Cabinet or an individual Cabinet Member, through call-in or post-implementation review.

#### 12.2 Pre-decision scrutiny

Although decisions made by the Executive must be open to scrutiny, the Council wishes the primary focus of its scrutiny process to be on shaping and informing decisions through pre-decision scrutiny.

12.3 The Scrutiny Board and Panels will have access to the Executive's schedule of forthcoming decisions and proposals for consultation. Often, the provision of additional or explanatory data and information can avoid the need for formal consideration of a decision or issue. The initial emphasis, therefore, will be on the free flow of information from Council employees in response to requests for clarification or elaboration from Councillors.

12.4 Thereafter, as part of its work programme, the Board or an individual Panel may request a report on any forthcoming decision that falls within its purview, in advance of its consideration by the Executive. Having considered a particular issue, the Board or Panel may require the decision-maker to have regard to its views as part of the decision-making process.

12.5 Subject to the proposals considered by the decision-maker being substantially the same as the information previously presented to the Scrutiny Board or Panel, matters that have been considered through pre-decision scrutiny may not be called in for post-decision scrutiny under the provisions outlined in paragraph 12.3.

12.6 Any item being considered as pre-decision scrutiny will therefore not be eligible for call-in once a decision is made by the Executive. Reports to be considered as pre-decision scrutiny by the Scrutiny Board or a Scrutiny Panel will carry the message:

'This item is being considered is pre-decision scrutiny and will therefore not be available to call in once a decision is made by the Executive.'

**13. Parameters for post-decision scrutiny (call-in or review)**

13.1 An amber decision, made by the Cabinet or a Cabinet Panel, may be called in for scrutiny prior to its implementation. A green decision, made by an individual Cabinet Member in consultation with an employee, can be reviewed by the Scrutiny Board or the relevant Scrutiny Panel, although this may be after implementation.

13.2 The following decisions may not be called in:

- a. a red decision, made by the Council;
- b. a red decision, approved by the Cabinet for consideration by the Council;
- c. a decision made by an employee under delegated authority;
- d. an amber decision made under the urgency provisions outlined in paragraph 17;
- e. an amber decision, where it has previously been subject to pre-decision scrutiny (as outlined in paragraph 2.4).
- f. a green decision, made by a Cabinet Member in consultation with an employee

13.3 The decision to effect a call-in can be made by any of the following:

- a. the Chair of the Scrutiny Board
- b. the Vice-Chair of the Scrutiny Board
- c. the Leader or Deputy Leader of the main opposition group.

**14. Review of green decisions**

14.1 The Scrutiny Board or relevant Scrutiny Panel can decide to review a green decision, considering whether it should have been made as a green decision, as well as reviewing the merits of the decision itself. Such reviews must be notified to the accountable Cabinet Member and employee within three working days of the decision being reported to the Cabinet (Resources) Panel and will be incorporated into the Scrutiny Board or Panel's work programme.

**15. Scrutiny of Amber Decisions**

15.1 Decisions made by the Cabinet or a Cabinet Panel (known as Amber Decisions) will be summarised in the minutes of the relevant meeting and published on the Council's website, normally within five working days of the meeting occurring.

15.2 Within the parameters outlined in paragraph 12.3, call-in of an amber decision can be made within three working days of the decision being published. Once this period has expired, and if no call-in has been received, the decision can be implemented.



**16. Arrangements for considering call-ins**

- 16.1 If an amber decision has been formally called in under paragraph 12.5, the Scrutiny Board or appropriate Scrutiny Panel should convene to consider the matter within ten working days of the call-in being received. In the event that the relevant Scrutiny Panel cannot be convened within ten working days, or if the Councillor calling in the decision so requests, the Chair of the Scrutiny Board can determine that the call-in will be considered by the Board and convene a meeting accordingly. The Board meeting should still take place within ten working days of the call-in being received.
- 16.2 An amber decision that has been called in, may not be implemented until the call-in process is complete.
- 16.3 The Scrutiny Board or Panel will consider the called-in decision and supporting information, including receiving oral and written comments from both the appropriate Cabinet Member(s) and Senior Manager(s). The Board or Panel will exercise one of the following options:
- a. note the decision, which can then be implemented immediately;
  - b. ask the Cabinet or Cabinet Panel to reconsider the decision (a decision can only be reconsidered once);
  - c. refer the decision to the Council's next meeting to see if it wishes the decision to be reconsidered.
- 16.4 The relevant Cabinet Member(s) and Senior Manager (s), given reasonable notice, have a duty to attend the Scrutiny meeting to respond to questions and provide information about the call-in. In the event that they are unable to attend, they should ensure a nominated substitute (for Cabinet Members) or appropriate representative (for Senior Management) is able to attend in their place.
- 16.5 If the decision is referred to Council and the Council does not object to the decision, it can be implemented immediately. The Council may not substitute its own decision unless the original decision is contrary to the policy framework or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer the matter back to the next meeting of the Cabinet or Cabinet Panel, detailing the Council's views on the decision. The Cabinet or Cabinet Panel will then choose whether to amend the decision or not, before reaching a final decision and implementing it.

**17. Call-In and Urgency**

- 17.1 The call-in procedure set out above shall not apply where the decision being taken by the Cabinet or Cabinet Panel is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interest. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Monitoring Officer must agree both that the decision proposed is reasonable in all the circumstances and to it being

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treated as a matter of urgency. In the absence of the Monitoring Officer, the Deputy Monitoring Officer's consent shall be required. In the absence of both, the Head of Paid Service or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

- 17.2 The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

### **18. Procedure at Scrutiny Board and Scrutiny Panel Meetings**

- 18.1 The Scrutiny Board and Scrutiny Panels shall consider the following business:
- a. consideration of the minutes of the last meeting;
  - b. declarations of interest;
  - c. consideration of any matter referred to the Board or Panel for a decision in relation to call in of a decision;
  - d. responses of the Cabinet to reports of the Board or Panels and
  - e. the business otherwise set out on the agenda for the meeting.
- 18.2 Where the Board or Panel conducts investigations (e.g. with a view to policy development), it may ask people to attend to give evidence at meetings which are to be conducted in accordance with the following principles:
- a. that the investigation be conducted fairly and all Councillors of the Board or Panel be given the opportunity ask questions of attendees, and to contribute and speak;
  - b. that those assisting the Board or Panel by giving evidence be treated with respect and courtesy; and
  - c. that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- 18.3 Following any investigation or review the Board or Panel shall prepare a report, for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.

### **19. Substitution of Councillors at Scrutiny Board**

- 19.1 Any permanent Councillor of the Scrutiny Board may nominate another Councillor to attend a meeting of the Scrutiny Board where:
- a. the permanent Councillor will be unable to attend for the entire duration of the meeting of the Board;
  - b. the permanent Councillor will be unable to attend at the commencement of, or for any part of a meeting or;

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- c. the permanent Councillor will be required to be absent from any part of a meeting or during consideration of a particular item as a result of the need to declare a prejudicial interest.

### **19.2 Where a substitute Councillor is nominated to attend a meeting of the Scrutiny Board.**

- a. The substitute Councillor will have all the powers and duties of a permanent Councillor of the Board whilst attending the meeting or part thereof in place of the permanent Councillor and may speak and vote.
- b. The substitute Councillor may be replaced during the course of a meeting by the permanent Councillor on the proviso that as far as is practically possible the substitute Councillor will be required to remain in the meeting for the duration that the items(s) for which they are substituting are under discussion.
- c. All substitutions to be notified to the Democratic Services Section by the permanent Councillor as soon as possible prior to the commencement of the meeting either in writing or via email.

## **20. Matters within the remit of more than one Scrutiny Panel**

- 20.1 Where a matter for consideration by a Scrutiny Panel also falls within the remit of one or more other Panels the decision as to which Panel will consider it will be resolved by the Scrutiny Board.

## **21. Arrangements for the appointment of parent governor representatives**

- 21.1 The role and responsibilities of local authority parent governor representatives
- 21.2 The overall role of parent governor representatives (PGR) is to represent parents and not parent governors and to hold the authority to account for education policy and decision-making. The responsibilities of the PGR are listed below:
  - a. act as an apolitical voice for parents in the area, representing to the local education authority the main education issues which concern parents of pupils in schools maintained by the authority'
  - b. PGRs are not expected to represent the views of all parents across the local authority through any sort of delegated mandate. However, there is an expectation that as best you can that you remain in touch with your wider constituency in order that you can reflect diverse views;
  - c. liaise with the other PGRs on the Children, Young People and Families Scrutiny Panel;
  - d. attend and contribute to the Children, Young People and Families Scrutiny Panel to which they have been appointed;
  - e. establish good relations with other Councillors members and officers;
  - f. feedback discussions of and decisions on education matters from the Children, Young People and Families Scrutiny Panel to parents;
  - g. sign and abide by the Councillor Code of Conduct;
  - h. act with due propriety according to standards laid down for conduct in local government.

**21.3 Eligibility criteria for local authority parent governor representatives**

Any parent governor (who is still a parent of a child in a maintained school within the authority or the parent of a registered pupil educated at a school maintained by the local authority at the time of election) can stand for election, even if they only have a short time left to serve.

Employees of the local authority, at any of its schools, and local councillors, are not eligible to apply.

A person can only be a parent governor representative in one local authority at any one time.

If a person resigns or is disqualified as a PGR or they become a local councillor or member of school staff they will not be eligible to apply for a vacancy.

A person will not be disqualified if their term of office as a parent governor comes to an end in the normal way, or they cease to be a parent governor of the school due to changes to the constitution of the governing body or the closure of the school.

It is the responsibility of parent governor representatives to inform the local authority of any circumstance which they believe disqualifies them from office. Where there is a disqualification (or a PGR cannot complete the term of office for some other reason) the local authority can decide whether to appoint a successor for the unexpired portion of the term or for a full term. In any event when there is a vacancy (mid or full-term) an election should be held within six months.

**21.4 Election of local authority parent governor representatives**

The Council is responsible for making all the necessary arrangements for and to determine all other matters relating to the holding of an election of a local authority parent governor representative. The Council, through the Monitoring Officer, will appoint a returning officer to ensure that as far as possible that the election of a PGR is conducted fairly and complies with the requirements detailed below (source: s4, Parent Governor Representatives (England) Regulations 2001):

- (1) A local education authority shall make all the necessary arrangements for, and determine all other matters relating to, the holding of an election of a parent governor representative but nothing in this regulation shall prevent an authority from appointing another body to conduct or oversee that election.
- (2) A local education authority may make arrangements
  - (a) dividing parent governor representatives into different categories representing (i) particular types of school, or (ii) maintained schools in a particular area; and

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- (b) where they have done so, restricting the electorate for each such category to parent governors of the same type of school or parent governors of maintained schools in that area (but they need not do so).
- (3) Where a vacancy for a parent governor representative is required to be filled by election the local education authority shall announce that vacancy and at the time of that announcement shall
  - (a) appoint a returning officer who shall ensure that so far as possible the election is conducted fairly;
  - (b) take such steps as are reasonably practicable to secure that every person who is known to them to be eligible to vote in the election of a parent governor representative is
    - (i) informed of the vacancy and that it is required to be filled by election;
    - (ii) informed that he is entitled to vote at the election;
    - (iii) informed of any arrangements made in respect of the election under regulation 4(2)
    - (iv) informed of the details of the electoral timetable and procedures;
    - (v) informed of the qualifications which a person requires in order to be elected as a parent governor representative, and of the term of office of a parent governor representative; and
    - (vi) provided with a description of the role of a parent governor representative.
- (4) Any election of a parent governor representative which is contested shall be held by secret ballot.
- (5) No ballot paper in such an election shall contain any indication of an affiliation with a political party.
- (6) Where a vacancy for a parent governor representative arises, the local education authority shall
  - (a) determine, for the purposes of the election, any question as to a person's entitlement to vote or eligibility to stand for election;
  - (b) provide for every person who is eligible to vote in the election to have an opportunity to do so by post;
  - (c) secure that the results of the election are announced not more than one week after the date of the election, and not more than three months after the announcement of the vacancy.
- (7) Where a vacancy remains unfilled because no, or not enough, candidates seek election, the local education authority shall comply with the requirements of this regulation again within one year of the original vacancy having arisen and at six monthly intervals thereafter, calculated from the first anniversary of the original vacancy having arisen, until the vacancy is filled.

## **Overview and Scrutiny Procedure Rules**

- (8) Nothing in these Regulations shall require a ballot to be held if the number of vacancies to be filled is equal to or exceeds the number of candidates for election.'

### 21.5 Returning Officer's discretion

Once appointed by the Monitoring Officer in response to a vacancy, the Returning Officer shall make all necessary arrangements and determine all matters relating to the holding of an election of a parent governor representative and shall have discretion not to arrange a ballot where the number of places to be filled is equal to or exceeds the number of parent governor representatives candidates for election.

### 21.6 Disqualification due to non-attendance of meetings

The Chair of the Children, Young People and Families Scrutiny Panel has the discretion to disqualify a parent governor representative who does not attend panel meetings for a period of six months.

## **22. Councillor Call for Action Protocol**

### **Introduction**

The “Councillor Call for Action” (CCfA) was introduced under Section 119 of the Local Government and Public Involvement in Health Act 2007 (the Act), and came into force on 1 April 2009. The statutory requirement to implement CCfA by 1 April 2009 applies to all Councils in England (with the exception of Parish Councils) regardless of their Cabinet arrangements.

The Act enables any Councillor to refer to the relevant Committee any local government matter or any crime and disorder matter which affects their Ward.

The power to refer a matter is available only where the matter is of direct concern to the Ward which the Councillor represents. A Councillor can refer a matter even if no citizen has asked him/her to consider it, and there is no requirement for Councillors in multi-member Wards to agree – any of them can refer a matter.

### **Limitations**

It is important to recognise that CCfA is not guaranteed to solve a given issue. CCfA provides a method for discussing such issues and, through discussion, trying to overcome them.

### **Issues excluded from referral as a CCfA**

The Overview and Scrutiny (Reference by Councillors) (Excluded Matters) (England) Order 2008 excludes the following matters from referral as a CCfA:

- a. Individual complaints concerning personal grievances or commercial issues.
- b. Any matter relating to an individual or entity where there is already a statutory right to a review or appeal (other than the right to complain to the Local Government Ombudsman), for example:
  - Planning and licensing applications and appeals
  - Council Tax/Housing Benefits complaints and queries
  - Issues currently under dispute in a court of law
- c. Any matter which is vexatious, discriminatory or not reasonable to be included on the agenda for, or to be discussed at, a meeting of the overview and scrutiny committee or any of its sub-committees.<sup>2</sup>

In addition, the Council has determined that the following matters be also excluded from CCfA:

- (i) CCfA should not seek to ask the Council to determine:-
  - personal or commercial issues

- specific or individual employee relations
  - Disciplinary or grievance matters
  - Matters which are subject to formal or statutory appeal processes or are sub-justice;
  - Individual appeal cases, for example, Planning, Licensing, Housing or Education applications or appeals;
  - Decisions of the Standards and Audit Committees or Regulatory Committees.
- (ii) CCfA should not contain:
- offensive, intemperate, inflammatory, sarcastic or provocative language or language to which those reading could reasonably take offence
  - false or defamatory statements
  - information which is protected by an interdict or court order
  - commercially sensitive or confidential material
  - the names of individuals, or information whereby
  - they may be easily identified, in relation to criminal accusations.
- (iii) CCfA should be submitted in good faith and be decent, honest and respectful.
- (iv) CCfA will be rejected if defamatory, frivolous or offensive.
- (v) During politically sensitive periods, such as before an election, politically controversial material will be restricted.
- (vi) CCfA which do not follow these guidelines will be considered inadmissible, in which case signatories will be informed in writing of the reasons why.
- (vii) CCfA which are the same or substantially similar and which are lodged by or on behalf of the same person or organisation will be considered inadmissible unless more than a year has passed since the original CCfA was considered by the relevant Committee. Advice on admissibility can be obtained from the Democratic Services Section whose contact details are provided on the Website. In cases of dispute, the relevant Committee shall decide whether a CCfA is admissible.

A referral, provided it is not an excluded matter (see above) will ensure that the matter is included on the agenda of the relevant Committee. It is then up to the Committee to decide whether or not to take the matter further. A referral made to the



relevant Committee is seen as being at the end of the CCfA process (**the last resort**) and not the first step.

### **Steps to be taken, prior to making a Councillor Call for Action referral**

Prior to a Councillor referring a matter as a CCfA to the relevant Committee, a Councillor **must** have tried to resolve the issue/problem themselves using all mechanisms and resources available to them at Ward level. Councillors should:

- If a local crime and disorder matter, raise the issue through the Wolverhampton Safer Partnership to find a way to resolve the issue.
- Ensure that all relevant partner organisations have been informed of the issue and given enough time to resolve it, for example through formal letters written on behalf of constituents, discussion at public meetings, petitions or communication with local MPs.
- Ensure that all relevant internal potential routes to solution have been followed, for example informal discussions with employees and/or Councillors.
- Ensure that this is not an issue that is currently being or should be pursued via the Council's complaints procedure.
- Ascertain whether or not any other form of local scrutiny is investigating the issue.

### **How to make a Councillor Call for Action referral**

If the issue/problem is still not resolved, a Councillor can refer it to the relevant Committee as a "Councillor Call for Action". To do this the Councillor should:

- Complete a CCFA Request Form by hand or electronically, outlining what the issue is and what steps have been taken towards a resolution. The request for a CCfA should include:
  - The name of the Councillor and Ward they represent.
  - Title of the CCfA
  - Why they think the issue should be looked at by the relevant Committee.
  - A brief synopsis of what the main areas of concern are.
  - What evidence do you have in support of your CCfA?
  - Which areas or community groups are affected by the CCfA?
  - What prior action has been undertaken to try and resolve the issue prior to requesting a CCfA?

- Is the CCfA currently the subject of legal action by any party (to your knowledge) or is being examined by a formal complaints' process?
- Are there any deadlines associated with the CCfA of which the relevant Committee needs to be aware?
- The Democratic Services Section will receive the referral form either by post or electronically, log it to track its progress and assess the issue to ensure that it is not a matter excluded from referral to scrutiny.
- The Democratic Services Section will inform the Chair of the relevant Committee that the item will be included on the next Committee agenda.
- The Councillor submitting the CCfA will be invited to attend the meeting of the relevant Committee to speak in connection with the issue.

A successful referral will ensure that the CCfA will be placed on the next agenda of the appropriate Scrutiny Panel. The Panel will then decide whether or not to take the matter further.

#### **Decision of the relevant Scrutiny Panel whether to take the matter further**

In deciding whether or not to take the matter further, the Scrutiny Panel will consider:

- Anything that the Councillor has done in relation to this matter; and
- Representations made by the Councillor as to why the Committee should take the matter up. (Councillors have the option of either presenting their CCfA form without supporting papers or by preparing a report setting out their views. Any reports prepared by Councillors would be circulated along with the agenda and other reports for the meeting). This information will need to take account of the disclosures of exempt information as prescribed in Part 1 of Schedule 12A of the Local Government Act 1972.

The criteria the Committee will use to decide whether or not to take the matter further include:

Is the Scrutiny Panel satisfied that all reasonable attempts have been made to resolve the issue by the Ward Councillor? And do the responses received by the referring Councillor demonstrate that the matter is not being progressed?

- Has the Scrutiny Panel considered a similar issue recently – if yes, had the circumstances or evidence changed?
- Is there a similar or related issue which is the subject of a review on the current work programme? It may be more appropriate to link the new issue to an existing review, rather than hold a separate CCfA hearing. Relevant time pressures on resolving the CCfA should be taken into account.

- Have all relevant service areas or partner organisations been informed and been given enough time to resolve the issue? What response has the Councillor received?
- Is this a case that is being or should be pursued via the Council's corporate complaints procedure?
- Is it relating to a "quasi-judicial" matter or decision such as planning or licensing?
- Is the issue part of an individual's own personal agenda (an issue of genuine local concern should have an impact on the local community)?
- Does the matter referred have the potential for scrutiny to produce recommendations which could realistically be implemented and lead to improvements for anyone living or working in the referring Councillor's Ward?

In considering the CCfA, the Scrutiny Panel may invite the Head of Paid Service, Directors, Heads of Service or external organisation to discuss the issue with the Panel and answer any questions, if the Panel considers this relevant.

If the Scrutiny Panel decides not to accept the CCfA referral it must inform the Councillor and provide reasons.

If the Scrutiny Panel decides to accept the CCfA referral, it will decide how it intends to take the matter forward and include the CCfA in its work programme. This could include:

Before holding a formal hearing:

- Asking the service area(s)/partner organisation(s) to respond to the CCfA.
- Establishing a Task and Finish Group to undertake a more in depth review.

At the formal hearing:

- Asking for further evidence and/or witnesses to be brought to a future meeting then making recommendations to the relevant service Committee/partner organisation.

### **Potential outcomes**

Following a formal hearing, there are a number of potential outcomes from the Scrutiny Panel meeting:

- The Scrutiny Panel could determine not to make a report (perhaps because it is not considered the right time to consider a particular issue), with the Ward Councillor notified in writing;
- The Scrutiny Panel could determine it is a complex issue that requires further investigation and commission a scrutiny review of the issue;

- The Scrutiny Panel could write a report and make recommendations on the CCfA to the relevant Cabinet Panel or partner organisation.

Once the Scrutiny Panel has completed its work on the CCfA referral, the Councillor who made the CCfA referral will receive a copy of any report or recommendations made. The reply will also be printed on the Council's website (unless there are reasons why the Committee treats the matter as an exempt item and as a result the report will not be made public).

### **Timescales**

Once a CCfA has been assessed as not being a matter which is excluded from referring to scrutiny, the item will be included on the next available relevant Committee agenda.

If the relevant Committee agrees to take the matter forward, the matter will usually be placed as an item on the next available agenda. In exceptional circumstances, for example where there are unavoidable time constraints, a separate meeting may be convened.

Should a CCfA hearing result in recommendations to the Cabinet being made, a response to the recommendations, setting out any action it intends to take, within 28 days of the recommendations being placed on an agenda.

Should a CCfA hearing result in recommendations to partner organisations, such organisations will also be requested to make a response to the recommendations, although it must be recognised they are under no legal obligation to do so.

## Appendix 1

### Councillor Call for Action Request Form

This form should be used by any Councillor who wishes to consider a Councillor Call for Action in their Ward.

<b>Your contact details:</b> Name (print):
Address:
Contact number:
Email address:

<b>The Ward you represent:</b>
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<b>Title of your Councillor Call for Action:</b>
--

<b>Date of Submission:</b>
----------------------------

Would you like the opportunity to speak to the relevant Committee ? Yes <input type="checkbox"/> No <input type="checkbox"/>
Have you approached the relevant Committee on the same issue in the past six months? Yes <input type="checkbox"/> No <input type="checkbox"/>
Would you like your response by: Email <input type="checkbox"/> Letter <input type="checkbox"/>

Why you think the issue should be looked at by the relevant Committee:

Please give a brief synopsis of the main areas of concern are:

What evidence do you have in support of your CCfA:

Which areas or community groups are affected by the CCfA:

How have you tried to resolve the issue :

Is the CCfA currently the subject of legal action by any party (to your knowledge) or is being examined by a formal complaints' process?

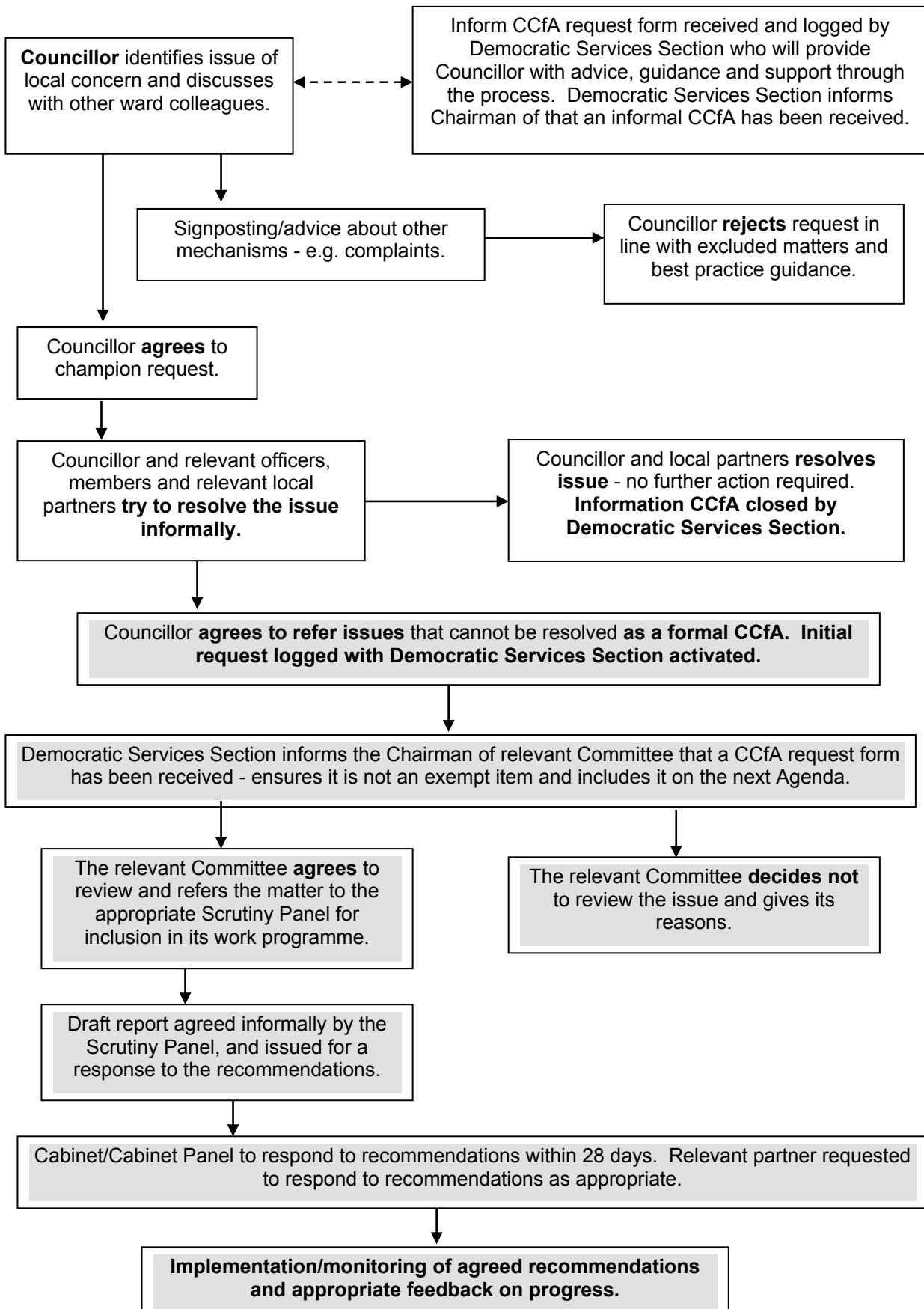
Are there any deadlines associated with the CCfA of which the relevant Committee needs to be aware:

**Please complete and return the form to:**

Democratic Services  
Governance Directorate  
Civic Centre  
Wolverhampton  
WV1 1SH

## Appendix 2

### SUMMARY OF CCfA MECHANISM



## Appendix 3

### Explanatory Notes

#### 1. Definition of a local government matter and a local crime and disorder matter

Local government matter For the purpose of the Act a local government matter, in relation to a Councillor of a local authority is one which:

- relates to the discharge of any function of the authority;
- affects all or part of the electoral area for which the referring Councillor is elected or any person who lives or works in the area (i.e. it must be specific to a particular locality); and
- is not an excluded matter.

Local crime and disorder matter A local crime and disorder matter, in relation to a Councillor of a local authority, has been defined to mean a matter concerning:

- (a) crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment); or
- (b) the misuse of drugs, alcohol and other substances that affects the electoral area represented by the Councillor, or the people who live or work in that area.

#### 2. Definitions of “vexatious” “persistent” “discriminatory” and “not reasonable”

Statutory regulations deal with matters that can be excluded from CCfA, stating that “any matter which is vexatious, discriminatory or not reasonable to be included on the agenda for, or to be discussed at, a meeting of the Scrutiny Board is to be excluded”.

##### Vexatious/Persistent

Deciding whether a request is vexatious is a flexible balancing exercise, taking into account all the circumstances of the case. There is no rigid test or definition, and it will often be easy to recognise. The key question is whether the request is likely to cause distress, disruption or irritation, without any proper or justified cause.

Issues around persistency are implied by this definition. However, a persistent request may well be entirely valid – it may relate to a systematic problem that has not been effectively resolved. Similarly, a request which some Councillors may regard as vexatious, for political reasons, may actually be entirely reasonable.



CCfAs need to be looked at on their merits, rather than on the basis of who is bringing them, or whether somebody thinks there is an ulterior motive for them being brought.

Where a request for a CCfA is clearly vexatious, detailed reasons for coming to this decision will be given to the Councillor concerned. There could, however, be instances where changes to the scope of the CCfA, or its focus, could make it more acceptable while still meeting the Councillor's requirements.

### Discriminatory

A modern interpretation of the word "discrimination" is provided at Section 45 of the Equality Act 2006, in relation to religion and belief, as follows:

A person (A) discriminates against another (B) if on the grounds of the religion or belief of B or of any other person except A, A treats B less favourably than he treats others. This definition can easily be amended to deal with other forms of discrimination, such as discrimination for reasons of sex and/or race. So a discriminatory CCfA might be one which implies or states that a group of people or an area receives better, or worse, services on account of that group's predominant religion, race, sex or other characteristic, as covered by discrimination legislation.

### Not reasonable

It is suggested that, in the interests of transparency, authorities do not interpret "not reasonable" as being the same as the legal word "unreasonable". It is best to consider it as a qualifier to the word "vexatious", as a vexatious request is likely not to be reasonable and a request that is not reasonable is likely to be vexatious.

### 3. Structure of the CCfA hearing

A CCfA hearing will be based on the current structure for dealing with call-in hearings.

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## **Access to Information Procedure Rules**

### **1. Introduction and Scope**

- 1.1 These rules apply to all meetings of the Full Council, the Scrutiny Board, Scrutiny Panels, Area Structures, the Standards Committee, the Audit Committee, Regulatory or other Committees and meetings of the Cabinet and Cabinet Panels.

### **2. Additional Rights to Information**

- 2.1 These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

### **3. Rights to Attend Meetings**

- 3.1 Members of the public may attend all meetings subject only to the exceptions referred to in paragraph 10.

### **4. Notice of Meeting**

- 4.1 Except in cases of special urgency the Council will give at least five clear days' notice of any meeting by posting details of the meeting at the Civic Centre, St Peter's Square, Wolverhampton, WV1 1SH and on the Council's website. This will exclude the day of publication of the agenda and day of the meeting, along with weekends and bank holidays.

### **5. Access to Agenda and Reports before the Meeting**

- 5.1 The Council will make copies of the agenda and reports open to the public available for inspection at the Civic Centre and on the Council's website, at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda (where reports are prepared after the summons has been sent out, the Head of Paid Service shall make each such report available to the public as soon as the report is completed and sent to Councillors).

### **6. Supply of Copies**

- 6.1 The Council will make available copies of:
- a. any agenda and reports which are open to public inspection;
  - b. any further statements or particulars necessary to indicate the nature of the items in the agenda; and
  - c. if the Head of Paid Service thinks fit, copies of any other documents supplied to Councillors in connection with an item to any person on payment of a charge for postage and any other reasonable costs.

- d. A copy of all agendas, minutes and reports will be made available on the Council's website at least five clear days before the meeting

## **7. Access to Minutes, Agendas and Reports after the Meeting**

- 7.1 The Council will make available copies including on the Council's website, of the following for at least six years after a meeting:
  - a. the minutes of the meeting or records of decisions taken, together with reasons, for all meetings of the Cabinet, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information.
  - b. a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
  - c. the agenda for the meeting; and
  - d. reports relating to items when the meeting was open to the public.

## **8. Background Papers**

- 8.1 List of background papers  
The Head of Paid Service will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:
  - a. disclose any facts or matters on which the report or an important part of the report is based; and
  - b. which have been relied on to a material extent in preparing the reportbut does not include published works or those which disclose exempt or confidential information (as defined in paragraph 10 below) and in respect of Cabinet reports, the advice of a political advisor.

### **8.2 Public inspection of background papers**

The Council will make available for public inspection for four years after the date of the meeting including on the Council's website one copy of each of the documents on the list of background papers.

## **9. Summary of Public's Rights**

- 9.1 A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at the Civic Centre, St Peter's Square, Wolverhampton WV1 1SH.

## **10. Exclusion of Access by the Public to Meetings**

### **1. Confidential information – requirement to exclude public**

The public must be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that confidential information would be disclosed.

### **2. Exempt information – discretion to exclude public**

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

### **3. Meaning of confidential information**

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

### **4. Meaning of exempt information**

Exempt information is defined in the Local Government (Access to Information) (Variation) Order 2006 which amends Part 1 of Schedule 12A to the Local Government Act 1972.

The categories of exempt information are:-

- (i) Information relating to any individual.
- (ii) Information which is likely to reveal the identity of an individual.
- (iii) Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- (iv) Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
- (v) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- (vi) Information which reveals that the authority proposes –

- (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
  - (b) to make an order or direction under any enactment.
- (vii) Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

**Qualifications**

- (viii) Information falling within categories (i) to (vii) above is **not** exempt if it is required to be registered under:
- (a) the Companies Act 1985;
  - (b) the Friendly Societies Act 1974;
  - (c) the Friendly Societies Act 1992;
  - (d) the Industrial and Provident Societies Acts 1965 to 1978;
  - (e) the Building Societies Act 1986;
  - (f) the Charities Act 1993.
- (ix) Information is **not** exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.
- (x) Information which –
- (a) falls within any of paragraphs 1 to 7 above; and
  - (b) is not prevented from being exempt by virtue of paragraph 8 or 9 above,

is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

**5. Exempt information relating to the Standards Committee only**

Additional categories of exempt information relating to the Standards Committee only are:

- a. Information which is subject to any obligation of confidentiality.
- b. Information which relates in any way to matters concerning national security.

- c. The deliberations of the Standards Committee (or its Sub- Committee) in reaching any finding on a matter referred under the provisions of Section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of the Local Government Act 2000.

## **11. Exclusion of Access by the Public to Reports**

- 11.1 If the Head of Paid Service thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with paragraph 10 above, the meeting is likely not to be open to the public. Such reports will be marked “Not for publication” together with the category of information likely to be disclosed.

## **12. Application of Rules to the Cabinet**

- a. Paragraph 13.1 below applies to the Cabinet and Cabinet Panels.
- b. If the Cabinet meets to take a key decision, as defined in Article 13.3 of this Constitution, then it must also comply with –paragraphs 1 – 11 unless paragraph 23.5 (general exception) or paragraph 23.6 (special urgency) apply.
- c. If the Cabinet meets to discuss a key decision to be taken collectively, with an employee other than a political assistant present, within 28 days of the date according to the Forward Plan by which it is to be decided, then it must also comply with paragraphs 1 – 11 unless paragraph 23.5 (general exception) or paragraph 23.6 (special urgency) apply. This requirement does not include meetings, whose sole purpose is for employees to brief Councillors.

## **13. Procedure before Taking Key Decisions**

- 13.1 Subject to paragraph 23.5 (general exception) and paragraph 23.6 (special urgency), a key decision may not be taken unless:
  - a. the required details pertaining to the decision have been published at least 28 clear days in advance;
  - b. where the decision is to be taken at a meeting of the Cabinet, notice of the meeting has been given in accordance with paragraph 22.4 (notice of meetings).

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## **Protocol for Recording, Filming and Social Media at Meetings**

The Council welcomes engagement by the public and through the media with the decision-making processes that determine the policies and strategies that shape provision of services in Wolverhampton. Audio and video/visual recording, photography, blogging, tweeting or use of other social media at meetings open to the public (hereafter referred to as 'broadcasting activities') are allowed subject to the following restrictions:

- a. All broadcasting activities should take place from the public gallery or the designated press seating in the meeting room.
- b. Anyone undertaking broadcasting activities must comply with any instructions given by the Chair of the meeting.
- c. The use of flash photography, additional lighting or professional microphones (i.e. by recognised media groups or for educational purposes) in connection with audio/visual recording at meetings will not be permitted without prior permission.
- d. The Democratic Services team will ensure signs are prominently displayed at meetings to remind attendees that broadcasting activities may be undertaken and that the Council has no control over where material may appear (for example posted on the internet). Meeting agendas will also carry this message.
- e. Where the Chair of a meeting reasonably considers the broadcasting, activity is disrupting the meeting, the operator of the equipment will be required to stop.
- f. Anyone refusing to stop when requested to do so may be requested by the Chair to leave the meeting. If the person refuses to leave, then the Chair may adjourn the meeting or make other appropriate arrangements for the meeting to continue without disruption. These will be in line with disorderly conduct procedures set out in the Constitution.
- g. Anyone asked to leave a meeting because they have refused to comply with the Chair's requests may be refused permission to engage in broadcasting activities at future meetings.
- h. Where a recording is made that features a minor (under the age of 18), it is the recorder's responsibility to gain the permission of the appropriate parent/guardian, both for the initial recording and for any subsequent dissemination of it (e.g. on social media), and to ensure compliance with any prevailing legislation in relation to such activity.
- i. Any decision taken by the Chair on the interpretation of this protocol is final.

- j. The media and public may only be excluded from a meeting in respect of business relating to confidential or exempt information if a resolution is passed under Section 100A of the Local Government Act 1972. The media and public will be told about the nature of the exclusion relating to the business to be discussed. No broadcasting activities will be permitted during this exclusion. All cameras, recording and sound equipment must then be removed from the meeting room.
  
- k. Recognised media organisations and educational institutions may be given greater flexibility to record/film meetings for the purposes of news bulletins, programmes and education. These requests must be directed through the Council's Communications Team and approved by the Leader plus the Mayor (in the case of meetings of the Full Council) or the Chair (for all other meetings).

## **Budget and Policy Framework Procedure Rules**

### **1. Introduction**

- 1.1 In these Rules “the Cabinet” means the Cabinet or Cabinet Panels as appropriate.
- 1.2 The Council will be responsible for the adoption of the budget and policy framework as defined in Article 4 of the Constitution.
- 1.3 The budget, plans and strategies defined in Article 4 will be developed and adopted by the Council at various times during each year. The Cabinet will determine the detailed timetable for the preparation of the budget to ensure compliance with statutory requirements. The role of the Cabinet in the preparation of the budget is set out in the Financial Procedure Rules contained in this Constitution.
- 1.4 The Cabinet will determine the detailed timetable for the preparation of the plans and strategies for which they are responsible.
- 1.5 Timetables will comply with the Access to Information Procedure Rules and notice of key decisions and consultation arrangements must be included in the Forward Plan.

### **2. Process for developing the budget and policy framework**

The process by which the budget and policy framework shall be developed is:

- 2.1 The Cabinet will publish its initial proposals, having first canvassed the views of local stakeholders in an appropriate manner. Any representations made to the Cabinet shall be taken into account in formulating the initial proposals, and shall be reflected in any report dealing with them. If the matter is one where the Scrutiny Board or a Scrutiny Panel has carried out a review of policy, then the outcome of that review shall be reported to the Cabinet and considered in the preparation of initial proposals.
- 2.2 The Cabinet’s initial proposals will then be referred to the relevant Scrutiny Panel for further advice and consideration. The Panel shall canvass the views of local stakeholders if it considers it appropriate in accordance with the matter under consideration, and having particular regard not to duplicate any consultation carried out by the Cabinet. The Cabinet will inform the Panel of the time for response when the proposals are referred to it.
- 2.3 Having considered the report of the Panel, the Cabinet, if it considers it appropriate, may amend its initial proposals before submitting them to the Full Council meeting for consideration. It will also report to Full Council on how it has taken into account any recommendations from the Panel.

- 2.4 The Full Council will consider the proposals of the Cabinet and may:
- a. approve or adopt them;
  - b. amend them;
  - c. refer them back to the Cabinet for further consideration;
  - d. substitute its own proposals in their place.

In considering the matter, the Full Council shall have before it the Cabinet's proposals and any report from any relevant Panel.

- 2.5 If the Full Council accepts the proposals of the Cabinet without amendment the Council will approve the budget or plan with immediate effect. If the Council does not accept the proposals of the Cabinet it may only make an in-principle decision.
- 2.6 The decision of the Full Council will be published and a copy of the decision notice shall be given to the Leader. An in-principle decision will automatically become effective five working days from the date of the Council's decision unless the Leader informs the Head of Paid Service in writing prior to the date on which the decision is to be effective that he objects to the decision becoming effective. The notification must state the reasons for the objection.
- 2.7 Where such notification is received, the Head of Paid Service shall convene a further meeting of the Full Council to reconsider its decision and the decision shall not be effective pending that meeting. The Full Council meeting must take place within 5 working days of the receipt of the Leader's written objection.
- 2.8 At that meeting the in-principle decision of the Full Council shall be reconsidered in the light of the Leader's written objection which shall be available to Councillors. The Full Council may:
- a. approve the proposals of the Cabinet or
  - b. approve a different decision which does not accord with the proposals of the Cabinet.
- 2.9 The decision of the Full Council shall be published and shall become effective immediately.
- 2.10 Once the budget and policy framework is approved by the Full Council it will be the responsibility of the Cabinet to implement it.
- 2.11 In approving the budget and policy framework, the Full Council will also specify the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken by the Cabinet, in accordance with paragraphs 3 and 4 of these Rules (virement and in-year

adjustments). Any other changes to the budget and policy framework are reserved to the Full Council.

**3. Virement**

The rules relating to virement are set out in the Financial Procedure Rules set out in Part 3.

**4. In-year changes to policy framework**

4.1 The responsibility for approving the budget and policy framework lies with the Full Council and decisions by the Cabinet, employees, or joint arrangements must be in line with it. No changes to any plan which is part of the policy framework may be made by those bodies or individuals except those changes:

- a. which are necessary to meet a budgetary constraint;
- b. which are necessary to ensure compliance with the law, ministerial direction or government guidance;
- c. which are necessary to repair any omission in the plan;

**5. Decisions outside the budget or policy framework**

5.1 Subject to the provisions of paragraph 3 (virement) and paragraph 4 (in year changes) the Cabinet, employees or joint arrangements may only make decisions which are in line with the budget and policy framework.

5.2 If a decision maker wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by Full Council, then that decision may only be taken by the Full Council, subject to paragraph 6 (urgent decisions).

5.3 If the decision maker wishes to make such a decision, he/she shall first take advice from the Monitoring Officer and/or the Section 151 Officer as to whether the decision he/she wishes to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget.

5.4 If the advice of either of those employees is that the decision would not be in line with the budget and/or policy framework, then the decision must be referred by the decision maker to the Full Council for decision unless the decision is urgent and the procedure set out in paragraph 6 is applied.

**6. Urgent decisions outside the budget or policy framework**

6.1 A decision maker may make a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by the Full Council if the decision is a matter of urgency. However, the decision may only be made:

- a. if it is not practical to convene a quorate meeting of the Full Council within the necessary timescale and
  - b. if the Chair of a relevant Scrutiny Panel agrees that the decision is a matter of urgency.
- 6.2 The reasons why it is not practical to convene a quorate meeting of the Full Council and the Chair's consent to the decision being made as a matter of urgency must be noted on the record of the decision. In the absence of the Chair of a relevant Scrutiny Panel the consent of the Mayor and in the absence of both, the Deputy Mayor will be sufficient.
- 6.3 Following the decision, the decision maker will provide a full report to the next available Full Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

## **7. Call-in of decisions outside the budget or policy framework**

- 7.1 Where a Scrutiny Panel is of the opinion that a Cabinet decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the budget, then the Panel shall seek advice from the Monitoring Officer and/or Section 151 Officer.
- 7.2 The Monitoring Officer's and/or Section 151 Officer's advice shall be sent to the Cabinet with a copy to every Councillor. The Cabinet must meet to decide what action to take in respect of the advice. The Cabinet must report to Full Council in the event that the Monitoring Officer and/or the Section 151 Officer advises that the decision is or would be a departure from the budget or policy framework.

The Cabinet must report to the Scrutiny Panel in the event that the Monitoring Officer and/or Section 151 Officer advises that the decision is not or would not be a departure.

- 7.3 If the decision has yet to be made, or has been made but not yet implemented and the advice from the Monitoring Officer and/or the Section 151 Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the Scrutiny Panel may refer the matter to Full Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Full Council shall meet within 10 days of the request by the Scrutiny Panel. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or Section 151 Officer. The Council may either:
- a. endorse a decision or proposal of the Cabinet as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Full Council will be published in the normal way;

Or

- b. amend the Council's budget or policy framework to encompass the decision or proposal and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Full Council will be published in the normal way;

Or

- c. where the Full Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing budget policy framework to accommodate it, the Council will require the Cabinet to reconsider the matter in accordance with the advice of either the Monitoring Officer/ and/or Section 151 Officer.

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## **Methodology for Appointing to the Offices of Mayor and Deputy Mayor**

The Annual Meeting of the Council each year will elect a Mayor and appoint a Deputy Mayor, to ensure a dignified succession to these offices. The appointments will be made based on seniority (i.e. years of service as a Councillor). The following methodology will apply.

### **Step 1**

After any municipal election in May and immediately before the Annual Meeting each year all Councillors will be placed in a list according to their seniority. Seniority is defined according to the total number of years or part years served as a Councillor with City of Wolverhampton Council or any of its predecessor authorities. (Years do not need to have been served consecutively. A Councillor who served a term from 2004 to 2008, and then from 2009 to 2013, has eight years' service.) Where one or more Councillors have accrued the same number of years/part years of service, they will be listed alphabetically.

A Councillor who has previously served as Mayor will only be considered again if all other Councillors have declined the opportunity (i.e. irrespective of whether he or she has more years of service since they last served as Mayor than another Councillor who has not yet been Mayor). This rule will not apply in exceptional circumstances (e.g. if a Mayor needs to be appointed midway through the municipal year). Previous Mayors will be included in the order of seniority based on the number of years since they previously held the office.

NB: in practice, the seniority list will be maintained on a rolling basis, with the incoming Deputy Mayor provisionally identified early in each calendar year.

### **Step 2**

1. The nomination for the post of Deputy Mayor for the next ensuing municipal year will be offered to Councillors in strict order of seniority.
2. Where a Councillor is, unable or unwilling to accept the nomination for whatever reason the offer will pass to the next most senior Councillor and so on.

### **Step 3**

The current Deputy Mayor will assume the office of Mayor at the Annual Meeting.

The newly-elected Mayor will preside over the appointment of the Deputy Mayor-designate as Deputy Mayor.

At the immediate following Annual Meeting the current Mayor will preside over the election of the current Deputy Mayor to the office of Mayor for the ensuing municipal year in accordance with the protocol outlined above.

It is custom and practice at Wolverhampton that the Mayor and Deputy Mayor will be nominated and elected unopposed.

## **Financial Procedure Rules**

### **27. STATUS AND OVERVIEW**

The Council, as a publicly-funded organisation, must demonstrate the highest standards of financial control and stewardship of public resources. The Financial Procedure Rules, along with the Budget and Policy Framework and the Procurement Procedures in the Constitution, are a set of procedures that everybody working for or on behalf of the Council must observe in order to achieve those high standards.

#### **Status of the Financial Procedure Rules**

1. The Financial Procedure Rules are an essential part of the Council's financial control framework. They apply to all business carried out by, or on behalf of, the Council and the West Midlands Metropolitan Authorities Pension Fund, whether by Councillors, employees, or third parties (including partnerships of which the Council is part) where appropriate (as determined by the Section 151 Officer). Separate Financial Procedures shall be issued by the Section 151 Officer for use by the Council's schools, drawing as appropriate on this document.
2. With regard to the West Midlands Metropolitan Authorities Pension Fund, in order to reflect the delegations to the Pensions Committee under the Council's Constitution when applying these Rules, the Pensions Committee should be substituted for the Cabinet or the Cabinet (Resources) Panel. In addition, the Pension Fund investment activity is governed by the Pension Fund's Statement of Investment Principles and Investment Compliance Manual and therefore these Financial Procedure Rules do not apply to this activity but any arrangements require approval of the Council's Section 151 Officer.
3. **Failure to comply with the Financial Procedure Rules and Procurement Procedures may lead to disciplinary action in the case of employees, or investigation by the Monitoring Officer and/or the Standards Committee in the case of Councillors.**
4. It is the responsibility of Directors to ensure that all employees reporting to them, directly or indirectly, are aware of and comply with the Financial Procedure Rules.
5. Directors must notify the Section 151 Officer of any failures to comply with the Financial Procedure Rules as soon as they become aware of them.
6. Where any individual or group has a responsibility under the Financial Procedure Rules, that responsibility may not be delegated unless the Financial Procedure Rules explicitly allow it.
7. Nothing in these Rules absolves, or is intended to absolve, any person of any statutory responsibilities.

8. Over and above complying with these Rules, employees and Councillors are expected at all times to demonstrate prudence and good stewardship of the Council's resources, and to act in the best interests of the Council at all times.
9. Employees must comply with all requests from the Section 151 Officer (or his/her delegate) for information required to discharge his/her statutory duties or fulfil his/her responsibilities under these Rules.
10. These Rules should be read in conjunction with the Budget and Policy Framework in this Constitution.
11. The Contract Procedure Rules and the Human Resources Policies and Procedures.
12. Employees should contact Strategic Finance for advice if they are unclear about any part of these Rules.

### **Terminology**

1. Throughout this document, the following words are used as set out below:

#### **"Approved Budget" –**

- Revenue Budgets: the approved budget is the most recent budget for the current financial year that has been approved by the relevant person in accordance with the Financial Procedure Rules and the Budget and Policy Framework.
- Capital Budgets: the approved budget is the most recent budget over the period of the capital programme that has been approved by the relevant person in accordance with the Financial Procedure Rules and the Budget and Policy Framework.

**"Director of Finance"** - the Council's appointed Officer under section 151 of the Local Government Act 1972 and who is responsible for the proper administration of the Council's financial affairs. Also referred to as the Section 151 Officer, the Director of Finance's role is independent and reports to Council. This role can also be fulfilled by another employee where authorised by the Director of Finance to act on their behalf.

**"Budget"**– the Council's plan for a given financial year, expressed in financial terms. This includes all revenue and capital expenditure of all funds, whether presented collectively or separately.

**"Budget Manager"** – an employee of the Council (usually a Service Director, Head of Service or Manager) who is held responsible and accountable for a part of the Council's expenditure (and, where applicable, income), and who has delegated authority to make certain decisions about expenditure as set out in these Rules.

**"Capital Scheme"** – a project or group of projects identified in the approved budget for the capital programme.

“Employee” – a person with a contract of employment with the Council, or a person employed on an interim or agency basis to carry out equivalent duties.

“Money Laundering Reporting Officer” – the employee designated under the Council’s Anti-Money Laundering Policy and Procedures.

“Person” – a Councillor or employee of the Council, or an individual acting as if they were an employee of the Council, or a group of Councillors, employees or such individuals.

“Provision” – an amount of money set aside by the Council in respect of a future requirement to transfer resources, arising from one or more past events, where the timing or amount of that transfer is not known with certainty.

“Reserve” – an amount of money set aside voluntarily by the Council to fund or partially-fund future expenditure plans.

“Virement” – a transfer of budget from one service or capital scheme to another.

### **Financial Administration and Control Responsibilities**

1. The Cabinet (Resources) Panel shall be responsible for overseeing the execution of financial policy, financial administration and control in the Council, and for supervising the provision of financial services, all subject to direction from the Council and Cabinet.
2. The Section 151 Officer shall be responsible for each of the following:
  - a. advising on the interpretation of and monitoring compliance with the Financial Procedure Rules;
  - b. financial training for all Councillors and employees in the Financial Procedure Rules and associated financial arrangements;
  - c. overseeing professional financial training, standards and ethics;
  - d. liaison with the Council’s external auditors on all matters relating to the Council’s financial arrangements

## **1.2 BUDGETS AND EXPENDITURE**

### **Expenditure**

1. No person shall commit the Council to any expenditure unless that expenditure is included in the approved budget without prior approval of the Section 151 Officer
2. No Councillor shall commit the Council to any expenditure, except when acting as a group named within these Rules (or under appropriate delegation) and in accordance with these Rules.
3. No person shall commit the Council to expenditure on any of the following:

- a. a service or capital scheme not individually identified in the approved budget;
  - b. grants to any outside organisation or individual not individually identified in the approved budget unless approved by Cabinet (Resources) Panel where specific criteria are met.
4. Where the Council makes payment of one or more grants to a third party, the responsible Budget Manager shall ensure that procedures are in place regarding appropriate accounting records and delivery of agreed outputs. The Budget Manager shall make clear to the recipient that the Council retains the right to claw back monies where such procedures are not adequately observed.

### **Budget Preparation**

1. The budget shall be prepared in accordance with the Budget and Policy Framework Procedure Rules.
2. Each year, the Cabinet shall determine strategic guidelines for the following year's budget.
3. The budget shall be prepared in accordance with the Cabinet's strategic guidelines, and any guidance issued by or on behalf of the Section 151 Officer.
4. The Cabinet shall determine a recommended budget, which it will report to the Council in accordance with statutory timescales, and no later than March of the preceding financial year. This will include recommendations on Council Tax, housing rents, and other equivalent items of income. In the case of capital budgets, recommended budgets may be put to Council by Cabinet (Resources) Panel.
5. Before submitting its recommended budget to Council, the Cabinet shall refer it to the appropriate Scrutiny Panels and to public consultation, allowing sufficient time to reconsider and if appropriate revise it prior to submitting it to Council.
6. Following approval of the budget by Council, the Section 151 Officer shall prepare and issue a Budget Book, presenting the approved budget in a suitable format.

### **Budget Managers**

1. For each service and capital scheme for which he/she is responsible, each Strategic Director shall nominate an individual named employee to be responsible and accountable for the expenditure and income of that service. This named employee shall be the 'Budget Manager' for that service.

2. Each Strategic Director shall notify the Section 151 Officer of the Budget Manager(s) for his/her services and capital schemes and their nominated delegates in case of absence.
3. The Section 151 Officer (or his/her delegate) shall maintain the definitive record of Budget Managers.
4. In the event of a Budget Manager ceasing to be employed by the Council, the Strategic Director shall identify a new Budget Manager(s) for the services and capital schemes in question immediately. This and all other changes in Budget Manager responsibilities shall be notified to the Section 151 Officer immediately.
5. The Budget Manager shall be delegated responsibility to incur expenditure within the limit set for that service or capital scheme in the approved budget; and be held responsible for the generation of the service or capital scheme income included in the approved budget.
6. Directors, Budget Managers and all employees that they nominate to process transactions on their behalf are responsible for complying with the requirements of Agresso.

### **Budget Monitoring**

1. Budget Managers, in liaison with the Section 151 Officer (or his/her delegate) shall monitor their expenditure and income, with reference to their budget, on an ongoing basis.
2. It shall be the responsibility of Budget Managers to obtain the appropriate information, in the appropriate timescales, to enable them to fulfil their responsibilities under these Rules.
3. If it appears that a Budget Manager is likely to exceed the revenue budget of one of his/her services he/she shall raise this with the Section 151 Officer (or his/her delegate) and take corrective action at the earliest opportunity.
4. If it appears that a Budget Manager is likely to exceed the annual or total budget of one of his/her capital schemes he/she shall raise this with the Section 151 Officer (or his/her delegate) and take corrective action at the earliest opportunity.
5. If, in a given financial year, the net expenditure for a revenue service is greater than that included in the approved budget, and the level of over spend exceeds a threshold determined by the Section 151 Officer, or the Section 151 Officer otherwise requests it, the Budget Manager for that service shall submit a report to the Cabinet (Resources) Panel explaining why the over spend has occurred and what actions have been or will be taken to prevent a recurrence of that over spend.

6. If the total expenditure for a capital scheme is greater than that included in the approved budget, and the level of over spend exceeds a threshold determined by the Section 151 Officer, or the Section 151 Officer otherwise requests it, the Budget Manager for that capital scheme shall submit a report to the Cabinet (Resources) Panel explaining why the over spend has occurred and what actions have been or will be taken to prevent similar over spends on other capital schemes. The approved budget is taken to be the total budget over the time frame included in the capital programme.
7. If the Section 151 Officer considers that the consequences of any such forecast over spend are material to the finances of the Council, or any fund of the Council, he/she shall submit a report to the Cabinet explaining the circumstances.
8. Budget monitoring reports shall be submitted to the Cabinet (Resources) Panel, co-ordinated by the Section 151 Officer, on a regular basis. These shall include forecasts for the current year, and separate identification of, and explanation for, all forecast variances against the approved budget in excess of £100,000 (whether favourable or adverse).

### **Outturn**

1. The Section 151 Officer shall submit a report to the Cabinet (Resources) Panel setting out the Council's outturn within four months of the financial year end.
2. Where carry forwards of unused revenue budget from one financial year to another are permitted only with the approval of the Section 151 Officer, and shall be reported to the Cabinet (Resources) Panel along with the outturn for the year in question.
3. The Section 151 Officer shall be responsible for determining the method of financing of capital schemes.

### **Emerging Financial Liabilities**

1. If a Strategic Director or Budget Manager believes that the Council may have a financial liability which is not provided for in the approved budget or an existing provision or reserve, he/she shall bring this to the attention of the Section 151 Officer immediately.

### **Virements**

1. Budget Managers shall be delegated the authority to action in-year virements of budget only where all of the following apply:
  - a. the total value of the virement does not exceed £50,000\*;
  - b. the virement is to an existing service or capital scheme identified in the approved budget;



- c. the Budget Managers of both services or capital schemes have approved the virement;
- d. the Section 151 Officer (or his/her delegate) has approved the virement;
- e. the virement would not result in an overall increase in the budget of the general fund, the housing revenue account or the capital programme;
- f. in the case of revenue budgets, the virement is within one of the following groups of headings:
  - (i) Employees;
  - (ii) All other controllable expenditure.
- g. the virement does not relate to the payment of grants to any outside organisation or individual
- h. virements to or from the budget have not been disallowed under the Virement Responsibilities paragraphs below.

\* This limit is to be applied to the full-year equivalent budget, to the increase in gross expenditure or income (whichever is greater), and at service or capital scheme level.

### **Virement Responsibilities**

- 1 The Section 151 Officer shall be delegated the authority to action in-year virements of budget where the virement reflects a transfer of management responsibility, with no other changes in the objective or nature of the expenditure and income in question. In these circumstances, none of the conditions set out in the Virements section above shall apply, except (d) and (e).
- 2 Where Council have approved a budget for a capital programme on a non-specific basis, the Cabinet (Resources) Panel shall have delegated authority to approve the allocation of this capital budget to individual capital schemes.
- 3 All virements approved under the Virements section above shall be reported to the Cabinet (Resources) Panel on a regular basis, in a format considered suitable by the Section 151 Officer.
- 4 All other virements must be approved by the Cabinet (Resources) Panel. Approval must be sought by submission of a written report to the Panel, setting out the amounts requested and the reason why the virement is required.
- 5 Virements made under the Virements section above shall be regarded as having changed the approved budget accordingly.
- 6 Council, Cabinet or Cabinet (Resources) Panel may disallow virements to or from a budget heading for the purposes of the Virements section above.

**Supplementary Budgets**

- 1 An overall increase or decrease in the Council's total budget, or the budget of the general fund, housing revenue account, or capital programme when considered separately, must be approved by Council (subject to the paragraph below).
- 2 Where all of the following apply, an overall increase or decrease in the Council's total budget may be approved by Cabinet and not require the approval of Council:
  - (i) There is no increase or decrease in the net budget;
  - (ii) New or additional external income has been identified which was not included in the approved budget;
  - (iii) Such income has conditions attached by the person providing the income that constrain its possible range of uses;
  - (iv) The Section 151 Officer agrees that approval may be granted by Cabinet.
3. Where approval to a supplementary budget is sought for the purpose of grant payment to an outside organisation or individual, this should be explicitly identified in the Cabinet report and approval.

**Payment of Grants to an Outside Organisation or Individual.**

1. No person shall commit the Council to expenditure on grants to any outside organisation or individual not individually identified in the approved budget.
2. Where a payment of grant is not individually identified in the approved budget, the Cabinet (Resources) Panel shall have delegated authority to approve the payment of grants to individual recipients, only where all of the following apply:
  - (a) there is an appropriate heading in the approved budget;
  - (b) such heading clearly refers to payment of grants, but not to specific recipients.
3. Where new external funding is received for the purpose of payment of grant to an outside organisation or individual, approval should be sought to this payment through the supplementary budget process.

**Fees and Charges**

- 1 All fees and charges within the Council's control, influenced by or associated with the Council, shall be approved by the Cabinet (Resources) Panel.
- 2 The Section 151 Officer shall prepare, not less than once in any twelve month period, a comprehensive fees and charges report to the Cabinet (Resources) Panel. This shall include recommendations on revisions to all fees and charges within the Council's control, influenced by or associated with the

Council (with the exception of fees and charges relating solely to the Housing Revenue Account). This shall include reference to all relevant fees and charges for which no change is proposed.

- 3 All fees and charges shall take into account the full costs of the service in question, including recharges for support services and capital charges, subject to any approvals under paragraph 6.
- 4 All fees and charges shall be fully reviewed at least once in any twelve month period.
- 5 At the point of review, all fees and charges shall take into account the increase (expressed in percentage terms) in the estimated costs of the service in question (taken over the forthcoming twelve months), subject to any approvals under paragraph 6.
- 6 Any deviation from paragraphs 3 or 5 shall in itself require the approval, on an individual fee or charge basis, of Cabinet (Resources) Panel.
- 7 In considering whether to grant an approval, the Cabinet (Resources) Panel shall consider the following factors: underlying cost and the extent of cost recovery and or subsidy, comparison with other providers of similar or equivalent services, affordability and effect on demand, as well as any other relevant considerations.
- 8 All fees and charges shall be approved on a VAT-exclusive basis.
- 9 The Section 151 Officer (or his/her delegate) shall maintain a register of all fees and charges currently receivable by, influenced by or associated with the Council.

### **Revenue Contributions to Capital Outlay (RCCOs)**

- 1 No employee shall commit to the use of revenue resources to finance capital expenditure, nor make an entry in the accounts to reflect such use, without the prior and specific approval of the Section 151 Officer.
- 2 In the above paragraph, 'revenue resources' include amounts that are held in reserves, having been previously transferred from a revenue account.

### **Accounting**

- 1 The Section 151 Officer shall determine the Council's accounting policies, and, where appropriate, estimation techniques.
- 2 The Section 151 Officer shall prepare the Council's annual financial statements in accordance with statutory requirements and other proper practice.
- 3 The Audit Committee shall approve the Council's financial statements.

- 4 The Section 151 Officer shall ensure that the Council complies with relevant tax legislation, and that the Council maintains adequate accounting records in respect of its tax affairs.
- 5 No employee shall undertake accounting duties unless that employee falls within the span of control of the Section 151 Officer, according to the organisational structure in place at the time. For the purposes of this paragraph, 'employee' includes individuals acting as if they were an employee of the Council.
- 6 For the purposes of the above paragraph, accounting duties shall be taken to include, but not be limited to: providing financial advice to Councillors and employees; preparing budgets; preparing financial information to be used in budget monitoring; preparing financial forecasts (except where that employee is a Budget Manager and is acting in that role). It shall not be taken to include making entries in the accounts and is not intended to prevent Budget Managers discussing relevant financial matters with Councillors when carrying out their service management responsibilities.
- 7 The application of 5 and 6 do not apply to the Pensions Committee activities, but any arrangements are subject to approval of the Council's Section 151 Officer.

### **Accounting Records**

- 1 The Section 151 Officer will designate the software packages that shall be the Council's definitive accounting record.
- 2 For the purposes of this section, 'accounting record' shall be taken to mean the record of all of the following: actual expenditure and income; commitments; forecast expenditure; the approved budget; balances; cash flows.
- 3 No other accounting records shall be created or maintained, except with the approval of the Section 151 Officer.
- 4 Any person entering data into the definitive accounting record (whether directly or by way of one of its feeder systems) shall be responsible for ensuring the accuracy of that data, including the correct coding.
- 5 Coding of transactions shall always reflect the objective and nature of the expenditure or income in question.
- 6 All accounting records shall be retained in line with the current corporate policy and guidance for document retention, or longer if instructed by the Section 151 Officer (or his/her delegate).

- 7 The Section 151 Officer (or his/her delegate) shall be responsible for ensuring that access to the accounting system is controlled and restricted appropriately.

### **Grants**

- 1 No person shall apply for a grant on behalf of the Council without the prior approval of the Section 151 Officer.
- 2 No person shall commit the Council to any expenditure intended to be funded by grant until that grant has been formally confirmed by the grant provider and a supplementary budget has been approved.
- 3 Budget Managers shall be responsible for ensuring that grant conditions are met and appropriate records maintained in support of grant claims. The Section 151 Officer shall determine the format and contents of records to be maintained.
- 4 The Section 151 Officer (or his/her delegate) shall maintain a register of all grants receivable by the Council.

### **Leasing Arrangements**

- 1 No person shall enter into, or commit to enter into, a leasing arrangement or a lease-type arrangement without the prior approval of the Section 151 Officer.
- 2 The financial limits in the Contract Procedure Rules for approving and reporting on contracts apply to the approval and reporting of leases.

### **Treasury Management and Financing**

- 1 No person shall do, or commit to do, any of the following without the prior approval of the Section 151 Officer:
  - (i) lend or borrow funds under the control of or due to the Council;
  - (ii) enter into any credit agreement;
  - (iii) enter into an arrangement that is or may be classed as a loan at nil interest;
  - (iv) enter into a financial guarantee;
  - (v) enter into any transactions involving financial futures, swaps, options, hedging and other similar financial instruments;
  - (vi) take any course of action that would give rise to a financial asset or liability of the Council except where this is in the course of delivering services or capital schemes included in the approved budget and it is in accordance with the other requirements of this paragraph.
- 2 All investments of money under the Council's control shall be made in the name of the Council or the name of nominees approved by the Cabinet (Resources) Panel or Pensions Committee as appropriate.

- 3 All securities and the title deeds of all property in the ownership or name of the Council or its nominees shall be held in custody of the Director of Governance.
- 4 All borrowing shall be carried out in the name of the Council by the Section 151 Officer and only he/she is authorised to invest any surplus funds under arrangements approved by the Cabinet (Resources) Panel or Pensions Committee.
- 5 The Section 151 Officer shall be the Council's registrar of stocks, bonds and mortgages and shall maintain records of all borrowing of money by the Council.
- 6 All employees acting as trustees by virtue of their official position shall deposit all securities, etc., relating to the trust with the Director of Governance unless the deed otherwise provides.
- 7 The Council has adopted the CIPFA Code on Treasury Management in the Public Services. In accordance with this, the Section 151 Officer shall submit to both the Council and Cabinet (Resources) Panel:
  - (i) an annual report on the strategy and plan to be pursued in the coming year;
  - (ii) a mid-year review;
  - (iii) an annual report on the performance of the treasury management function, on the effects of the decisions taken and the transactions executed in the past year, and on any circumstances of non-compliance with the Council's treasury management policy statement and treasury management practices.
  - (iv) regular monitoring reports on treasury management activities and risks.
- 8 The reports set out above shall include reports on the Council's treasury management indicators and prudential indicators.
- 9 The Council shall approve the prudential indicators for the Council.
- 10 The Section 151 Officer shall prepare and maintain the Council's treasury management policy and practices.
- 11 The Cabinet (Resources) Panel shall be responsible for scrutiny of the Council's treasury management policies and practices.

### **Provisions and Reserves**

- 1 The Section 151 Officer shall be responsible for advising Councillors on the Council's policy on provisions and reserves.
- 2 No provisions or reserves shall be established or dissolved without the prior agreement of the Section 151 Officer and approval by Cabinet (Resources) Panel.

- 3 No money shall be transferred to or from provisions or reserves without the prior agreement of the Section 151 Officer and approval by Cabinet (Resources) Panel.
- 4 Budget Managers, in conjunction with the Section 151 Officer (or his/her delegate) shall review all provisions and reserves relating to their services for adequacy and relevance, both at the financial year end and as part of the budget preparation process.
- 5 The Section 151 Officer shall determine, in conjunction with the Cabinet, an appropriate level of general reserves as part of the budget preparation process, and shall advise the Council on the adequacy of the proposed level of reserves (in accordance with the requirements of section 25 of the Local Government Act 2003).

### **Medium Term Financial Forecasts**

- 1 The Section 151 Officer, in conjunction with Budget Managers, shall prepare medium term financial forecasts, spanning a period of no less than three future financial years, at regular intervals. These shall be reported to the Cabinet.

### **Reporting to Councillor Meetings**

- 1 All reports, with financial implications, to the following Councillor meetings must be submitted to the Section 151 Officer (or his/her delegate) prior to the meeting at which the report is to be received, allowing reasonable time for him/her to consider the report.
  - Council
  - Cabinet and Cabinet Panels
  - Scrutiny Board and Scrutiny Panels
  - Audit Committee
- 2 Any proposal included in a report to a Councillor meeting that has or could have financial implications must clearly state the actual financial implications if known; or a best estimate if not known; or an explanation of why an estimate cannot be provided.
- 3 All financial implications in any report to a Councillor meeting must be approved by the Section 151 Officer (or his/her delegate) prior to inclusion in the agenda papers.
- 4 The report must also include a statement of the headings within the approved budget on which those financial implications would impact. This should be clearly referenced to headings in the approved budget.
- 5 Financial implications must be evaluated in accordance with the budget guidelines existing at the time.

- 6 Reports with inadequate financial implications may be withdrawn from the agenda at the discretion of the Section 151 Officer.

**Bad Debt Write Offs**

- 1 Debt recovery will be pursued in accordance with the Council's current Debt Management and Anti-Poverty policies.
- 2 For invoices raised before 1 April 2014:
  - (i) The Section 151 Officer shall have delegated authority to write off sums due to the Council against the corporate bad debt provision where the sum due is less than £5,000 and the Section 151 Officer believes that there is negligible prospect of recovery.
  - (ii) Where the sum due is more than £5,000 the Section 151 Officer shall recommend to Cabinet (Resources) Panel whether the sum is to be charged to the corporate bad debts provision
  - (iii) The Section 151 Officer shall have delegated authority to write off sums due to the Council against the corporate bad debt provision regardless of value in cases of bankruptcy and liquidation.
- 3 For invoices raised after 1 April 2014:
  - (i) The Section 151 Officer shall have delegated authority to write off sums due to the Council against the originating budget code where the sum due is less than £5,000 and the Section 151 Officer believes that there is negligible prospect of recovery.
  - (ii) The Section 151 Officer is the final arbiter if the Budget Manager disputes the write-off against the originating budget code.
  - (iii) Where the sum due is more than £5,000 the Section 151 Officer shall recommend to Cabinet (Resources) Panel whether the sum is to be charged to the originating budget code or the corporate bad debts provision.
  - (iv) The Section 151 Officer shall have delegated authority to write off sums due to the Council against the corporate bad debt provision regardless of value in cases of bankruptcy and liquidation.
- 4 All write-offs shall be reported to the Cabinet (Resources) Panel on a regular basis, in a format determined by the Section 151 Officer.
- 5 All recommendations by the Section 151 Officer for write offs of sums above £5,000 against the corporate bad debt provision or the originating service budget must be approved by the Cabinet (Resources) Panel on a regular basis throughout the year. Approval should be sought by submission of a written report to the Panel, setting out the amounts to be written off and the reason why writing off is considered to be an appropriate course of action, on an individual account basis.



### **1.3 INTERNAL AUDIT**

- 1 The Section 151 Officer shall ensure that an adequate and effective internal audit of all Council activities is carried out in accordance with the most recent CIPFA Statements on Internal Audit Practice and relevant legislation.
- 2 For audit purposes, the Section 151 Officer, Head of Audit Services or their authorised representative shall be entitled, without necessarily giving prior notice, to require and receive:
  - a. access to any records (both computer and manual), documents and correspondence relating to any financial or other relevant transactions, including documents of a confidential nature.
  - b. access at all times to any Council premises or land, where land or premises are in the control of a contractor such access shall be in accordance with the contract;
  - c. the production or identification by any employee of any cash, stores, or other property belonging to the Council, under the employee's control;
  - d. explanations concerning any matter under examination.
- 3 Wherever any matter arises which involves actual or potential financial irregularities, misappropriations or indications of corruption, the Section 151 Officer and/or Head of Audit Services should be notified immediately and he/she shall take such action as he/she considers necessary by way of investigation, report and referral to the Police. The Section 151 Officer and/or Head of Audit shall, where necessary, consult with the Director of Governance concerning referral to the Police and notify the Head of Paid Service and the Council's external auditor in significant cases of fraud or corruption.
- 4 The Head of Audit Services shall produce audit reports as appropriate, and when an audit report is issued, the Strategic Director(s) concerned shall respond in writing on any recommendations made without delay

### **1.4 OFFICIAL ORDERS AND PAYMENT OF ACCOUNTS**

#### **Official Orders**

- 1 Official requisitions, orders and goods received notifications shall be in a form agreed by the Section 151 Officer, and the Council's corporate computerised ordering and payments system(s) must be used when procuring work, goods and services.
- 2 Each Strategic Director shall determine the list of employees authorised to operate the Council's corporate computerised ordering and payments system(s) in his/her service group.

- 3 **Official orders must be issued for all work, goods or services to be supplied to the Council subject to any exceptions as the Section 151 Officer may approve individually.**
- 4 Official Orders shall not be issued unless there is provision for the expenditure in an approved budget or a supplementary budget has been approved, and the appropriate action taken to conform with these Rules and the Contract Procedure Rules.
- 5 Where corporate contracts exist for the provision of work, goods or services they must be used. Any departure from these arrangements where a contract exists shall only be made where the appropriate Budget Manager in consultation with the Head of Procurement considers there are specific advantages to be obtained from using alternative arrangements.
- 6 Urgent orders may be given over the telephone, facsimile or other communication methods where exceptions have been agreed with the Section 151 Officer.
- 7 Orders requiring a number of deliveries or service calls over a period of time, shall be for a maximum duration of twelve months from the date the order is placed. If required, a new order shall be placed for each and every subsequent twelve month period.
- 8 Budget Managers and authorised employees must comply with the council's current policy and procedures for use of purchasing cards and any associated guidance issued by the Head of Procurement,

### **Payment Of Accounts**

- 1 **Where an order is required and no such order has been raised, payment will not be made.**
- 2 Apart from petty cash and any exceptional payments agreed by the Section 151 Officer, the method of payment of sums due from the Council shall be by electronic means, drawn on the Council's bank accounts, or by cheque.
- 3 Approval of Discretionary Housing Benefit payments is delegated to the Head of Revenues and Benefits

### **1.5 FINANCIAL ARRANGEMENTS FOR CONTRACTS**

- 1 **All contracts on behalf of the Council must be arranged and executed in accordance with the Contract Procedure Rules.**
- 2 Payments on account to contractors for works contracts shall be authorised only on a suitable Certificate signed by the Budget Manager (or their nominee) which shall show the total amount of the contract and value of the work executed to date, retention money, amounts paid to date, and the amounts now certified.

- 3 Where a contract provides for payments to be made by instalments, a cost plan shall be prepared by the appropriate Budget Manager for such contracts and payments monitored against that plan. If it appears at any time that any approved contract cost will be exceeded due either to significant variations of either specification or price, a report setting out the circumstances and the revised estimated contract cost shall be submitted to the Cabinet as soon as possible.
- 4 The final certificate for a contract (as determined in the Contract Procedure Rules) shall not be passed for payment until the responsible Budget Manager (or their nominee) has prepared a summary statement and reconciliation of the contractor's final account and has notified the Section 151 Officer who may wish to examine it. In the event of an examination taking place, the Section 151 Officer shall be entitled to receive such further supporting documentation and explanation as may be necessary.
- 5 All contracts involving special financing arrangements shall be arranged by the Section 151 Officer in consultation with the Director of Governance.
- 6 Directors, Budget Managers and all employees that they nominate to process transactions on their behalf are responsible for complying with the requirements of the Council's computerised procurement and payment system(s).

## **1.6 SALARIES, WAGES, PENSIONS AND ALLOWANCES**

- 1 **These Rules must be read in conjunction with the Council's current human resources policies and procedures.**
- 2 The payment of all salaries, wages, pensions, compensation and other emoluments to all employees or former employees of the Council together with payments of pensions and other associated payments from the West Midlands Metropolitan Authorities Pension Fund shall be made by, or under arrangements approved by the Section 151 Officer.
- 3 Each Budget Manager shall ensure that adequate budget funds exist before establishing new posts or committing to additional salary or expense costs.
- 4 Each Budget Manager shall update the Council's computerised human resources and payroll system(s) without delay with all matters affecting employee pay, and in particular:-
  - a. Establishing new posts, appointments, resignations, dismissals, suspensions, secondments and transfers;
  - b. Absences from duty for sickness or other reasons, including approved leave;
  - c. Approved changes in remuneration, other than normal increments and pay awards

- d. Information necessary to maintain records of service for pensions, income tax, national insurance and other relevant matters.
- 5 Appointments and promotions of all employees shall be made in accordance with approved policies and practices of the Council and the approved establishments, grades and rates of pay.
- 6 Budget Managers are responsible for ensuring that all time records or other pay documents, and all claims for payment of car allowances, subsistence allowances, travelling and incidental expenses are consistent with the post holder's terms and conditions of employment and current Council policy.
- 7 All travel and expense claims must be evidenced by a receipt; failure to provide a receipt will result in the claim being rejected.
- 8 All claims for mileage should be accompanied by a VAT receipt.
- 9 Except with the approval of the Section 151 Officer all employees and pensioners will be paid by direct credit to a bank or building society account.
- 10 No payment will be made to an individual employed on an interim or consultancy basis through the computerised ordering and payment system until the Budget Holder has seen evidence that they:-
  - a. have a unique income tax record; or
  - b. are employed through an established employment agency.
- 11 Payment claims shall be made up to a specified day of each month. Late claims may be refused for payment unless the reason for the delay is exceptional.
- 12 The authorisation of transactions shall be taken to mean that the authorising Budget Manager is satisfied that the claims relate to authorised activities and any expenses claimed have been properly incurred, which should be evidenced with a receipt.
- 13 Directors, Budget Managers and all employees that they nominate to process transactions on their behalf are responsible for complying with the requirements of the Council's computerised human resources and payroll system(s).

## **1.7 BANKING ARRANGEMENTS**

- 1 Under the general direction of the Cabinet (Resources) Panel all arrangements with the Council's bankers shall be made by or approved by the Section 151 Officer who shall be authorised to operate such bank accounts as he/she may consider necessary. No new bank account shall be opened for Council purposes without the approval of the Section 151 Officer.

- 2 Supplies of all bank stationery and bank cards shall be ordered only by the Section 151 Officer (or his/her delegate) who shall also make proper arrangements for their safe custody.
- 3 Cheques drawn on any of the Council's bank accounts shall bear the facsimile signature of the Section 151 Officer.
- 4 The Cabinet (Resources) Panel shall determine the scale of charges for payment by electronic payment cards

### **1.8 IMPREST AND PETTY CASH ACCOUNTS**

- 1 The Section 151 Officer shall provide imprest accounts if considered appropriate for Budget Managers for the purpose of defraying petty cash and other expenses. Proper records of account in a form prescribed by the Section 151 Officer must be maintained by the Budget Manager (or their nominee) and reconciliations must be carried out on a regular basis.
- 2 Where appropriate, the Section 151 Officer may open bank accounts for use by imprest holders who shall ensure that such accounts do not become overdrawn. It shall be a standing instruction to the bank that duplicate copies of bank statements shall be submitted direct to the Section 151 Officer for monitoring purposes.
- 3 No income received on behalf of the Council may be paid into an imprest account, but must be banked or paid to the Council as provided elsewhere in these rules. No personal cheques are to be encashed from imprest accounts.
- 4 Payments shall be limited to items of expenditure of low value as defined by the Section 151 Officer.
- 5 VAT and other receipts for petty cash expenditure shall be obtained when possible and retained by the Budget Manager. Directors shall maintain a list of employees authorised to certify claims from petty cash together with specimen signatures.
- 6 Budget Managers responsible for imprest accounts shall, if so requested, provide to the Section 151 Officer a certificate as to the state of that account.
- 7 On leaving the employment of the Council or otherwise ceasing to be entitled to hold an imprest advance, the imprest holder shall account to their Strategic Director for the amount originally advanced.
- 8 Directors, Budget Managers and all employees that they nominate to process transactions on their behalf are responsible for complying with the requirements of the Council's computerised income management and payment system(s).

## **1.9 INCOME AND DEBT RECOVERY**

- 1 The Section 151 Officer shall approve the arrangements for the collection and banking of all money due to the Council.
- 2 Each Budget Manager shall ensure the prompt raising of debtor accounts for the recovery of income due in accordance with arrangements approved by the Section 151 Officer.
- 3 All items of stationery used in connection with the collection and recording of income shall be in a format specified by the Section 151 Officer, or under approved arrangements. The Section 151 Officer will determine the arrangements for their control.
- 4 All money received on behalf of the Council shall, without delay, be paid directly into the relevant Council bank account. No deduction may be made from such money without the written approval of the Section 151 Officer.
- 5 Personal cheques shall not be encashed through the Council's bank accounts unless under a scheme approved by the Section 151 Officer.
- 6 Every transfer of official money from one employee to another will be evidenced in the records of the responsible service group(s) by the signature of the receiving employee.
- 7 **All employees receiving cash on behalf of the Council must ensure that they comply with the Council's Anti-Money Laundering Policy and Procedures.**
- 8 All individual cash payments receipted by the Council, in excess of the limit specified in the Anti-Money Laundering Policy, shall be reported to the Council's Money Laundering Reporting Officer.
- 9 All income streams in excess of £25,000 that were not included in the approved budget shall be reported to the Section 151 Officer at the earliest opportunity.
- 10 All invoices due for payment to the Council must be raised through the computerised debt recovery system(s).
- 11 The Section 151 Officer shall determine the payment terms for invoices.
- 12 No early repayment discounts will be offered, unless authorised by the Cabinet (Resources) Panel, who will determine the level(s).
- 13 The minimum value for the issue of invoices and payment reminders is to be set by the Section 151 Officer.

- 14 The Director of Governance shall determine on the basis of each specific case, whether legal action is to commence against a debtor through the County Court for non-payment of an invoice due to the Council.
- 15 The Director of Governance shall agree with the Section 151 Officer the amount of interest to be charged and added to the amount due, when legal action commences.
- 16 The Director of Governance shall agree, with the Section 151 Officer, the level of costs incurred as a result of legal action that are to be borne by the debtor.
- 17 Directors, Budget Managers and all employees that they nominate to process transactions on their behalf are responsible for complying with the requirements of the Council's computerised income management and debt recovery system(s).

### **Bad Debt Write Offs**

- 1 Debt recovery will be pursued in accordance with the Council's current Debt Management and Anti-Poverty policies.
- 2 For invoices raised before 1 April 2014
  - (i) The Section 151 Officer shall have delegated authority to write off sums due to the Council against the corporate bad debt provision where the sum due is less than £5,000 and the Section 151 Officer believes that there is negligible prospect of recovery.
  - (ii) Where the sum due is more than £5,000 the Section 151 Officer shall recommend to Cabinet (Resources) Panel whether the sum is to be charged to the corporate bad debts provision
  - (iii) The Section 151 Officer shall have delegated authority to write off sums due to the Council against the corporate bad debt provision regardless of value in cases of bankruptcy and liquidation
- 3 For invoices raised after 1 April 2014:
  - (i) The Section 151 Officer shall have delegated authority to write off sums due to the Council against the originating budget code where the sum due is less than £5,000 and the Section 151 Officer believes that there is negligible prospect of recovery.
  - (ii) The Section 151 Officer is the final arbiter if the Budget Manager disputes the write-off against the originating budget code.
  - (iii) Where the sum due is more than £5,000 the Section 151 Officer shall recommend to Cabinet (Resources) Panel whether the sum is to be charged to the originating budget code or the corporate bad debts provision
  - (iv) The Section 151 Officer shall have delegated authority to write off sums due to the Council against the corporate bad debt provision regardless of value in cases of bankruptcy and liquidation

- 4 All write-offs shall be reported to the Cabinet (Resources) Panel on a regular basis, in a format determined by the Section 151 Officer.
- 5 All recommendations by the Section 151 Officer for write offs of sums above £5,000 against the corporate bad debt provision or the originating service budget must be approved by the Cabinet (Resources) Panel on a regular basis throughout the year. Approval should be sought by submission of a written report to the Panel, setting out the amounts to be written off and the reason why writing off is considered to be an appropriate course of action, on an individual account basis.

### **1.10 STORES AND STORES ACCOUNTING**

- 1 It shall be the responsibility of Budget Managers to ensure that there is proper care and custody of the stocks and stores in their service groups and to ensure that all receipts and issues are properly recorded on the official records.
- 2 Stocks held shall not be in excess of normal operational requirements, except in special circumstances with the approval of the Cabinet (Resources) Panel.
- 3 Budget Managers shall, unless other arrangements are agreed with the Section 151 Officer, arrange for continuous or periodical physical stocktaking of stocks by persons independent of storekeeping or stores accounting and shall ensure that all stocks are checked at least once in every year. Any significant differences revealed on items of stock when a comparison is made between physical and book stock shall be reported by the Budget Manager to the Section 151 Officer in order that the appropriate adjustment may be made in the accounts.
- 4 Stores deemed to be surplus to requirements and saleable old materials shall not be disposed of except on written authority of the responsible Budget Manager. Sales of such items shall be made in accordance with these Rules.
- 5 Budget Managers shall supply the Section 151 Officer with such information as is required in relation to stores for accounting and costing purposes and a certificate of the stock held, as at the 31 March each year.
- 6 Budget Managers shall instigate such systems of identification marking as practicable in order to deter theft and make recognition possible.

### **1.11 INVENTORIES**

- 1 Inventories shall be kept by Budget Managers in every service group in a form approved by the Section 151 Officer.



- 2 Inventories shall record all items as specified by the Section 151 Officer. Where there are desirable items these should be recorded in inventories irrespective of price.
- 3 Inventory items should be recorded in inventories immediately on receipt, and where it is appropriate they shall be clearly and permanently marked as the property of the Council.
- 4 It shall be the responsibility of each Budget Manager to ensure that at least an annual verification of the inventory is made and the responsible employee shall certify the fact on the inventory record. Differences shall be dealt with as in the case of stores, and any action taken shall be recorded in the inventories.
- 5 The Council's property shall not be removed otherwise than in accordance with the ordinary course of the Council's business or used otherwise than for the Council's purposes, except in accordance with specific directions issued by the responsible Budget Manager. Sales of such items shall be made in accordance with these Rules

## **1.12 INSURANCES**

- 1 The Section 151 Officer shall effect all insurance cover.
- 2 The Section 151 Officer shall handle and negotiate all insurance claims, in consultation with Budget Managers where necessary.
- 3 Budget Managers shall give prompt notification to the Section 151 Officer of all new risks, new assets which require to be insured and any alterations affecting existing insurances.
- 4 Budget Managers must as soon as possible notify the Section 151 Officer in writing of any loss, liability or damage or any event likely to lead to a claim and take such other action without delay as may be necessary to satisfy any policy conditions. In the case of fire claims likely to exceed the current limit as specified by the Section 151 Officer, the Section 151 Officer should be notified immediately to arrange the appointment of a loss adjuster. The Council's approved procedures for handling insurance claims together with target times for completion should always be followed.
- 5 The Section 151 Officer shall annually, or at such other period as he/she may consider necessary, review all insurances in consultation with Budget Managers as appropriate. Budget Managers should ensure that they have maintained accurate schedules of equipment to be insured.
- 6 Budget Managers shall consult the Section 151 Officer and the Director of Governance regarding the terms of any indemnity which the Council is requested to give.

- 7 Budget Managers shall keep suitable records to ensure that the inspections of engineering plant under their control, which is normally inspected by an insurance company, are carried out by the company within the periods prescribed by the relevant legislation. In the event of any failure by the insurance company to carry out the inspection within the prescribed periods, the Section 151 Officer shall be notified.

### **1.13 SECURITY**

- 1 Budget Managers are responsible for maintaining proper security at all times for all buildings, stocks, stores, furniture, equipment, cash, etc. under their control. Each Budget Manager shall consult the Section 151 Officer in any case where security is thought to be defective or where it is considered that special security arrangements may be needed.
- 2 Maximum limits for cash holdings shall not be exceeded without the express permission of the Section 151 Officer.
- 3 Keys to safes and similar receptacles are to be carried on the person of those responsible at all times; the loss of any such keys must be reported to the Section 151 Officer immediately.
- 4 Budget Managers are responsible for maintaining records of assets allocated to individual employees, using the council's computerised recording systems where instructed to do so.

### **1.14 SCHEDULE OF RESPONSIBILITIES**

#### **Council**

The Council shall:

- Determine the Budget and Policy Framework.
- Approve the following year's revenue budget
- Approve the following year and medium term budget for capital.
- Approve the following year's levels of Council Tax and housing rents.
- Approve expenditure over and above the total provided for in the current year's budget (supplementary budgets).
- Receive a Treasury Management strategy and plan for the coming year, a mid-year review of these, regular monitoring reports on current Treasury Management activity, and a retrospective report on Treasury Management activity for a financial year.
- Approve the Council's prudential indicators.
- Have the authority to disallow virements to or from a budget heading.

**Cabinet**

The Cabinet shall:

- Recommend an overall following year budget (both revenue and capital) to Council (see also 15 under Cabinet (Resources) Panel).
- Approve an overall increase or decrease in the Council's total budget, where certain conditions apply.
- Recommend the levels of Council Tax and housing rents to the Council.
- Determine strategic guidelines for the following year's budget.
- Determine a recommended budget, which it will report to the Council in accordance with statutory timescales, and no later than March of the preceding financial year.
- Refer the recommended budget to the appropriate Scrutiny Panels and to consultation, allowing sufficient time to reconsider and if appropriate revise it prior to submitting it to Council.
- Receive reports where there is a forecast over spend that is judged by the Section 151 Officer to be material to the finances of the Council.
- Determine the Council's policy on provisions and reserves
- Approve the establishment or disestablishment of provisions and reserves shall be established or dissolved
- Receive reports setting out the medium term forecast.
- Have the authority to disallow virements to or from a budget heading.
- Receive reports from the Section 151 Officer if he/she considers that the consequences of any forecast over spend are material to the finances of the Council.
- Disallow virements to or from a budget heading.
- Receive reports if it appears at any time that any approved contract cost will be exceeded due either to significant variations of either specification or price

**Cabinet (Resources) Panel**

The Cabinet (Resources) Panel shall:

- Be responsible for overseeing the execution of financial policy, financial administration and control in the Council, and for supervising the provision of financial services, all subject to direction from the Council and Cabinet.
- Where required, determine a recommended capital budget, which it will report to the Council in accordance with statutory timescales, and no later than March of the preceding financial year.
- Receive budget monitoring reports.
- Receive outturn reports.
- Receive notification of budget carry forwards approved by the Section 151 Officer.
- Approve the allocation of capital budgets to individual capital schemes, where those budgets were originally approved on a non-specific basis by Council.
- Approve the arrangements for investing any surplus funds
- Receive notification of virements approved by employees.
- Approve virements exceeding the limit set by the Section 151 Officer.
- Approve fees and charges.

- Approve deviations from the Council's standard approach to calculating fees and charges.
- Approve the list of organisations in which funds under the Council's control may be invested.
- Receive a Treasury Management strategy and plan for the coming year, a mid-year review of these, regular monitoring reports on current Treasury Management activity including treasury management and prudential indicators, and a retrospective report on Treasury Management activity for a financial year.
- Receive notification of write offs of sums due to the Council approved by the Section 151 Officer.
- Approve the write off of sums due to the Council that the Section 151 Officer is not authorised to approve.
- Approve the holding of stocks in excess of normal operational requirements.
- Receive reports on significant differences between physical and book stock discovered in the course of a stock take or otherwise.
- Make recommendations to Council concerning the approval of capital budgets.
- Have the authority to disallow virements to or from a budget heading.
- Have the authority to approve the payment of grants to individual recipients, where certain conditions apply.
- Approve the transfer to or from provisions or reserves
- Give general direction to the Section 151 Officer on all arrangements with the Council's bankers
- Determine the scale of charges for payment by electronic payment cards.
- Authorise early repayment discounts for sums due and determine the level(s).

### **Scrutiny Board and Panels**

The Scrutiny Board and Panels shall:

- Scrutinise the budget recommendations made by the Cabinet.

### **Audit Committee**

The Audit Committee shall:

- Approve the Council's financial statements.

### **Director of Finance**

As Section 151 Officer, the Director of Finance shall:

- Approve commitments to expenditure in future financial years for which there is, as yet, no approved budget.
- Prepare and issue a Budget Book.
- Maintain the list of Budget Managers.
- Submit reports to the Cabinet where an over spend on a service or capital scheme is forecast and is judged to be material to the finances of the Council.
- Submit budget monitoring reports to the Cabinet (Resources) Panel.
- Submit outturn report to the Cabinet (Resources) Panel.
- Approve the carry forward of unused budgets.

## ***Financial Procedure Rules***

- Approve lower-value virements in accordance with the conditions set out in the relevant section below.
- Specify the limit above which virements require Councillor approval.
- Maintain the fees and charges register.
- Determine the Council's accounting policies and, where appropriate, estimation techniques.
- Prepare the Council's financial statements in accordance with statutory requirements and other proper practice.
- Ensure that the Council complies with relevant tax legislation, and that the Council maintains adequate accounting records in respect of its tax affairs.
- Designate the software packages that shall be the Council's definitive accounting record.
- Approve the use of any other accounting records.
- Be responsible for ensuring that access to the definitive accounting record is controlled and restricted accordingly.
- Approve grant applications.
- Determine the format and content of records to be maintained in respect of grants.
- Maintain a register of all grants receivable by the Council.
- Approve commitments to enter into leasing or lease-type arrangements.
- Approve lending and borrowing of Council funds, and other sophisticated financial transactions.
- Be the registrar of stocks, bonds and mortgages and maintain records of all borrowing by the Council.
- Submit to the Cabinet (Resources) Panel a Treasury Policy Statement, regular reports on current Treasury Management activity, and a retrospective report on Treasury Management activity for a financial year.
- Be responsible for determining the Council's policy on provisions and reserves, and approve the establishment and dissolution of any provisions or reserves, and the transfers of money to or from provisions or reserves.
- Assist Budget Managers in reviewing the provisions and reserves relating to their service.
- Determine an appropriate level of general reserves as part of the budget preparation process, and advise the Council on the adequacy of the proposed level of reserves.
- Prepare medium term financial forecasts in conjunction with Budget Managers, at regular intervals for reporting to the Cabinet.
- Receive and consider all reports to certain Councillor meetings.
- Approve financial implications contained in any report to Councillor meetings.
- Withdraw reports with inadequate financial implications from the agenda of a Councillor meeting.
- Approve write offs of sums due to the Council in certain circumstances, as set out in the Financial Procedure Rules.
- Determine the format of reports notifying the Cabinet (Resources) Panel of write offs approved by the Section 151 Officer.
- Ensure that an adequate and effective internal audit of all Council activities is carried out.

- Be entitled to require and receive certain information and rights in respect of internal audit.
- Receive notification of actual or potential financial irregularities, misappropriations or indications of corruption, and take such action as he/she considers appropriate.
- Notify the Head of Paid Service and the Council's external auditor in significant cases of fraud or corruption.
- Produce audit reports as appropriate.
- Approve the format of official orders.
- Approve individual exceptions to the requirement to use official orders.
- Approve the arrangements for making payment of salaries, wages, pensions, compensation and other emoluments.
- Approve individual exceptions to the requirement for payment to employees to be made by direct credit.
- Approve the Council's banking arrangements, including the opening of a bank account for Council purposes.
- Order cheques and bank cards for the Council, and make proper arrangements for their safe custody.
- Sign all cheques drawn on the Council's accounts.
- Provide imprest accounts if considered appropriate, and prescribe the form of records required to be kept in respect of those accounts.
- Open bank accounts for use by imprest holders, where appropriate, and receive bank statements for those accounts directly.
- Maintain the list of employees authorised to certify claims from imprest accounts.
- Approve the arrangements for the collection and banking of all money due to the Council.
- Approve the arrangements for the issue of debtor accounts.
- Approve the arrangements for the control of stationery connected with the collection and recording of income.
- Receive notification of all individual cash payments in excess of the Anti-Money Laundering Policy limit.
- Receive notification of all income streams in excess of £25,000 that were not included in the approved budget.
- Receive notification of information required for stock accounting and a certificate of stocks held at each 31 March.
- Approve the format of inventories.
- Effect all insurance cover, and negotiate claims.
- Receive notification of all matters that may impact on insurance cover, or be likely to lead to a claim.
- Review all insurances in consultation with Budget Managers as appropriate.
- Receive notification from Budget Managers in the event of any failure by the insurance company to carry out an inspection of relevant engineering plant within the prescribed periods.
- Approve the holding of cash in excess of the specified maximum limit.
- Ensure compliance with the requirements of the Council's computerised financial, procurement, human resources and payroll system(s).

**Director of Governance**

The Director of Governance shall:

- Hold all securities and the title deeds of all property in the ownership of the Council or its nominees.
- Receive notification of all individual cash payments in excess of the Anti-Money Laundering Policy limit.
- 3Determine on the basis of each specific case, whether legal action is to commence against a debtor through the County Court for non-payment of an invoice due to the Council.
- 4Agree with the Section 151 Officer the interest to be charged and added to the amount due, when legal action commences.
- 5Agree, with the Section 151 Officer, the level of costs incurred as a result of legal action that are to be borne by the debtor.
- Ensure compliance with the requirements of the Council's computerised financial, procurement, human resources and payroll system(s).

**Head of Human Resources Officer**

The Head of Human Resources Officer shall:

- Maintain the council's pay and human resources policies and procedures and issue instructions to Directors and Budget Managers as appropriate.
- Ensure compliance with the requirements of the Council's computerised financial, procurement, human resources and payroll system(s).

**Strategic Director**

A Strategic Director shall:

- Nominate Budget Managers for each service and capital scheme for which they are responsible, and notify the Section 151 Officer of all changes.
- Notify the Section 151 Officer immediately of any emerging financial liabilities not provided for in the approved budget or an existing provision or reserve.
- Respond in writing on any recommendations made in an audit report without delay.
- Determine the service group employees who are authorised to use the council's computerised financial procurement, human resources and payroll systems.
- Take action where employees fail to comply with the requirements for use of the council's computerised financial procurement, human resources and payroll systems.

**Budget Manager**

A Budget Manager shall:

- Be able to incur expenditure up to the limit set within the approved budget for each service or capital scheme for which they are responsible.
- Be responsible for generating income for services or capital schemes for which they are responsible.

## ***Financial Procedure Rules***

- Submit reports to the Cabinet (Resources) Panel explaining over spends where required to do so by the Section 151 Officer.
- Monitor expenditure and income, with reference to the budget and in liaison with the Section 151 Officer, on an ongoing basis.
- Where he/she believes that it is likely that the budget will be exceeded for one of his/her services/s, raise it with the relevant Strategic Director immediately.
- Notify the Section 151 Officer immediately of any emerging financial liabilities not provided for in the approved budget or an existing provision or reserve.
- Approve lower-value virements in accordance with the conditions set out in the relevant section.
- Arrange for reports requesting higher-value virements to be prepared and submitted to the Cabinet (Resources) Panel.
- Review all provisions and reserves relating to their services, in conjunction with the Section 151 Officer.
- Be responsible for ensuring that grant conditions are met and appropriate records maintained in support of grant claims.
- Consult the Head of Procurement in cases of proposed departure from corporate contracts for the provision of work, goods or services
- Authorise payments on account to contractors and prepare the specified documentation
- Prepare contract cost plans and summary statements in the format specified by the Section 151 Officer
- Ensure that adequate budget funds exist before establishing new posts or committing to additional salary or expense costs
- Update the Council's computerised human resources and payroll system(s) without delay with all matters affecting employee pay
- Ensure that all pay records and expense claims are consistent with the post holder's terms and conditions of employment and current Council policy.
- Maintain proper records of account for petty cash in a form prescribed by the Section 151 Officer
- Obtain VAT and other receipts for petty cash expenditure
- Where requested by the Section 151 Officer, provide a certificate as to the state of petty cash accounts
- Ensure the prompt raising of debtor accounts for the recovery of income due
- Instigate such systems of identification marking of stock as practicable in order to detect theft and make recognition possible.
- Ensure that a verification of the inventory is made as specified by the Section 151 Officer, and deal with any discrepancies as for stores.
- Notify the Section 151 Officer of all matters that may impact on insurance cover, or be likely to lead to a claim.
- Maintain accurate schedules of equipment to be insured.
- Consult with the Section 151 Officer and the Director of Governance regarding the terms of any indemnity which the Council is required to give.
- Keep suitable records to ensure that the inspections of engineering plant under their control, which is normally inspected by an insurance company, are carried out by the company within the periods prescribed by the relevant legislation.
- Notify the Section 151 Officer in the event of any failure by the insurance company to carry out the inspection within the prescribed periods.



- Be responsible for maintaining proper security at all times for all assets under their control, and consult the Section 151 Officer where security is thought to be defective.
- Ensure that there is proper care and custody of the stocks and stores in their service, and that all receipts and issues are properly recorded on the official records.
- Arrange for stocktaking of the stocks in their service, and report any significant differences between physical and book stock to the Section 151 Officer.
- Approve (in writing) the disposal of stores deemed to be surplus to requirements and saleable old materials.
- Provide the Section 151 Officer with such information as is required in relation to stores for accounting and costing purposes, and a certificate of the stock held at each 31 March.
- Keep inventories in a form approved by the Section 151 Officer
- Maintain records of assets allocated to individual employees, using the council's computerised recording systems where instructed to do so
- Ensure compliance with the requirements of the Council's computerised financial, procurement, human resources and payroll system(s).

**Head of Revenues and Benefits**

The Head of Revenues and Benefits shall:

- Approve Discretionary Housing Benefit payments.

**Head of Procurement**

The Head of Procurement shall:

- Maintain the council's procurement policies and procedures and issue instructions to Directors and Budget Managers as appropriate.
- Advise Budget Managers in cases of proposed departure from corporate contracts for the provision of work, goods or services
- Ensure compliance with the requirements of the Council's computerised financial, procurement, human resources and payroll system(s).
- Maintain the council's policy and procedures on the use of purchasing cards.

**Head of Audit Services**

The Head of Audit Services shall:

- Require and receive access to any records and Council premises, the production or identification of any cash, stores, or other property belonging to the Council and explanations concerning any matter under examination.
- Be notified immediately wherever any matter arises which involves actual or potential financial irregularities, misappropriations or indications of corruption
- Produce audit reports as appropriate

**SCHEDULE OF FINANCIAL LIMITS**

<b>Budget Monitoring Reports to the Cabinet (Resources) Panel</b>	
Minimum limit for variances requiring separate identification in report	£100,000
<b>Debt Write Offs</b>	
Maximum limit for individual debt write offs by the Section 151 Officer not requiring Councillor approval (except in cases of bankruptcy and liquidation, for which no limit applies)	£5,000
<b>Income</b>	
Minimum limit for individual cash receipts to be notified by Budget Managers to the Section 151 Officer	Limit as specified in the Anti-Money Laundering Policy
Minimum limit for unbudgeted income streams to be notified by Budget Managers to the Section 151 Officer	£25,000
<b>Leases</b>	
Financial limits for the approval and reporting of leases	Limits as specified in the Procurement Procedures
<b>Insurance</b>	
Minimum limit for claims for fire damage to be notified by Budget Managers to the Section 151 Officer	Limit as specified by the Section 151 Officer

<b>Payment Approval - Computerised Payment System(s)</b>	
Strategic Director – Directorate-wide approvals	£1,000,001 and above
Service Director/Senior Manager – Division-level approvals	£150,001 to £1,000,000
Head of Service – Service-level approvals	£50,001 to £150,000
Manager – Cost Centre Group approvals	£5,001 to £50,000
Delegated Budget Approver – Cost Centre approvals	£0 to £5,000
Auto- Approval of contracted expenditure 'Auto Approval' is the approval of any line of an order under £200 in value providing the order has been raised against an approved contract or an approved supplier catalogue.	Under £200
<b>Debt Raising Approval - Computerised Payment System(s)</b>	
Limit where individual invoices must be approved by a Strategic Director or their nominated Budget Manager	£50,000 and above

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## **1 Introduction**

- 1.1 The Contract Procedure Rules (CPRs) are made under the provisions of section 135 of the Local Government Act 1972 and govern the making of contracts for and on behalf of the Council.
- 1.2 The CPRs form part of the Council's Constitution and will be reviewed annually.
- 1.3 These CPRs apply to all contracts entered into by the Council and to all Officers involved in the procurement of supplies, services or the execution of works and provide a basis for true, open and fair competition.
- 1.4 All contracts must be in writing. Officers should not agree to offers from Providers verbally as this can create a binding verbal contract.
- 1.5 These CPRs also apply to all third parties who undertake procurement on behalf of the Council.
- 1.6 These CPRs refer to the OJEU threshold for Services and Supplies which is £164,176 up to 31 December 2017. From 1 January 2018, the threshold will be as published by the European Commission.
- 1.7 Any procurement where the Council is the lead or contracting body will be subject to these CPRs. They may not be waived except in the specific instances referred to in these CPRs. Procuring Officers must ensure that any advisors, agents, consultants and contractual partners acting on their behalf comply with these CPRs. Where other public bodies are acting as the lead or contracting body then their own Contract Procedure Rules, Contract Standing Orders or similar rules will apply.
- 1.8 These CPRs should be read in conjunction with the Councils Financial Procedures and other advice, guidance and policies issued by the Service Director Commercial Services.
- 1.9 The CPRs do not supersede the provisions of EU Directives and UK legislation governing procurement especially the Public Contract Regulations and subsequent updates and the duty to obtain best value under the Local Government Act and associated Regulations.
- 1.10 Where there is any conflict between legislation and these CPRs, the legislation will always override these CPRs.
- 1.11 A breach of these CPRs will be viewed as a disciplinary matter and will be reported immediately to the Head of Audit, who will investigate and recommend appropriate action.

## **2 General**

- 2.1 Every Officer, including temporary, agency and interim staff, or Councillor involved in any decision in respect of any Provider or contract in which they, any immediate member of their family, or close associate has a Pecuniary Interest shall immediately notify the Director of Governance who shall make a record in the register kept for the purpose under s.117 Local Government Act 1972.
- 2.2 In the event of any doubt or uncertainty as to whether a Pecuniary Interest will occur advice should be sought from the Service Director Commercial Services who will consult with the Head of Audit and Director of Governance.
- 2.3 Adequate records, including electronic copies of contracts, shall be kept of each procurement process for a minimum period in accordance with the Council's Records Management Policy and Public Contracts Regulations.
- 2.4 The procurement of certain items, e.g. legal representation, services in connection with the sale of securities and financial instruments, are not subject to the requirements of Public Contracts Regulations. These procurement processes will follow the ethos of these rules and an Exemption will be required to document the reasons for any deviances from the CPRs.

## **3 Procurement Processes**

- 3.1 The table that follows sets out how a procurement process must be undertaken based on the total value of the contract;

Anticipated Value of a contract (Excluding VAT)	Procurement Route	Advertising	Evaluation	Approval	Authority to Sign Contract
Below £250 (higher by exception with agreement from Head of Procurement)	Procurement Cards should be used.	Not required.	Lowest price.	Budget Manager in advance of purchase.	Not required
Upto £9,999	Request for Quotation (RFQ) Obtain at least one written Quotation. Managed by Service team. Advice available from Procurement.	If openly advertised, then contact Procurement to advertise on Council's e-tendering site. and Twitter @BuyWolves	Lowest price.	If a new Provider then complete a Supplier Creation Form (on intranet) and submit to the Hub. then Attach quote to requisition in Agresso. then Approval in accordance with Agresso workflow ie; 1) Budget Manager as the Scheme of Delegation 2) Procurement 3) Technical (if necessary)	Not required. Purchase Order via Agresso.

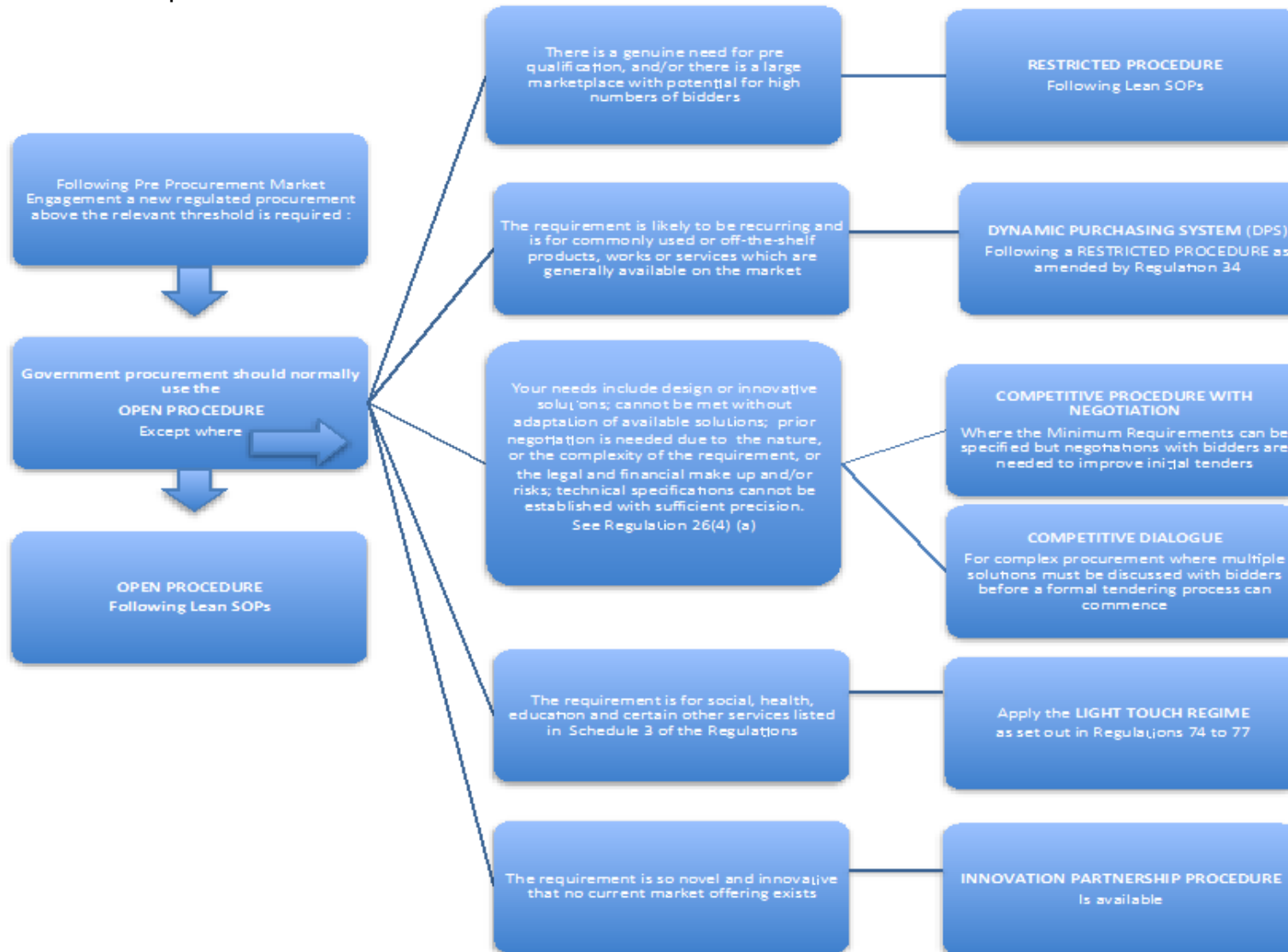
Anticipated Value of a contract (Excluding VAT)	Procurement Route	Advertising	Evaluation	Approval	Authority to Sign Contract
<p>£10,000 to £50000</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 368</p>	<p>Request for Quotation (RFQ)                      Obtain at least three written quotations using the Council's e-tendering system.                      Managed by Service team.                      Advice available from Procurement.</p>	<p>If openly advertised then contact Procurement to advertise on Council's e-tendering site. and Twitter @BuyWolves</p> <p>If contract value is above £25,000 then contact Procurement to advertise on Contracts Finder website</p>	<p>Lowest price or by exception most economically advantageous based on criteria published with the request for quotation.</p>	<p>If lowest price used then attach all quotes to the requisition in Agresso. or                      If the most economically advantageous criteria are used then an "Authorisation to Award" form is completed. then                      If a new Provider complete a Supplier Creation Form (on intranet) and submit to the Hub. then                      Attach "Authorisation to Award" and quotes to requisition in Agresso. Approval in accordance with Agresso workflow ie;                      1) Budget Manager as the Scheme of Delegation                      2) Procurement                      3) Technical (if applicable)</p>	<p>Purchase Order via Agresso and                      If the Council's Standard Contract is used then an Officer in accordance with the Scheme of Delegation or                      If a bespoke contract then Legal Services Authorised Signatory</p>



Anticipated Value of a contract (Excluding VAT)	Procurement Route	Advertising	Evaluation	Approval	Authority to Sign Contract
<p>£50,001 to OJEU threshold for Services and Supplies (£164,176 upto 31 December 2017)</p> <p>Threshold applies to all contracts including Works and Social or Other services (as defined in Public Contracts Regulations)</p>	<p>Invitation to Tender (ITT) Advice must be sought from Procurement before commencing and a "Starting a Procurement" form completed.</p> <p>Tender process using the Council's e-tendering system.</p> <p>A single stage ITT must be used for all contracts upto the Goods and Services threshold.</p> <p>Managed by Procurement</p>	<p>Council's e-tendering system Twitter @BuyWolves Contracts Finder Website</p>	<p>Most economically advantageous based on criteria published within the Invitation to Tender.</p>	<p>An "Authorisation to Award" form is completed. then If a new Provider complete a Supplier Creation Form (on intranet) and submit to the Hub. then Request a Contracted Product Code from Procurement. then Approval in accordance with Agresso workflow ie; 1) Budget Manager (as the Scheme of Delegation) 2) Technical Approver (if applicable)</p>	<p>Purchase Order via Agresso and If the contract value is less than £100,000 and the Council's Standard Contract is used then an Officer in accordance with Scheme of Delegation. or If the contract value is more than £100,000 or If a bespoke contract then Legal Services Authorised Signatory</p>

Anticipated Value of a contract (Excluding VAT)	Procurement Route	Advertising	Evaluation	Approval	Authority to Sign Contract
<p>Over OJEU threshold for services and supplies (£164,176 upto 31 December 2017).</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 378</p>	<p>Advice must be sought from Procurement before commencing and a “Starting a Procurement” form completed.</p> <p>Approval to commence the procurement exercise should be sought from Cabinet (Resources) Panel including Delegated Authority to award the contract when the evaluation is completed.</p> <p>Tender process using the Council’s e-tendering system.</p> <p>An Open procedure single stage ITT to be used or by exception an alternative procedure as stated in the Public Contracts Regulations with a justification approved by the Head of Procurement.</p>	<p>Council’s e-tendering system Twitter @BuyWolves Contracts Finder Website and If over the relevant OJEU threshold then Official Journal of European Union (OJEU)</p>	<p>Most economically advantageous based on criteria published within the Invitation to Tender.</p>	<p>An Individual Executive Decision report is completed if Delegated Authority from Cabinet (Resources) Panel has been granted in advance. or A Contract Award form is completed for inclusion in the Procurement Report for Cabinet (Resources) Panel. then If a new Provider complete a Supplier Creation Form (on intranet) and submit to the Hub. then Request a Contracted Product Code from Procurement. then Approval in accordance with Agresso workflow ie; 1) Budget Manager (as the Scheme of Delegation) 2) Technical Approver (if applicable)</p>	<p>Purchase Order via Agresso and Legal Services Authorised Signatory</p>

- 3.2 A single stage Open procedure should be used for all procurements unless there are exceptional circumstances as set out in the decision tree below (from Crown Commercial Service Procurement Policy Note 12/15). Further information can be found at: <https://www.gov.uk/government/publications/procurement-policy-note-1215-availability-of-procurement-procedures-decision-tree>
- 3.3 For any procedure other than Open then approval must be obtained from the relevant Procurement Category Manager prior to commencement of the procurement.



### 3.4 Starting a Procurement

- 3.4.1 Where the Council has an existing contract that is suitable to source the services, supplies or works required this should be used. Approval for not using an existing contract must be sought in advance from the relevant Procurement Category Manager and the technical or economic reasoning for not using the contract should be recorded.
- 3.4.2 Where an existing contract that has been collaboratively procured or Framework Agreement established by another Public Body exists this should be considered prior to undertaking a new procurement. The technical or economic reasoning for not using the contract should be recorded.
- 3.4.3 In such cases it is the duty of the Procuring Officer to ensure that the agreement has been procured in a legally compliant manner and that the Council is legally able to access the agreement. The Procuring Officer should also ensure instructions in any access agreement, guidance notes or instructions are followed to ensure the procurement is compliant. Failure to do this will make any contract awarded from the framework and possibly the whole framework invalid.
- 3.4.4 If the value of a contract is forecast to be £50,000 or greater than the relevant Procurement Category Manager must be contacted at the earliest stage possible. A 'Starting a Procurement' form must be completed prior to the commencement of a procurement process.
- 3.4.5 In the event where a contract has no specific end date, such as ongoing support or maintenance contracts, then for the purposes of these rules the value should be considered over four years.
- 3.4.6 If the value of any contract (including for works or social services etc) is forecast to be greater than the OJEU threshold for Services and Supplies, then delegated authority to award the contract should be sought from the Cabinet (Resources) Panel. A standard template is available from Procurement.
- 3.4.7 Where the contract is complex or high value the Cabinet (Resources) Panel may, by exception, request that a further report is provided setting out the results of the evaluation prior to the contract being awarded.
- 3.4.8 A Conflict of Interest declaration must be signed by all parties, including Officers (including temporary, agency and interim staff), involved in the procurement process and submitted to the relevant Procurement Category Manager prior to a procurement commencing.
- 3.4.9 In the event of a conflict of interest the Service Director Commercial Services shall determine the action to be taken.

### 3.5 Publishing Contract Notices

3.5.1 All procurement documentation must be completed and published with the Contract Notice. This as a minimum should include the specification, contract terms, evaluation criteria and background documentation. If applicable anonymised staffing and pensions liabilities information must also be issued.

### 3.6 Standard Selection Questionnaires (SSQ)

3.6.1 The Standard Selection Questionnaire (SSQ) is the questionnaire issued by Crown Commercial Service to be used as part of a two-stage procurement process to select providers to be invited to tender. This replaces the previous pre-qualification process (PQQ).

3.6.2 SSQs must not be used for any procurement with a value less than the OJEU Services and Supplies threshold.

3.6.3 For procurements above the OJEU threshold for Services and Supplies then SSQs can be used with the approval of the relevant Procurement Category Manager.

3.6.4 SSQs must follow the mandated questionnaire issued by the Crown Commercial Service and the Councils e-tendering system must be used.

### 3.7 Contents of a Request for a Quotation (RFQ) or an Invitation to Tender (ITT)

3.7.1 A Request for a Quotation (RFQ) is used for procurements with a value less than £50,000. The evaluation criteria is the lowest price or by exception most economically advantageous tender based on criteria published with the RFQ.

3.7.2 An Invitation to Tender is used for procurements with a value greater than £50,000 or by exception for complex and high risk procurements of any value. The evaluation criteria is the most economically advantageous tender based on criteria published with the ITT.

3.7.3 The following information must be included within a RFQ or an ITT:

#### 3.7.4 Specification.

- A specification must;
  - clearly set out the requirements taking into account quality and standards required to be met and timescales for delivery. Any minimum requirements must be clearly stated.
  - consider the various matters prescribed by the Public Services (Social Value) Act 2012 and in particular how the contract might improve social, economic and environmental well-being.
  - consider the accessibility to Small and Medium size Enterprises (SME) and if necessary the contract should be divided into lots to make it more accessible.
  - consider the Shared Values and Principles included in Wolverhampton VCSE Compact Funding, Commissioning &

Procurement Code of Practice where the contract may be suitable for VCSE organisations to deliver.

- consider the Council's policies including information governance, business continuity, equality and diversity, and safeguarding.

#### 3.7.5 Price

- How price will be evaluated should be clearly set out.
- Where appropriate the whole life cycle cost, including cost of operation, maintenance and end of life, should be considered.

#### 3.7.6 Evaluation Criteria

- All evaluation criteria and sub criteria, any financial models and a clear scoring matrix must be included and full details disclosed to potential bidders.
- These criteria cannot be deviated from once it has been published.

#### 3.7.7 Conditions of Contract

- The Council's standard forms of contract must be used for all supplies and services and the RFQ or ITT must refer to the relevant standard conditions identified on the Council's website.
- For works contracts standard industry forms must be used, for example, JCT, NEC or ICE etc.
- A risk analysis of the scope and specification of the contract should be undertaken and additional requirements such as Disclosure and Barring checks, business continuity and information governance requirements should be identified and included as additional contract conditions if required.
- Where there is a need to deviate from the Council's standard forms of contract or amendments are required to works standard industry forms, due to the risk imposed by the nature of the procurement or where the standard contract is deemed to be unsuitable, contract terms must be drafted by Legal Services prior to the RFQ or ITT being advertised.
- Contracts on supplier's conditions will only be entered into on by exception and must be approved in advance by the Head of Procurement and Legal Services.
- A RFQ or an ITT must include a clause empowering the Council to immediately reject a tender or terminate a contract if the tenderer offers any form of inducement to influence the decision to award the Contract. This right to terminate will apply regardless of whether the inducement was accepted by the Officer or Councillor concerned.

#### 3.7.8 Durations

- A RFQ should be advertised for a period of time appropriate to the complexity of the procurement and to ensure there are sufficient quotes received to demonstrate that a proper competition has taken place.
- An ITT should be advertised for a period of time appropriate to the complexity of the procurement, as minimum this should be 2 weeks.
- Where the contract value is above the OJEU Thresholds then the appropriate minimum time periods in accordance with the Public Contracts Regulations must be followed.

3.7.9 If a reduced timescale is required due to genuine urgent need then this must be recorded and approved by the relevant Procurement Category Manager prior to the procurement commencing.

### 3.8 Contract value and duration

3.8.1 Prior to a procurement being undertaken an estimate of the total contract value over its full duration, including any extension options must be established. A record of how this forecast was calculated should be retained.

3.8.2 The value of the contract must not be split to avoid the application of the CPRs and Public Contracts Regulations.

3.8.3 Contracts and Framework Agreements must not exceed a four year duration unless a demonstrable economic benefit can be established, recorded and approved by the relevant Procurement Category Manager prior to the procurement commencing.

### 3.9 Transfer of Undertakings Protection of Employment (TUPE) and Pensions

3.9.1 Where a service is already being provided, and is being retendered or tendered for the first time, the TUPE regulations need to be considered and if necessary staffing details incorporated within the ITT.

3.9.2 Advice from Legal Services and the relevant HR Business Partner must be sought at the earliest point that the Procuring Officer becomes aware that a staff transfer may form part of the procurement.

3.9.3 Where a transfer of staff will occur Pensions liabilities and arrangements need to be considered and specialist advice sought from Procurement and Strategic Finance.

### 3.10 Appointment of Temporary, Agency and Interim Staff

3.10.1 Advice must be sought from the relevant HR Officer prior to commencing the appointment of any temporary, agency and interim staff.

3.10.2 The appointment of temporary, agency and interim staff must be in accordance with these CPRs with the addition of an HR business case being approved.

3.10.3 The appointment of temporary, agency and interim staff with an equivalent day rate of £500 or more must be approved by the relevant HR Business Partner prior to commencing the appointment and there is no requirement to report to the Cabinet (Resources) Panel.

3.10.4 A copy of the HR Business Partner approval must be uploaded as an attachment to the Agresso requisition.

3.10.5 A report will be provided quarterly to the Cabinet Member for Governance setting out the appointments of temporary, agency or interim staff within the period since the previous report.

3.10.6 In the event that temporary, agency or interim staff are proposed to transfer employment to become permanent employees then it is likely that transfer, finders or similar fees will be charged by the agency. Approval must be obtained in advance from the relevant HR Business Partner prior to any transfer of employment and payment of relevant fees.

## **4 During a Tender**

### **4.1 Pre-procurement engagement**

4.1.1 Where discussions are held with stakeholders and/or potential bidders prior to the issue of an advert or Contract Notice then these should be recorded.

4.1.2 Advice should be sought from the relevant Procurement Category Manager prior to any discussions to ensure that any conflicts of interest are recorded and mitigation measures put in place.

### **4.2 Communications with tenderers during procurement**

4.2.1 All communications with tenderers after the RFQ, PQQ or ITT has been issued must be conducted via the secure messaging service which forms part of the e-tendering system.

4.2.2 Verbal communication should not be carried out except to provide instruction on using the e-tendering system or in exceptional circumstances in the presence of a Procurement Officer who will make a record of the conversation.

### **4.3 Quotation and Tender opening and late submissions**

4.3.1 All tenders in response to PQQs or ITTs will be submitted electronically through the Council's e-tendering system and cannot be opened until after the PQQ or ITT closing date.

4.3.2 For RFQs which have not used the Council's e-tendering system responses should be returned by email to the Procuring Officer.

4.3.3 All late quotations and tenders must be referred to the relevant Procurement Category Manager. They will only be accepted in exceptional circumstances if:

- the other tenders have not been opened and;
- there has been a failure of the e-tendering system or if the failure to comply is the fault of the Council.

4.3.4 The final decision on whether a tender will be accepted is at the discretion of the Service Director Commercial Services.



- 4.3.5 The date for receipt of tenders may only be extended in exceptional circumstances. This must be approved by the relevant Procurement Category Manager and the reasons documented.

## **5 Evaluation**

- 5.1 Evaluation of PQQ responses, quotations and tenders must be in accordance with the criteria and scoring published with the RFQ, PQQ or ITT. In the event that no criteria have been published then the evaluation will be on lowest price.
- 5.2 No information about PQQ responses, quotations and tenders should be shared with competing organisations.
- 5.3 Questions from bidders must be submitted electronically, for RFQs by e-mail or through the e-tendering system where this has been used. Responses to questions must be shared with all bidders unless there is an overriding commercial or confidential reason. Advice should be sought from the relevant Procurement Category Manager if there is any uncertainty.
- 5.4 Clarifications of PQQ responses, quotations and tenders maybe requested from bidders and must be made in writing using the e-tendering system. Advice should be sought from the relevant Procurement Category Manager in advance.
- 5.5 Negotiations with tenderers are only permitted in limited instances with approval of the relevant Procurement Category Manager.
- 5.6 Once a PQQ, RFQ or ITT has been evaluated and the successful organisation selected only minor refinements that do not substantially change the tenderer's proposal or the commercial position can be made. Advice should be sought from the relevant Procurement Category Manager in advance.
- 5.7 Evaluators must come to a consensus on scores awarded, scores must not be averaged.
- 5.8 Justification and reasons for the scores awarded must be recorded in writing and retained in accordance with Council's Records Management Policy and Public Contracts Regulations. This information is to be used for providing feedback to bidders.

## **6 Awarding a Contract**

- 6.1 Approval to enter into a contract
- 6.1.1 Approval to award the contract must be granted prior to the award being carried out in accordance with the table in section 3.

## 6.2 Mandatory standstill period

6.2.1 For all contracts with a value above the OJEU threshold a mandatory 'standstill period' must be observed between notification of the contract award and conclusion of the contract in accordance with the Public Contracts Regulations.

## 6.3 Letters of Intent to enter a contract

6.3.1 Officers must not issue letters of intent, memorandums of understanding or similar communications without the prior approval of Legal Services.

## 6.4 Contract Conditions

6.4.1 Every contract shall be in writing and properly executed.

6.4.2 Contracts will be signed in accordance with the table in section 3. Contracts should only be signed after the correct approval to award has been granted.

6.4.3 Contracts must be signed or executed under seal by the Legal Services Authorised Officer where required by statute or required by an external funding body or an assessment of the risk necessitates it.

6.4.4 A scanned copy of the signed contract must be sent to the relevant Procurement Category Manager for inclusion in the Contracts Register.

6.4.5 A signed paper hardcopy should be sent to Legal Services.

## 6.5 Contract Award Notice

6.5.1 Contract Award Notices must be placed in OJEU and Contracts Finder in accordance with the Public Contracts Regulations. The publication of notices will be undertaken by the relevant Procurement Category Manager.

## 6.6 Feedback to Bidders

6.6.1 Unsuccessful bidders should be informed of the outcome of a procurement process as soon as possible.

6.6.2 Where there are two or more stages in a procurement process, unsuccessful bidders should be provided with feedback on their submission at the point they are excluded from the process.

6.6.3 For RFQs where the only evaluation criteria is the lowest price the unsuccessful bidders should be advised of the total price of the winning bidder.

6.6.4 For PQQs the unsuccessful bidders should be advised of their score against each criteria and weighted marks and reasons they did not meet the standard to be shortlisted.

- 6.6.5 For ITTs where the evaluation criteria comprises quality, price and if applicable social value then unsuccessful bidders should be advised of their score against each criteria and weighted marks, the relative strengths and weaknesses of its proposal and total score and price of the winning bidder.
- 6.6.6 Information on the successful bidder's proposal including the method of undertaking the work or a breakdown of the price should not be provided to unsuccessful bidders. If there is any doubt advice should be sought from the relevant Procurement Category Manager.

## **7 Exclusion of Providers from contracts**

- 7.1 If any of the following apply to a Provider, any person who has powers of representation, decision or control of the Provider, or an associated Provider, (e.g. within the same group, with same directors or owners etc.), then the Provider will be excluded from being awarded any Council contract or order:
- i) Is bankrupt or is the subject of insolvency or winding-up proceedings, where the organisation's assets are being administered by a liquidator or by the court, where it is in an arrangement with creditors, where its business activities are suspended or it is in any similar situation
  - ii) Have failed to pay taxes, social security contributions, business rates or similar
  - iii) Have failed to comply with any other agreements with the Council, e.g. failure to meet grant conditions, defaulted on a contract or other legal agreements.
- 7.2 In the event that any of the above apply then the Provider should be requested to submit an explanation which details actions taken to rectify the situation. It is the Service Director Commercial Services decision, in consultation with the Director of Governance, to assess the Provider's explanation and whether to exclude the Provider.

## **8 Exemptions**

- 8.1 The CPRs ensure that the Council complies with its legal requirements and is fair and transparent with respect to how public money is spent. Only in exceptional circumstances will approval be granted to do something different. Where this is needed an Exemption will be approved by the Service Director Commercial Services and Director of Finance.
- 8.2 If the value of the Exemption is greater than the OJEU threshold for Services and Supplies then approval must be sought from the Cabinet (Resources) Panel.
- 8.3 An Exemption is an approval that the CPRs cannot be followed for a reason that is out of the Council's control.
- 8.4 All Exemptions from these rules must be recorded using the Exemption Form and approved before entering into a contract with a supplier.

- 8.5 Circumstances where time is lost through inadequate forward planning or any unnecessary delays will not constitute a reason to issue an Exemption and Officers should make adequate preparation in advance of commencing the procurement exercise.
- 8.6 An Exemption will only be approved if it is for one of the following reasons;
- 8.6.1 Where an existing contract that is suitable for the services, supplies or works required is not used. A business case to justify not using the existing contract for either technical or economic reasons must be demonstrated. This should be attached to the Exemption.
- 8.6.2 Where there is only one supplier within the market. Evidence that this is the case and what investigation has been done to try and find other suppliers must be demonstrated. This should be attached to the Exemption.
- 8.6.3 Where the procurement activity is grant funded and the supplier is named as a condition of that funding. A copy of the grant agreement or other evidence should be attached to the Exemption.
- 8.6.4 Where the Council is buying goods on behalf of another organisation. The procurement will need to be undertaken in accordance with that organisations CPRs or equivalent. A copy of the agreement to undertake this activity should be attached to the Exemption.
- 8.6.5 Where the Council is matching grant funding and the original grant has been given conditionally on the use of a named supplier, group of suppliers or particular framework. A copy of the grant agreement or other evidence should be attached to the Exemption.
- 8.6.6 Where the Council has required an applicant for a grant to provide a detailed breakdown of their costs and in order to do so they have identified a supplier. A copy of the grant agreement or other evidence should be attached to the Exemption.
- 8.6.7 Where services need to be procured as a matter of extreme urgency - e.g. in response to an emergency situation - and there is insufficient time to advertise etc.
- 8.6.8 Where software is being procured that must be compatible with an existing ICT system and the cost of change is uneconomic. A business case justifying this should be attached to the Exemption.
- 8.6.9 Contracts offered by the Chief Legal Officer (or designee) for the appointment of counsel.
- 8.7 If an Exemption is not approved, then a change to what is being proposed will need to be undertaken to comply with the CPRs. If it is impossible to do this then a non-compliance will be recorded by Procurement, notified to the Audit team and an action plan to correct what is wrong will need to be put in place.

- 8.8 Where there are repeated requests for Exemptions or where non-compliances are occurring in a service team then the relevant Budget Manager and Procurement Category Manager will produce a plan to assess the situation and propose remedial action to be taken. This plan will be provided to the relevant Head of Service and Service Director Commercial Services.
- 8.9 These occurrences will also will be reported to the Audit team for investigation.
- 8.10 A list of Exemptions that have been approved will be reported to Cabinet (Resources) Panel every six months.

## **9 Contract Management, Variations and Extensions**

- 9.1 Prior to the award of a contract an Officer who will be responsible for managing the contract must be identified, known as the Contract Manager.
- 9.2 Reporting and monitoring processes appropriate to the size and nature of the contract must be put in place to ensure that all obligations are fulfilled by the contracted parties.
- 9.3 Contracts may only be varied to implement minor changes either increasing or decreasing the service and for services of a similar nature.
- 9.4 Contracts should only be extended if options for extensions were included in the original contract.
- 9.5 Contract variations and extensions must follow the same authorisation process as though they were new procurements i.e. less than the OJEU threshold for Services and Supplies requires approval in accordance with the Scheme of Delegation, over the OJEU threshold for Services and Supplies requires approval from Cabinet (Resources) Panel. The services and supplies threshold applies to all contracts including works and where the “light touch” regime applies.
- 9.6 If the value of the original contract plus the sum of any extension or variation exceeds the thresholds within these CPRs with the result that a different procurement process should have been used then an Exemption will need to be requested.

## **10 Social Care Contracts**

- 10.1 It is recognised that either because of service user choice or the nature of the market for specialist placements that for some types of social care contracts that competitive procurement processes cannot be undertaken.
- 10.2 Only contracts for the following have specific exclusions from these CPRs;

### 10.3 Residential Care

10.3.1 Residential Care placements are exempt from the full requirements of the CPRs. Sections 1,2,7,8 and 9 apply.

10.3.2 The Council will contract with Residential Care Providers using a standard contract. The contract will set out a breakdown of the price. Any deviations from this standard contract must be approved in advance by the relevant Director who will consult with the Head of Commissioning.

10.3.3 If a weekly fee for a placement is higher than in the table below then approval must be gained from the relevant Director who will consult with the Head of Commissioning prior to agreeing the placement with the Provider;

Primary Care Need	Fee per week
Looked after Children	£3,000
Physical disability, learning disability or mental health (children and adults)	£2,000
Older people	Current Council standard rate for the relevant category

10.3.4 For out of area placements for older people the fee per week must be either the current Council standard rate or the standard rate for the relevant local authority area. Out of area placements with a fee per week above this then approval must be gained from the relevant Director who will consult with the Head of Commissioning prior to agreeing the placement with the Provider.

10.3.5 Where there is an emergency need and approval cannot practically be requested in advance then this should be notified to the relevant Director and Head of Commissioning as soon as possible and in all cases within 72 hours of the placement commencing.

10.3.6 In the event of the above in 10.3.2 to 10.3.5 occurring then the relevant Procurement Category Manager should be advised as soon as practical.

### 10.4 Social Care Frameworks

10.4.1 In addition to the requirements of 3.5.3 where a framework relating to Social Care is used, e.g. foster care placements, Form F Assessments and children’s residential care, then the following will apply;

- Where placements are made outside of the Framework Agreements approval must be gained from the relevant Director who will consult with the Head of Commissioning prior to agreeing the placement with the Provider.
- Prior to making a placement a breakdown of the price must be obtained from the Provider and value for money demonstrated. Advice should be sought from the relevant Procurement Category Manager where the costs are more than the typical expected costs.

10.5 Educational Placements

10.5.1 Where the Council is required to pay for Education Placements these are generally required to be paid in advance and are not subject to competitive tendering.

10.5.2 Prior to making a placement a breakdown of the price must be obtained from the Provider and value for money demonstrated. Advice should be sought from the relevant Procurement Category Manager where the costs are significantly more than the typical expected costs.

**11 Finance Leases excluding Land and Property**

11.1 Where a contract requires the Council to enter into a finance or lease agreement then advice should be sought from the relevant Finance Business Partner in advance.

11.2 In addition to the approvals required as set out in the table in 3.2, finance and lease agreements must be approved by the Director of Finance prior to signing.

**12 Loans, advance payments and similar arrangements**

12.1 As stated in the Financial Procedure Rules no Officer, including Interim and temporary staff, or Councillor shall, or commit to, enter into any loan, advance payment or similar arrangements without approval of the Director of Finance acting as the Section 151 Officer.

**13 Disposal of Assets excluding Land and Property**

13.1 The disposal of assets excluding land and property must comply with the following;

Value of Assets	Process	Approval
Less than £10,000	Minimum of three written quotes	Strategic Director or Director
More than £10,000	Open competition using the Council's e-tendering system  or  Third party auction	Director of Finance

13.2 The value of the assets should be calculated on the value per disposal requirement, irrespective of how the items are disposed e.g. a group of similar items with a total value of £20,000 will require approval by the Director of Finance although the disposal maybe of individual items with values each of less than £10,000.

- 13.3 Advice should be taken from the relevant Procurement Category Manager if it is determined that a third party auction is a suitable route for disposal.
- 13.4 The highest value unconditional bid received should be accepted unless, in the view of the relevant Budget Manager and the relevant Procurement Category Manager, a conditional bid offers better value to the Council.
- 13.5 The chosen process must be approved in advance by the relevant Strategic Director, Director or Director of Finance.

#### **14 Concessions and Revenue Earning Contracts**

- 14.1 Prior to the Council awarding a concession or entering into a revenue earning contract, whether in its own right or with a commercial partner, approval of the commercial arrangements and contract terms and conditions must be obtained from the Director of Finance and from Legal Services.
- 14.2 Where the concession or revenue has a value greater than the OJEU threshold for Services and Supplies or has a significant risk profile (as assessed by the Director of Finance and Legal Services) then approval is required from Cabinet (Resources) Panel prior to entering into the agreement.
- 14.3 Where the Council is a bidder and submitting a proposal or tender in response to a contract opportunity then approval must be obtained from the relevant Strategic Director and the Director of Finance.
- 14.4 Where the contract has a value greater than the OJEU threshold for Services and Supplies or has a significant risk profile (as assessed by the Director of Finance and Legal Services) then approval is required from Cabinet (Resources) Panel prior to submitting the proposal or tender.
- 14.5 Advice from Legal Services must be sought prior to commencing any work on compiling a proposal or tender to determine if the Council has the power to enter into the contract.

#### **15 Land and Property Transactions**

- 15.1 General Procedure for Land and Property Transactions
  - 15.1.1 Before land or property or an interest in land or property is offered for sale or lease the advice of Corporate Landlord will be sought and the Strategic Director Place/The Service Director City Assets or a nominee ("the Director") shall ensure that due regard is had to the Council's guidance for the disposal of Council land and property. The Director shall ensure a suitably RICS qualified valuer's estimate of the likely price or rent has been obtained. The Council will normally expect that best consideration is obtained in accordance with the relevant legislation.



15.1.2 The advice of Corporate Landlord must be sought for all land and property transactions and/or proposals. The Director shall ensure due regard is given to this advice. The expectation is the advice should normally be followed unless there are specific circumstances that justify any variation in which case this will require the approval of Cabinet or Cabinet (Resources) Panel.

## 15.2 Property Related Matters

15.2.1 Where a contract or proposal is likely to have any property implications for the Council, such as the leasing, acquisition or use of premises (whether Council owned or otherwise), the advice of Corporate Landlord must be sought and followed.

## 15.3 Scheme of Delegations for Property Transactions

15.3.1 The following scheme of delegation for all land and property transactions must be followed:

Delegation to the Director:-

- Disposal of land by leases/lettings up to 7 years and annual rent up to £50,000.
- Agreement of rent reviews up to a rent of £100,000 pa.
- The grant or taking of annual Wayleaves.
- The grant or taking of Licences to Occupy, Tenancies at Will, Licences to Assign, Alter and Underlet.
- Tenancy Agreements and associated Deeds related to the letting of residential properties managed by Wolverhampton Homes

15.3.2 Delegated decisions through an Individual Executive Decision Notice to the nominated Cabinet Member for City Assets in consultation with the Director. Details of all transactions must be reported to the Corporate Landlord Board at the next available opportunity.

- The granting or taking of an Exclusivity Agreement
- Disposal of property by licence/lease of more than 7 years and up to 25 years and at an annual rent up to £100,000.
- Acquisition of property by licence/lease up to 25 years and annual rent up to £100,000, subject to agreed service requirement and provision in the budget.
- Minor disposals by freehold sale or long lease at a premium, easement, dedication, release of covenants or other legal interest up to a value of £50,000.
- Disposal by freehold sale, long lease, easement, dedication, release of covenants or other legal interest for a capital sum at a value not exceeding £2,000,000 where principle of disposal has been previously agreed by Cabinet (Resources) Panel.
- Sales of freehold reversion under Leasehold Reform Act 1967.
- Acquisition or appropriation of property in accordance with agreed policy and subject to provision in budget.
- Surrender of leases for Estate Management needs or where financial difficulty is demonstrated.
- Variations to lease covenants/clauses, settling of rent above £100,000 pa under rent reviews, licence/lease renewals in excess of 7 years and

variations to existing agreements where financial difficulty is demonstrated.

- Service of notices required to be served on lessees of the City Council terminating or altering the terms of a residential tenancy.
- Agreement of compensation and other collateral agreements following the Compulsory Purchase of land.

15.3.3 Cabinet (Resources) Panel Decisions

- All other property acquisitions and disposals.

15.3.4 Details of all transactions must be recorded and filed appropriately.

## 16 Glossary of Terms

Concession	Contracts where the consideration consists either solely in the right to exploit the work or service, or in this right to exploit together with payment.
Contract	An agreement between two or more parties relating to supplies, services, utilities or the execution of works for payment or otherwise by an agreement intended to bind those parties.
Contract Notice	An advert giving details of the contract being procured. The issue of the Contract Notice starts the PQQ, RFQ or ITT process.
Contracts Register	A database of all Council Contracts maintained by Procurement.
e-tendering system	The computer system used by the Council to undertake procurement activities
Framework Agreement	An agreement or other arrangement which establishes the terms under which the Provider will enter into one or more Contracts with the city council or other Public body during the period in which the Framework Agreement applies.
OJEU	Official Journal of the European Union.
OJEU threshold	The European Union Threshold pertaining to the values of Supplies, Services or Works which is published by the EU Commission and updated bi-annually in January.
OJEU threshold for Services and Supplies	£164,176 until 31 December 2017
Procuring Officer	The service team Officer who is responsible for the procurement process. This also includes third parties who are procuring on behalf of the Council.
Procurement Officer	The member of the Procurement Team who has been assigned to the procurement exercise.
Provider	An organisation that supplies goods to, provides services to or undertakes works for the Council.
Revenue earning contract	A Contract where either part of the consideration is a share for the Council of any income generated by the Provider or where the Council is acting as a Provider to another party.

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### Employee Employment Procedure Rules

#### 1 Recruitment and appointment

##### 1.1 Declarations

(a) The Council will draw up a statement requiring any candidate for appointment as an employee to state in writing whether he/she is the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor or employee of the Council; or of the partner of such persons.

(b) No candidate so related to a Councillor or an employee will be appointed without the authority of the relevant Senior Manager or an employee nominated by him/her.

##### 1.2 Seeking support for appointment

(a) The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.

(b) No Councillor will seek support for any person for any appointment with the Council.

##### 1.3 Recruitment of Head of Paid Service and Senior Managers

Where the Council proposes to appoint a Senior Manager and it is not proposed that the appointment be made exclusively from among their existing employees, the Council will:

1.3.1 draw up a statement specifying:

(a) the duties of the employee concerned; and

(b) any qualifications or qualities to be sought in the person to be appointed;

1.3.2 make arrangements for the post to be advertised in such way as is likely to bring it to the attention of persons who are qualified to apply for it; and

1.3.3 make arrangements for a copy of the statement mentioned in paragraph 1.3.1 to be sent to any person on request.

##### 1.4 Appointment of Head of Paid Service, Section 151 Officer, Monitoring Officer and Strategic Directors

1.4.1 The Council will appoint the Head of Paid Service, Section 151 Officer, Monitoring Officer and Strategic Director following the recommendation of a Special Appointment Committee of the Council.

1.4.2 The Council may only approve the appointment of the Head of Paid Service, Section 151 Officer, Monitoring Officer and Strategic Directors where no well-founded objection has been made by any Cabinet Member.

## Employee Employment Procedure Rules

### 1.5 Appointment of Directors and Service Directors

1.5.1 A Special Appointment Committee of the Council will appoint Directors and Service Directors

1.5.2 An offer of employment as a Director or Service Director shall only be made where no well-founded objection has been made by any Cabinet Member.

### 1.6 Special Appointment Committees

1.6.1 A Special Appointment Committee will be established to appoint the Head of Paid Service, Section 151 Officer, Monitoring Officer and Strategic Directors on a politically balanced basis and will usually comprise the Leader and Deputy Leader of the Council, any appropriate Cabinet Member, the Cabinet Member with lead responsibility for Human Resources and their opposition counterparts or their substitutes. The recommendation of the Special Appointments Committee must be confirmed by Full Council.

1.6.2 The Special Appointment Committee for any other Director or Service Director will be established on a politically balanced basis and will usually comprise the appropriate Cabinet Member, Opposition counterpart, Lead Councillor and Opposition Lead Councillor of the appropriate Scrutiny Panel or their substitutes.

1.6.3 Any Special Appointment Committee will be representative in terms of race, gender and disability wherever possible and have completed unconscious biased training.

1.6.4 Any Special Appointment Committee will follow the procedure required by the Local Authorities (Standing Orders) (England) Regulations 2001 ("the Regulations") as amended by The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

1.6.5 The Director of Governance will be the Proper Officer for the purposes of the Regulations. If that post is vacant then the Head of Paid Service will be the Proper Officer.

1.6.6 Any Special Committee established for the purposes of disciplinary action of the Head of Paid Service, the Monitoring Officer or the Section 151 Officer will follow the procedure required by the Local Authorities (Standing Orders) (England) Regulations 2001 ("the Regulations") as amended by The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

### 1.7 Other appointments

1.7.1 Employees **below** Service Director.

## Employee Employment Procedure Rules

Appointment of employees below Service Director (other than assistants to political groups) is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by Councillors.

1.7.2 Assistants to political groups. Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

Post	Appointment	Conditions
Head of Paid Service	Special Appointment Committee	Requires approval of Full Council
Monitoring Officer	Special Appointment Committee	Requires approval of Full Council
Section 151 Officer	Special Appointment Committee	Requires approval of Full Council
Strategic Directors	Special Appointment Committee	Requires approval of Full Council
Directors	Special Appointment Committee	Report to Cabinet Resources for information
Service Directors	Special Appointment Committee	Report to Cabinet Resources for information
Posts below Service Director	In accordance with the Council's Human Resources Policies and Procedures	In accordance with the Council's Human Resources Policies and Procedures
Political Assistants	Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group	

## 2. DISCIPLINARY ACTION

### 2.1 Disciplinary action against the Head of Paid Service, Monitoring Officer and Section 151 Officer

2.1.2 Special Committees will be established and their proceedings will be regulated as set out in paragraphs 1.6.1 to 1.6.4 of these Rules.

2.1.3 The Head of Paid Service, Monitoring Officer and Section 151 Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and will terminate no later than the expiry of two months beginning on the day on which the suspension takes effect unless notice is given to extend the period of suspension.

### 2.2. Disciplinary action against other employees

## **Employee Employment Procedure Rules**

2.2.1 Councillors will not be involved in disciplinary action against any employee below Service Director except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time.

### **3. Dismissal of Head of Paid Service, Strategic Directors, Directors and Service Directors**

3.1 The Council will only dismiss the Head of Paid Service, Monitoring Officer and Section 151 Officer following the recommendation of an Independent Panel. The Council may only approve the dismissal of the Head of Paid Service, Monitoring Officer and Section 151 Officer where no well-founded objection has been made by any Cabinet Member.

3.2 Dismissal of all other Strategic Directors, Directors and Service Directors will follow the Council's Disciplinary Policy and Procedure

3.3 The Council must appoint an Independent Panel (the Panel) under Section 102(4) of the Local Government Act 1972 to advise the Council on matters relating to the dismissal of the Head of Paid Service, Monitoring Officer and Section 151 Officer.

3.4 The Panel must comprise of at least two Independent Persons appointed under section 28(7) of the Localism Act 2011.

3.5 Full Council must not approve any recommendation of dismissal of the Head of Paid Service, Monitoring Officer or Section 151 Officer without considering:

- (a) any advice, views or recommendations of the Panel
- (b) the conclusions of any investigations into the proposed dismissal and
- (c) any representations from the relevant officer.

3.6 Full Council must approve any recommendation of dismissal of the Head of Paid Service, Monitoring Officer and Section 151 Officer before notice of dismissal is given.

3.7 The Director of Governance, will be the Proper Officer for the purposes of the Regulations. If that Proper Officer is the subject of the proceedings then the Head of Paid Service will be the Proper Officer.

### **4. Dismissal of other employees**

4.1 Councillors will not be involved in the dismissal of any employee except where such involvement is necessary for any investigation or inquiry into alleged misconduct, through the Council's disciplinary, capability and related procedures

4.2 Paragraph 4.1 of these Rules will not apply to assistants to political groups.



## Employee Employment Procedure Rules

Post	Investigation	Conditions	Appeal
Head of Paid Service	<p>Following an investigation, findings are presented to Special Committee who have the power to impose sanctions other than dismissal.</p> <p>In the case of potential dismissal, Independent Panel advises Full Council</p>	Decisions to dismiss must be taken by Full Council	
Monitoring Officer	<p>Following an investigation, findings are presented to Special Committee who have the power to impose sanctions other than dismissal.</p> <p>In the case of potential dismissal, Independent Panel advises Full Council</p>	Decisions to dismiss must be taken by Full Council	
Section 151 Officer	<p>Following an investigation, findings are presented to Special Committee who have the power to impose sanctions other than dismissal.</p> <p>In the case of potential dismissal, Independent Panel advises Full Council</p>	Decisions to dismiss must be taken by Full Council	

## Employee Employment Procedure Rules

Strategic Directors, Directors, Service Directors, posts below Director level	In accordance with the Council's Disciplinary Policy and Procedure	In accordance with the Council's Disciplinary Policy and Procedure	In accordance with the Council's Disciplinary Policy and Procedure
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### Disciplinary Procedure for Head of Paid Service, Monitoring Officer and Section 151 Officer

#### 1 General

- 1.1 The disciplinary procedure set out below is for use in cases relating to the Head of Paid Service, Monitoring Officer and Section 151 Officer (“the employee”)
- 1.2 Any decisions in such matters must be in accordance with the law, in particular the provisions of the Local Authorities (Standing Orders) (England) Regulations 2001, as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (“the Regulations”). The Regulations state that the Head of Paid Service, Monitoring Officer and Section 151 Officer may not be dismissed by an authority unless the procedure set out in the following paragraphs has been complied with.
- 1.3 Disciplinary procedures should be handled as quickly as possible, subject to the need to investigate the case thoroughly and to give the employee a reasonable opportunity to reply fully to the allegations.
- 1.4 The employee has the right to be represented at all stages throughout the Disciplinary Procedures by a union representative or work colleague.

#### 2. Investigation

- 2.1 Where a question of discipline is raised in connection with the Head of Paid Service or Section 151 Officer, the Monitoring Officer will be the Proper Officer and refer the matter to the Special Committee (“the Committee”). The Committee will consider the allegations and will meet with the employee to discuss them.
- 2.2 Where a question of discipline is raised in connection with the Monitoring Officer, the Head of Paid Service will be the Proper Officer and refer the matter to the Special Committee (“the Committee”). The Committee will consider the allegations and will meet with the employee to discuss them.
- 2.3 The Committee will then decide to either:
  - appoint an Independent Investigator (“the Independent Investigator”) to investigate the allegations and report to the Committee with their findings and recommendations. The Committee will also consider whether suspension is necessary for a maximum period of two months or
  - take no further action.
- 2.4 If the Committee decides to appoint an Independent Investigator a list of suitably qualified individuals is provided by the JNC Joint Secretaries and the Officer may choose from three names provided. If genuine conflicts of interest are raised, these will be considered by the Committee but if the employee

## Employee Employment Procedure Rules

does not agree within 14 days the Council should be free to appoint their choice from the list.

- 2.5 The employee will be given full details of the allegations against them prior to the appointment of the Independent Investigator and shall be informed of their appointment as soon as is reasonably practicable thereafter.
- 2.6 The Independent Investigator will conduct a thorough review of the allegations and the evidence and will provide a report within 20 working days of the commencement of the investigation.

### 3. Suspension

- 3.1 Suspension may be appropriate where the employees continued presence at work might compromise the investigation or impair the efficient exercise of the Council's functions. The Chair of the Committee may suspend the employee on full pay pending further investigation when allegations of misconduct are raised.
- 3.2 Suspension will be confirmed in writing to the employee stating the reasons for any such suspension. The suspension may be for a maximum period of two months only from the date the suspension takes effect. The Chair of the Committee may direct that the suspension is terminated or extended beyond the two-month period.
- 3.3 The employee shall be informed of the reason for suspension, or continued suspension and shall have the right to present information before such a decision is taken.

### 4. The Hearing

- 4.1 The Committee will hold a Hearing. The employee shall be given at least ten working days' notice of the Hearing at which they will be entitled to be present and represented. They may make written submissions to the Hearing and may call witnesses.
- 4.2 Once the Independent Investigator has presented their findings, the employee may ask questions of the Independent Investigator and any witnesses called by them. The employee will then present his or her case and call any witnesses. The Committee may ask questions throughout the process.
- 4.3 The Committee will then consider whether the allegations are substantiated and, if so, whether any one of the following outcomes is appropriate:
  - a) to take no further action; or
  - b) dismissal; or
  - c) disciplinary action short of dismissal, such action may include:

## Employee Employment Procedure Rules

- Written warning – including requirements on how to improve performance. This warning will remain on file for a period of 12 months.
  - Final written warning – including requirements on how to improve performance. This warning will remain on file for a period of 2 years.
  - any other reasonable sanction deemed appropriate by the Committee;
- 4.4 If the Committee determines that the outcome referred to in (b) above is appropriate, the procedures referred to in section 5 below must be followed. The Committee may determine the outcomes referred to in (a) and (c) above.
- 4.5 The Proper Officer under the Regulations, will notify every member of the Cabinet of:
- a) the name of the person who the Committee wishes to dismiss;
  - b) any other particulars relevant to the dismissal which has been notified to the proper officer;
  - c) and the period within which any objection to the dismissal is to be made by the Leader of the Council on behalf of the Cabinet to the proper officer;
- 4.6 Notice of the dismissal of the employee must not be given by the Council until either -
- a) the Leader of the Council has, within the period specified in the notice under sub-paragraph (c) of paragraph 4.5, notified the proper officer that neither he nor any other member of the cabinet has any objection to the dismissal;
  - b) the proper officer has notified the Council that no objection was received by him within that period from the Leader; or
  - c) the Council is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

### 5. The Independent Panel

- 5.1 Where the Hearing recommends dismissal, an Independent Panel (“the Panel”) shall be convened by the Proper Officer no later than 15 working days after the Hearing to review the case and make recommendations to Full Council.
- 5.2 The Proper Officer must invite Relevant Independent Persons to be considered for appointment to the Independent Panel with a view to appointing at least two such persons to the Panel.
- 5.3 “Relevant Independent Person” means any Independent Person who has been appointed under section 28(7) of the Localism Act 2011.
- (a) Relevant Independent Person who has been appointed by the Authority and who is a local government elector;
  - (b) any other Relevant Independent Person who has been appointed by the Authority; and

## Employee Employment Procedure Rules

- (c) a Relevant Independent Person who has been appointed by another authority or authorities.
- 5.4 The Authority is not required to appoint more than two Relevant Independent Persons but may do so.
- 5.5 The Authority must appoint any Panel at least 20 working days before the relevant meeting at which the Full Council will consider whether or not to approve any recommendation for the dismissal of the employee
- 5.6 The Proper Officer shall give at least five working days' notice of the Panel meeting to the employee, who shall be entitled to attend and make representations. The Independent Investigator shall also attend the meeting but the Panel will not conduct a rehearing of the evidence.
- 5.7 The Proper Officer will report the advice, views and recommendations of the Panel to all Councillors and the employee at least five working days before the date of the relevant meeting of the Full Council that will consider whether or not to approve the dismissal.
- 5.8 Where a recommendation to dismiss the employee has been made as, the consideration of that recommendation by Full Council will fulfil the appeal function. The appeal hearing by the Full Council at the relevant meeting will take the form of a review of the case. The employee will have the opportunity to make further representations to the Full Council at the relevant meeting. The Council, before the taking of a vote on whether or not to approve dismissal, must take into account, in particular:
- (a) Any advice, views or recommendations of the Panel (and should they consider it necessary, the relevant Independent Persons may give their advice, views and recommendations separately);
  - (b) The conclusions of any investigation into the proposed dismissal;
  - (c) The conclusions and recommendations of the Committee following the Hearing; and
  - (d) Any representations from the employee.
- 5.9 After taking into account the above matters at the relevant meeting, the Council may take any one of the following actions:
- (a) to approve the recommendation for dismissal or
  - (b) to reject the recommendation for dismissal but impose sanctions described in paragraph 4.3 (c) above, or
  - (c) to reject the recommendation for dismissal and take no further action

### 6. Appeal

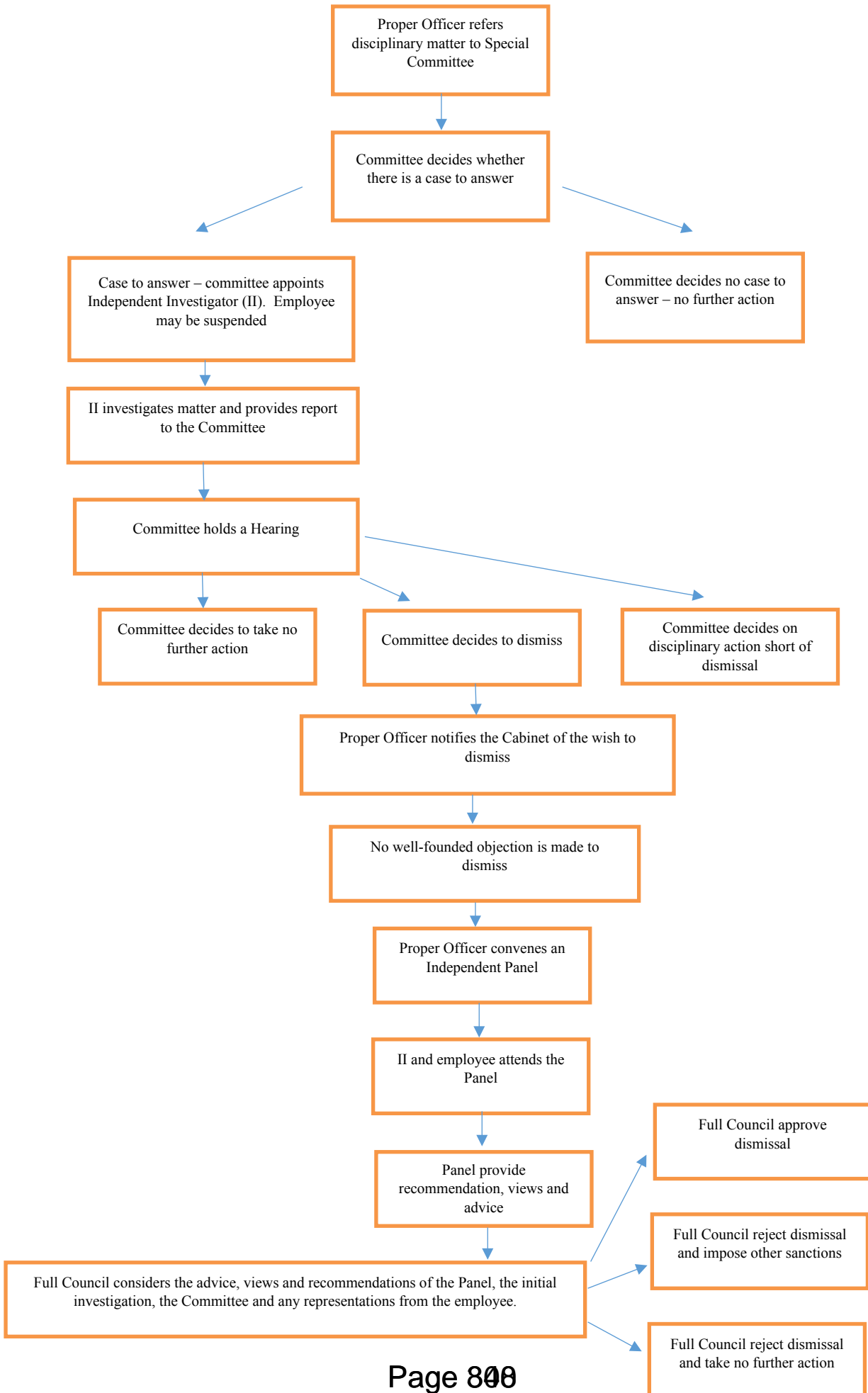
- 6.1 Appeal against Dismissal – see 5.8 and 5.9 above.
- 6.2 Where the Committee has taken action short of dismissal as referred to in paragraph 4.3 (c) above, the employee will have a right of appeal to the

## Employee Employment Procedure Rules

Appeals Panel. The Appeals Panel shall be politically balanced and comprise three councillors appointed by the Proper Officer who are members or substitute members of the Committee who were not involved in the Hearing. The employee will have the opportunity to make further representations to the Appeals Panel at its meeting.

- 6.3 After considering all relevant matters relating to the appeal, the Appeals Panel may take any one of the following actions:
- (a) to reject the appeal and confirm the Committee's decision, or
  - (b) to allow the appeal, in part, and impose an alternative sanction short of dismissal, or
  - (c) to allow the appeal and take no further action against the employee

# Employee Employment Procedure Rules





## **Code of Conduct for Councillors**

### **1. Application**

This Code of Conduct applies to you whenever you are acting in your capacity as a Councillor of City of Wolverhampton Council, including:-

- 1.1 at formal meetings of the Council, its Committees and Sub-Committees, Cabinet and Cabinet Panels
- 1.2 when acting as a representative of the Council
- 1.3 in taking any decision as a Cabinet Member
- 1.4 in discharging your functions as a Ward Councillor
- 1.5 at briefing meetings with Council employees and
- 1.6 at site visits
- 1.7 when corresponding with the Council other than in a private capacity

### **2 General Conduct**

You must:-

- 2.1 provide leadership to the Council and communities within its area by personal example and
- 2.2 respect others and not bully any person
- 2.3 recognise that employees (other than political assistants) are employed by and serve the whole Council
- 2.4 respect the confidentiality of information which you receive as a Councillor –
  - a. not disclosing confidential information to third parties unless required by law to do so or where there is a clear and over-riding public interest in doing so; and
  - b. not obstructing third parties' legal rights of access to information
- 2.5 not conduct yourself in a manner which is likely to bring the Council into disrepute
- 2.6 use your position as a Councillor in the public interest and not for personal advantage
- 2.7 accord with the Council's reasonable rules on the use of public resources for private and political purposes

- 2.8 exercise your own independent judgement, taking decisions for good and substantial reasons –
- a. attaching appropriate weight to all relevant considerations including, where appropriate, public opinion and the views of political groups
  - b. paying due regard to the advice of officers, and in particular to the advice of the statutory officers, namely the Head of Paid Service, the S.151 Officer and the Monitoring Officer and
  - c. stating the reasons for your decisions where those reasons are not otherwise apparent
- 2.9 account for your actions, particularly by supporting the Council's scrutiny function
- 2.10 ensure that the Council acts within the law.

### **3 Disclosable Pecuniary Interests**

You must -

- 3.1 comply with the statutory requirements to register, disclose and withdraw from participating in respect of any matter in which you have a disclosable pecuniary interest
- 3.2 ensure that your register of interests is kept up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your disclosable pecuniary interests
- 3.3 make verbal declaration of the existence and nature of any disclosable pecuniary interest at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent
- 3.4 "Meeting" means any meeting organised by or on behalf of the Council, including –
  - a. any meeting of the Council, or a Committee or Sub-Committee of Council
  - b. any meeting of the Cabinet and any Cabinet Panel meeting
  - c. in taking a decision as a Cabinet Member
  - d. at any briefing by employees; and
  - e. at any site visit to do with business of the Council

## **4 Other Interests**

- 4.1 In addition to the requirements of Paragraph 3, if you attend a meeting at which any item of business is to be considered and you are aware that you have a “non-disclosable pecuniary interest or non-pecuniary interest” in that item, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent
- 4.2 You have a “non-disclosable pecuniary interest or non-pecuniary interest” in an item of business of your Council where –
- a. a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the Council’s administrative area, or
  - b. it relates to or is likely to affect any of the interests listed in the Table in the Appendix to this Code, but in respect of a member of your family (other than a “relevant person”) or a person with whom you have a close association and that interest is not a disclosable pecuniary interest.

## **5 Gifts and Hospitality**

- 5.1 You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £50 which you have accepted as a Councillor from any person or body other than the Council.
- 5.2 The Monitoring Officer will place your notification on a public register of gifts and hospitality.
- 5.3 This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the Council for this purpose.

## **6. Disclosure and Barring Service (DBS) Checks**

- 6.1 The Council takes its safeguarding responsibilities seriously. To this end, on 15 October 2013, Cabinet (Resources) Panel decided that criminal records checks would be carried out for all Councillors following election. Enhanced checks will be carried out for those Councillors who may, by virtue of their particular responsibilities, have unsupervised contact with children. (As of June 2015, this applied to the Cabinet Member for Children and Young People, the Cabinet Member for Education, and members of the Corporate Parenting Panel. This list will be amended, as necessary, by the Head of Paid Service and the Monitoring Officer.) Standard checks will be carried out for all other Councillors.

- 6.2 Checks will be carried out every four years (normally to coincide with election or re-election). In the case of a by-election, a check will be carried out at the time of election and then again if the Councillor is re-elected, unless that date is within 12 months of the original check. Additional checks may be carried out for any Councillor at the discretion of the Head of Paid Service and the Monitoring Officer.
- 6.3 The Council recognises that information released in DBS certificates can be extremely sensitive and personal. Receipt, handling and consideration of the certificates will therefore be carried out in accordance with the Disclosure and Barring Service's code of practice.

## Appendix

### Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a Councillor has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows:-

<i>Interest</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a Councillor, or towards the election expenses of M.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992).</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to M's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	Any beneficial interest in securities of a body where—

- (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and
- (b) either:-
  - (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
  - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose –

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a Councillor;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

## **Planning Code of Conduct for Councillors and Employees**

### **Contents:**

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## **1. Introduction**

- 1.1 This Code has been written to advise all those concerned with planning matters at City of Wolverhampton Council. Planning is not an exact science, rather, it relies on informed judgement within a policy context. It can be highly contentious because its decisions affect the lives and the private interests of individuals, landowners, and developers. This is heightened by the openness of the system (it actively invites public opinion before taking some decisions) and the legal nature of development plans and decisions notices. It is important, therefore, that the process is open and transparent.
- 1.2 One of the key purposes of the planning system is to enable good development in the public interest. The Council should make planning decisions openly, impartially, with sound judgement, and for justifiable reasons. The process should leave no ground for suggesting that a decision has been partial, biased, or not well-founded.
- 1.3 Councillors and employees are requested to read this Code thoroughly and to put it into practice consistently. It is intended to review the Code regularly so that it remains useful and relevant. If any points are unclear or need review, please contact the Director of Governance or his/her nominated officer, the Head of Planning or Democratic Services. The responsibility for complying with the Code lies with the individual Councillor.

## **2. General Principles**

- 2.1 Councillors are reminded that they are required to comply with the statutory provisions on the disclosure of interests, the Council's Constitution and the Council's Code of Conduct for Councillors, which forms part of the Constitution.
- 2.2 Employees involved in the processing and determination of planning matters must also act in accordance with the Council's Constitution and with the relevant sections of the Royal Town Planning Institute's Code of Professional Conduct and the Employee's Code of Conduct.
- 2.3 Whilst this Planning Code deals primarily with planning applications, its principles also apply to consideration of other planning matters. An overriding principle is that when local authorities are dealing with planning matters they should only take into account material planning considerations and ignore irrelevant matters. A key principle is that Councillors should represent the interests of the City as a whole.

## **3. General Roles of Councillors and Employees**

- 3.1 Councillors and employees have different, but complementary roles; both serve the public but Councillors are responsible to the electorate, whilst employees are responsible to the Council as a whole. A successful relationship between Councillors and employees can only be based upon



mutual trust and understanding of each other's position. This relationship must never be abused or compromised.

3.2 When Councillors come to make a decision on a planning matter they must:

- a. Act fairly and openly;
- b. Approach each application with an open mind;
- c. Carefully weigh up all relevant issues;
- d. Determine each application on its own merits;
- e. Avoid contacts with interested parties which might be taken to indicate that they were unduly influenced by one party or another;
- f. Ensure that there are clear and substantial reasons for their decisions, and that those reasons are clearly stated;
- g. Avoid expressing a fixed view on a case before it is heard by the Planning Committee;
- h. Declare any interests.

3.3 The employee's function is to advise and assist Councillors in matters of planning policy and in their determination of planning applications, enforcement issues and any other planning matters by:

- a. Providing impartial and professional advice;
- b. Making sure that all relevant information necessary for the decision to be made is given;
- c. Providing a clear, accurate and succinct analysis of the issues;
- d. Setting planning applications, enforcement issues and other planning matters against the broader Development Plan policies and other relevant material considerations;
- e. Giving a clear recommendation;
- f. Carrying out the Committee's decisions.

#### **4. Declarations of Interest**

4.1 The Localism Act 2011 repealed the previous standards regime. It required the Council to introduce a code dealing with the conduct expected of Councillors. The Code has to be consistent with the Nolan Seven Principles of Standards in Public Life:

Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership.

4.2 This document is supplementary to the City Council's Code for Councillors. The Act abolished the previous regime of personal and prejudicial interests and replaced them with "Disclosable Pecuniary Interests". In addition to Disclosable Pecuniary Interests there are other interests which are commonly known as Non-Disclosable Pecuniary or Non-Pecuniary interests and which are referred to below.

#### 4.3 **Disclosable Pecuniary Interests (DPI's)**

The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 defines DPI's and these are set out in the Schedule in the City Council's Code of Conduct.

Where a Councillor has a DPI or his/her spouse/civil partner/person with whom he/she is living as husband or wife or as if they were civil partners has a DPI (and the Councillor is aware that the other person has a DPI) he/she should declare the interest, must not participate and must not vote. The Councillor must also decide whether to withdraw from the meeting. In deciding whether to withdraw from the room the Councillor must consider whether his/her continued presence would be incompatible with the Seven Principles of Standards in Public Life.

#### 4.4 **Other Interests (Non-Disclosable Pecuniary or Non-Pecuniary Interests)**

There will be some circumstances in which the Councillor has an interest but it is not a DPI. Those are commonly known as personal interests (but not as defined under the previous regime).

- a. A Councillor has a personal interest where the decision relates to or is likely to affect the interests listed in the Schedule to the City Council's Code, not in respect of the Councillor or their spouse/partner etc. but in respect of another member of their family or a person with whom they have a close association.
- b. Also a Councillor has a personal interest where a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of the Councillor or a member of their family or a person with whom they have a close association to a greater extent that it would affect the majority of Council Tax payer, ratepayers or inhabitants of the ward or electoral area for which they have been elected or otherwise of the Council's administrative area. Membership of a Trade Union constitutes a personal interest

- 4.5 It is the responsibility of the individual Councillor to consider whether to declare a personal interest and whether the interest warrants withdrawal from the meeting when the matter arises.

The table below sets out the action that should be taken (unless there are dispensations)

Type of interest	Action to be taken
Non-Pecuniary Interests/ Non-Disclosable Pecuniary Interests	Declare at start of meeting or as soon as it becomes apparent. Participate and vote unless continued presence incompatible with the Seven Principles of Standards in Public Life
Disclosable Pecuniary Interest	Do not influence the decision in any way.  Do not participate or vote.  Withdraw if continued presence incompatible with the Seven Principles of Standards in Public Life

4.6 Sanctions in respect of Disclosable Pecuniary Interests  
There are various sanctions available including criminal proceedings. The Council's decision could be challenged and the Council could be liable to pay compensation. In extreme cases the Councillor would also be held liable to pay compensation.

## 5. Pre-Application and Pre-Decision Discussions

- 5.1 The Localism Act, particularly Section 25, has given Councillors more freedom to engage in pre-application and pre-decision discussions. Nevertheless, in order to avoid perceptions that Councillors might have fettered their discretion, such discussions should take place within the following guidelines:
- a. Councillors and employees should make it clear at the outset that the discussions will not bind the Council to making a particular decision and that any views expressed are personal and provisional.
  - b. Employees should be present with Councillors in meetings. Councillors should avoid giving separate advice on the development plan or material considerations as they may not be aware of all the issues at an early stage. Neither should they become drawn into any negotiations which should be done by employees (keeping interested Councillors up to date) to ensure that the authority's position is co-ordinated.

## 6. Attendance at Public Meetings

- 6.1 When attending public meetings, Councillors must be accompanied by an employee and they should take great care to maintain their impartial role as a Councillor. They should listen to the points of view expressed by the speakers

and the public. Councillors must not state a conclusive decision on any pre-application proposals and submitted planning applications. To do so could lead to allegations of prejudice or bias and prevent the Councillor from taking part in the decision making process.

## **7. Lobbying and Predetermination**

- 7.1 It is likely that on occasion Councillors will be approached by prospective and actual applicants (and agents) or members of the public with a view to them lending support to the proposal, or indeed opposing it. When Councillors are lobbied they need to exercise great care to maintain the Council's reputation, the Councillor's own integrity and the public perception of the planning process.
- 7.2 It was considered that previous rules stifled discussions. Section 25 of the Localism Act 2011 has changed the previous rules of pre-determination and lobbying to some degree. It acknowledges that Councillors are often under pressure to play an active part in local discussions and so there is more scope for involvement in local issues.
- "Past history of a closed mind is now irrelevant unless there is also evidence of a closed mind at the actual time of the decision".
- 7.3 Earlier comments or actions may be taken into account with what happens at the meeting. So if a Councillor had supported the application before the meeting, and then appears to try to push through the application at the meeting, an appearance of a closed mind would be found. Conversely comments made before the meeting would be irrelevant if there was demonstrated to be careful and open-minded consideration at the meeting.
- 7.4 If they are approached, Councillors may wish to refer the person to another Councillor who is not a member of the Planning Committee or to the Planning Case Officer. If the lobbying persists then Councillors should expressly state that whilst they can listen to what is said, if they give any commitment (for or against) in respect of the application/proposal without all relevant information, it could prevent the Councillor from taking part in the decision making process.
- 7.5 Other than for formal site visits, Councillors should not enter the premises or sites which are, or are likely to be, the subject of a planning application.

## **8. The Party Whip**

- 8.1 Councillors must not accept an instruction from anyone to determine an application in a particular manner, but must determine the issue on its merits. Therefore, it is inappropriate for any Party Group to instruct its members to vote in a particular manner. Where such a "Whip" has been applied, Councillors should declare it in exactly the same manner as they would declare any other attempt at lobbying.

## **9. Public Participation**

- 9.1 The Council allows public speaking in accordance with its public speaking protocol. Details of the protocol are available from the Head of Planning or Democratic Services.

## **10. Reports to Planning Committee**

- 10.1 Reports to the Planning Committee on applications and other planning matters should be clear, accurate and succinct. They should include a written recommendation, give clear and unambiguous reasons for granting planning permission (with conditions to be attached) or refusal (with reasons).
- 10.2 The Chair, at the request of any member of the Committee, may adjourn the meeting for a reasonable period of time to enable the Councillors to have an opportunity of reading any information which has been tabled by the employees at the meeting.
- 10.3 As a general rule the members of the Committee will not take into account any written information at the meeting which has not been submitted by the developer/applicant or any consultees (including local residents) as part of the application process. However, in exceptional circumstances the Chair, in consultation with the employees present, may exercise his/her discretion to consider new information if it is appropriate to do so.

## **11. The Decision Making Process**

- 11.1 Councillors should not take part or vote on any matter if they have not read the committee report or if have not been present throughout the consideration of such matter (unless the item has been deferred from a previous meeting after being partially considered).
- 11.2 In discussing and determining a planning matter, Councillors should confine themselves to the planning merits of this case. The reasons for making a final decision should be clear, convincing and supported by material considerations and the planning merits.
- 11.3 Occasionally members of the Planning Committee will disagree with the professional advice given by the Head of Planning or his representative. As indicated above, planning is not an exact science and there can be genuine disagreement about the implications of a particular proposal. A senior legal officer will be present at Committee and will advise the Committee if the facts cannot support the conclusion which the Councillors have drawn and if the Committee is in danger of acting unreasonably. Any reasons for refusal or conditions associated with granting an application, which is contrary to the recommendation made by employees should be clear, convincing and based on sound planning grounds, failing which, the City Council may be put at risk of costs.

- 11.4 Where Councillors wish to add or amend conditions or reasons for the refusal, the general content will be agreed at the meeting before the vote is taken and the final wording will generally be delegated to the relevant employee.

## **12. Committee Site Visits**

- 12.1 A site visit is private and its purpose is for Councillors to gain knowledge of the development proposal and to observe the characteristics of the site and its relationship to its surroundings. A site visit should only be called by the Planning Committee itself:-
- a. Where the impact of a proposed development is difficult to visualise from the submitted plans and any additional supporting material;
  - b. Where there is a good reason why the comments of the applicants and/or any objectors to, or supporters of, the proposals cannot be expressed adequately in writing;
  - c. Where the proposal is particularly contentious.
- 12.2 Site visits are not part of the formal consideration of the application and therefore public rights of attendance do not apply. They enable questions to be asked on site for clarification. Discussion on the merits of the application will only take place at the subsequent Committee.
- 12.3 The site visit shall take place during normal working hours as far as is practicable unless there are reasons which dictate otherwise.

## **13. Development Proposals of Councillors, Employees and the Council**

- 13.1 Councillors and Employees should never act as agents for individuals (including a company, group or body) pursuing an application, enforcement issue or other planning matter. If Councillors or employees submit their own development proposal to the Council they should take no part in its processing or the decision-making. The Council's Monitoring Officer should be informed by the Councillor of all such proposals as soon as they are submitted and shall ensure that such applications and/or matters are dealt with in a correct and open manner.
- 13.2 Applications made on behalf of the Council for its own development must be determined in an identical manner to applications made by the general public and with the same planning policy considerations applied. The Council's current practices and procedures achieve this with identical consultation and publicity in relation to the application. Decisions must be made strictly on planning merits and without regard to any financial or other gain which may accrue to the Council if the development is permitted.

## **14. Planning Agreements**

14.1 Applications which propose or require planning obligations by agreement will generally be determined by the Planning Committee. The main issues to be addressed by the agreement will be included in the written report. If Councillors recommend an agreement which is not referred to in the report, Councillors should take into account the tests in the National Planning Policy Framework; Planning Obligations should only be sought where they meet all of the following terms:

- a. necessary to make the development acceptable in planning terms
- b. directly related to the development and
- c. fairly and reasonably related in scale and kind to the development.

## **15. Filming**

15.1 The City Council has a policy relating to recording and filming of meetings. The policy is set out in the Council's Constitution

## **16. Training**

16.1 No Councillor should be appointed to the Planning Committee without having agreed to participate in educational training programmes directed towards the role of Councillors in making planning decisions.

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**Code of Conduct for Employees**

**1. Introduction**

- 1.1 The public is entitled to expect the highest standards of conduct from all employees who work for local government. This Code of Conduct outlines existing laws, regulations and conditions of service to assist employees in their day-to-day work. The Code has been produced in light of the challenges that employees face in a new and more commercially orientated environment.
- 1.2 The aim of the Code is to lay down guidelines for local government employees which will help maintain and improve standards and protect employees from misunderstanding or criticism.
- 1.3 Employees must not, either in an official capacity or in any other circumstance, conduct themselves in a manner which could reasonably be regarded as bringing the Council into disrepute.
- 1.4 Employees who fail to meet the highest standard of conduct will be managed in accordance with the Council's Disciplinary Policy and Procedure.

**2. Scope**

- 2.3 The Code applies to all local government employees in Wolverhampton. Inevitably some of the issues covered by the Code will affect senior, managerial and professional employees more than it will others. The Code is intended to cover all employees under a contract of employment within the Council, including office holders such as registrars.

**3. Principles**

- 3.1 The Council has five core behaviours that are at the heart of every employee's contract of employment and all work should be undertaken in accordance with these.

## PRIDE: our core behaviours

*Working as one to serve our city*

How we will behave		
<b>P</b>	<b>Put customers first -</b> <i>be customer focused</i>	We deliver for our customers, satisfying their needs and empowering employees to do the right thing.
<b>R</b>	<b>Raise the profile of the City -</b> <i>be positive</i>	We are confident advocates for the city and the council. We are positive about what we do and work actively with our partners to build confidence.
<b>I</b>	<b>Inspire trust and confidence -</b> <i>be open</i>	We value each other's contribution, empathise with colleagues, are self-aware and remain open in difficult situations. We are flexible and open-minded in our approach. We listen and respond to new ideas.
<b>D</b>	<b>Demonstrate a can-do and tenacious attitude -</b> <i>be a change agent</i>	We take the initiative, take ownership of problems and see them through, challenging where appropriate and acknowledge uncertainties. Importantly, we will be evidence-led in our decision-making.
<b>E</b>	<b>Encourage teamwork -</b> <i>be a team player</i>	We work as one council, sharing ideas, each other's priorities and problems. We work together to develop shared, sustainable solutions to complex problems.

### 4. Standards

- 4.1 Local government employees are expected to give the highest possible standard of service to the public and where it is part of their duties, to provide appropriate advice to Councillors and fellow employees in an impartial manner. Employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service. Employees must report any impropriety or breach of procedure to the attention of a Senior Manager.
- 4.2 In carrying out their duties, employees will act with professionalism and will follow the Council's Every Contact Counts customer service standards at all times.
- 4.3 The Council must maintain the image of a professional public service organisation, providing high quality services. Therefore, all employees must ensure they present a tidy and professional image of the council and present a positive first impression. All employees must ensure that they are appropriately dressed for their duties
- 4.4 The City of Wolverhampton Council respects the right for employees to adhere to religious and cultural observances, however, employees who wish to make modifications to their uniforms to reflect their beliefs must discuss and agree them with their line manager.
- 4.5 The council will allow some modification to the uniform for employees with specific medical conditions, however employees who wish to make such modifications to their uniforms or work attire must agree them with their line manager in conjunction with Corporate Communications.
- 4.6 Employees who are provided with an access pass or identification card must wear them on a corporate branded lanyard. All employees who

## **Code of Conduct for Employees**

have daily, face-to-face contact with our customers must wear a name badge at all times.

- 4.7 Employees must not wear their uniform, access pass or identification cards when not at work, and are required to return all items on termination of their contract of employment on their last day of work. This is to maintain the integrity of the council's corporate image by minimising the risk of the council being misrepresented. Corporate uniforms, access passes and identification cards must **not** be made available to non-council employees.

### **5. Disclosure of Information**

- 5.1 It is accepted that open government is best. The law requires that certain types of information must be made available to Councillors, auditors, government departments, service users and the public. The law also recognises that this information is confidential. Employees should ensure that confidentiality of information is maintained as required by the law and by the Council.
- 5.2 Employees must not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass information on to others who might use it in such a way. This is also expected and should be applied when employment with the Council has terminated and the person is no longer an employee. Any particular information received by an employee from a Councillor which is personal to that Councillor and does not belong to the Council should not be divulged by the employee without the prior approval of that Councillor, except where such disclosure is required or sanctioned by the law.
- 5.3 Employees must ensure that they adhere to the Council's Information Governance Framework and associated policies and procedures at all times.

### **6. Political Neutrality**

- 6.1 Employees serve the Council as a whole. It follows they must serve all Councillors and not just those of the controlling group, and must also ensure that the individual rights of all Councillors are respected.
- 6.2 It is recognised in some circumstances that political parties will wish to formulate their policies in private, yet require employee input. Confidentiality should be maintained in these circumstances.
- 6.3 Employees (whether or not politically restricted under the provisions of the Local Government and Housing Act 1989) must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work.

- 6.4 Political assistants appointed in accordance with the Local Government and Housing Act 1989 are exempt from the standards set in paragraphs 6.1 and 6.3.

## **7. Relationships**

### **7.1 Councillors**

Employees are responsible to the Council through its senior managers. For some, their role is to give advice to Councillors and senior managers and all are there to carry out the Council's work. Mutual respect between employees and Councillors is essential to good local government. Close personal familiarity between employees and individual Councillors can damage the relationship and prove embarrassing to other employees and Councillors and should therefore be avoided.

### **7.2 The Local Community and Service Users**

Employees should always remember their responsibilities to the community they serve and ensure that a courteous, efficient and impartial service is delivered to all groups and individuals within that community as defined by the policies of the Council.

Employees should avoid unnecessary personal familiarity with service users and customers that they come into contact with in the course of their work. They should not use their position to either take unfair advantage of members of the public who use Council services or allow themselves to be unduly influenced by them. Employees must ensure their professional integrity is maintained at all times.

### **7.3 Contractors**

All relationships of a business or private nature with external contractors, or potential contractors, should be made known to a senior manager. Orders and contracts must be awarded on merit, by fair competition against other tenderers, and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.

- 7.4 Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare that relationship to their Senior Manager.

### **7.5 Spouses, partners and close personal friends**

Employees who have a close personal relationship with any other employee of the Council should take special care to ensure that the relationship does not interfere with normal working relationships and

## **Code of Conduct for Employees**

does not cause others to doubt that they will be treated fairly. If it does, appropriate action will be taken in such circumstances.

- 7.6 People who already have a close personal relationship should not seek employment in the same work group. Senior managers have a particular responsibility to ensure that there can be no question of favouritism or bias in the appointment or treatment of any person with whom they have a close personal relationship outside of their particular work group.
- 7.7 Where employees are involved in a close personal relationship with a work colleague that has broken down, they must ensure that they do not involve others in their private affairs within the workplace. Relations and/or their breakdown must not interfere with working arrangements.
- 7.8 Employees who are in, or embark on, a close personal relationship within the same service or department must declare the relationship to their manager and may voluntarily sign the protocol at Appendix 1 to help ensure probity and appropriate behaviours. Dependent on the working arrangements, the nature of the post(s) held and an assessment of the potential risk to the organisation, the relevant Strategic Director/Director/Service Director may **require** employees to sign the relationship protocol. Signed relationship protocols will be maintained confidentially by the Head of Human Resources and a copy placed on each individual's personal file. Protocol is available on a voluntary basis in cases where staff are engaged in a close personal relationship that is further removed from working in the same department.

### **8. Appointment and Other Employment Matters**

- 8.1 Employees involved in appointments should ensure that these are made on the basis of merit. It is improper for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with him or her.
- 8.2 Similarly, employees should not be involved in decisions relating to discipline, promotion, or pay adjustments for any other employee who is a relative, partner, etc.

### **9. Outside Commitments**

- 9.1 All employees should be clear about their contractual obligations with the Council and should not take outside employment which conflicts with the Council's interests. Employees should declare to their senior manager any outside commitments that could be considered as having some similarity with their Council duties or might cause conflict.
- 9.2 The Council retains ownership of intellectual property or copyright created during a person's employment.

**10. Personal Interests**

10.1 The Director of Governance will maintain a register of employees' interests outside their contract of employment. All employees should, without delay, notify the Director of Governance and their Senior Manager of outside interests which cover: -

- (a) Any non-financial interests that they consider could bring about conflict with the Council's interests;
- (b) Any financial interests which could conflict with the Council's interests;
- (c) Membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct.

10.2 The register of employees' interests will be kept on a confidential basis.

**11. Equality Issues**

11.1 All local government employees should ensure that policies relating to equality issues as set down by the Council are complied with in addition to the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equity.

**12. Separation of Roles during Tendering**

12.1 Employees involved in the tendering process and or dealing with contractors should be clear on the separation of client and contract roles within the Council. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.

12.2 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers other contractors and sub-contractors.

12.3 Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.

12.4 Employees contemplating a management buy-out should, as soon as they have formed a definite intent, inform the Managing Director and withdraw from the contract awarding processes.

12.5 Employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates

in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

**13. Corruption**

13.1 Employees must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.

**14. Use of Financial Resources**

14.1 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the Council.

**15. Hospitality**

15.1 Employees should accept offers of hospitality only if there is a genuine need to impart or receive information or represent the Council in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the Council should be seen to be represented. They should be properly authorised and recorded.

15.2 When hospitality has to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the Council.

15.3 Employees should not accept significant personal gifts from contractors and outside suppliers, although employees can keep insignificant items of token value such as pens, diaries, etc.

15.4 When receiving authorised hospitality employees should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality.

15.5 Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the Council gives consent in advance and where the Council is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment, etc. are required, employees should ensure that the Council meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

**16. Sponsorship – Giving and Receiving**

- 16.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts of hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
- 16.2 Where the Council wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to a Senior Manager of any interest. Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

**17. Use of Council Assets**

- 17.1 Council assets comprise of not only physical and financial resources but also computer data and information.
- 17.2 Employees must ensure they have the necessary authorisations and permissions before using council property.
- 17.3 Employees must ensure they comply with the Council's policy on the Personal Use of ICT and Social Media and the Council's Information Governance Framework.

**18. Whistleblowing**

- 18.1 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment employees are encouraged to come forward and voice any serious concerns they may have over any aspect of the Council's work.
- 18.2 If employees become aware of any activities that are non-compliant with this Code of Conduct, they must report the matter through the Council's Whistleblowing Policy.
- 18.3 Any employees who raise concerns do so without the fear of victimisation, subsequent discrimination or disadvantage.

**19 Liability of Employees -**

- 19.1 This section sets out the support which the Council gives to employees if claims are made against them by third parties arising out of alleged acts or defaults whilst they are carrying out their duties and responsibilities as employees of the Council. NB: for the purposes of this policy, any Returning Officer appointed by the Council is covered by the term 'employee' as used hereafter.
- 19.2 Providing an employee is not acting in a fraudulent or dishonest manner, and is not reckless or grossly negligent, or acting outside the scope or spirit of his or her normal duties, the Council will provide



liability cover for any action taken against the employee by third parties arising out of the normal course of carrying out Council business, including the management of elections or referenda. This cover does not prevent disciplinary action being taken where appropriate and cover cannot be provided for criminal, wilful or reckless acts.

19.3 Claims may arise in a number of ways:

- (i) As the result of a direct action by a third party against the employee;
- (ii) As a result of the employee being joined in an action by a third party against the Council;
- (iii) As a result of a direct action by a third party against the Council.

19.4 The general rule of law is that an employer is liable for the acts or defaults of an employee provided that individual was acting within the scope of his/her employment. This can also extend to the situation where a third party reasonably believes the employee had proper authority to do what he or she has done, even if this is not actually the case.

19.5 It is normal practice in the public and private sectors for employing bodies to indemnify their employees. Employees of City of Wolverhampton Council are covered by a resolution of the Finance and General Purposes Committee dated 13 April 1987:  
That the Council shall indemnify in perpetuity all employees and former employees of the Council against all liability, professional or otherwise, for negligence or negligent omission or breach of contractual or statutory duty arising out of the employee's employment with the Council and that such indemnity shall extend to any such liability arising out of the employee's engagement of duties undertaken by the Council on behalf of any other authority or body.  
Provided that such indemnity shall not extend to any liability arising as a result of fraud, dishonesty or other criminal activity or of wilful misconduct, gross negligence or gross dereliction of duty on the part of the employee.

19.6 The indemnity will not apply if any employee, without the authority of the Council, admits liability or negotiates or attempts to negotiate a settlement of any claim falling within the scope of this policy.

19.7 Insurance cover relevant to employees is as follows:

- Public and employers' liability
- Officials indemnity (financial loss to third parties)
- Libel and slander
- Cash in transit
- Personal accident (assault)
- Travel cover (on request) for official journeys outside the UK
- No claims bonus and excess protection cover (on request and contributory premiums)

19.8 Where an employee is involved with an external body or company, the situation is more complex and depends on the nature of the role undertaken, whether as an observer, adviser or part of the management of the organisation. This is covered in more detail in the Code of Practice for Service on Outside Bodies, approved by the Audit Committee on 27 February 2006.

19.9 As part of its risk management, the Council sometimes agrees deductibles (an excess) for an insurance policy at a higher level than may be required by the market. The cost of any deductible is met out of the Council's Insurance Fund. In the event that a claim is made against an employee in respect of duties carried out in the course of his or her employment, the Council will indemnify the employee against the cost of any deductible that may fall due, subject to the provisions outlined above.

**20. Supporting Regulations, Codes and Procedures**

20.1 Supporting this general Code of Conduct are specified detailed regulations and procedure codes:

- Contracts Procedure Rule
- Financial Procedure Rules
- Anti-Fraud and Corruption Policy
- Anti-Money Laundering Policy
- Whistle Blowing Policy
- Hospitality Code
- Human Resources policies and procedures
- National Scheme of Conditions of Service
- Equal Opportunities Policy
- Computer Security Policy
- Service Group Instructions and Codes
- Information Governance Framework, policies and procedures
- Personal Use of ICT and Social Media Policy

## **Protocol for Councillor/Employee Relationships**

### **1. Introduction**

1.1 Mutual trust and respect between Councillors and employees is at the heart of a Council's good governance. They are essential if the partnership necessary for the effective running of a local authority is to succeed. This protocol is a guide to the basic elements of the relationship between Councillors and employees. Its purpose is:

- a. To promote trust, openness, fairness and honesty by establishing some ground rules;
- b. To define roles so as:
  - to clarify responsibilities
  - to avoid conflict, and
  - to prevent duplication or omission;
- c. To secure compliance with the law, codes of conduct and the Council's own practices; and
- d. To lay down procedures for dealing with concerns by Councillors or employees.

1.2 The protocol should be recognised both as a central element of the Council's corporate governance, and as a commitment to upholding standards of conduct in public life. It is one way of demonstrating to the public at large that local government is serious about protecting and enhancing its integrity and reputation.

### **2. Definitions**

2.1 Unless the context indicates otherwise, references to the term *Council* include the Cabinet, Scrutiny Board, Scrutiny Panels and Regulatory or other Committees.

2.2 Unless the context indicates otherwise, the terms Councillor and Councillors include non-elected (i.e. co-opted or independent) members as well as elected Councillors.

2.3 Employees mean all persons employed by the Council.

2.4 "*Designated Officer*" is defined in the Cabinet Procedure Rules as the Head of Paid Service, a Director or other senior employee authorised by him/her for this purpose.

2.5 "*Director of Finance*" means the Director of Finance (as Section 151 Officer).

2.6 "*Monitoring Officer*" means the Director of Governance.

### **3. Principles**

- 3.1 Councillors and employees must at all times observe this protocol.
- 3.2 The protocol is based on the model drawn up by the Association of Council Secretaries and Solicitors and has been approved by the Council's Standards Committee who will monitor its operation.
- 3.3 The protocol seeks to maintain and enhance the integrity (real and perceived) of local government which demands the highest standards of personal conduct. Councillors and employees must always respect the roles and duties of each other. They must show respect in all their dealings by observing reasonable standards of courtesy, and by not seeking to take unfair advantage by virtue of their position.
- 3.4 Whilst Councillors and employees are indispensable to one another, their responsibilities are distinct. Councillors are accountable to the electorate and serve only as long as their term of office lasts. Employees are accountable to the Council as a whole. Their job is to give advice to Councillors (individually and collectively) and to carry out the Council's work under the direction of the Council.
- 3.5 The Council has adopted codes of conduct for both Councillors and employees. Both represent best practice. The Councillors' code follows the national code which in turn is based on the general principles governing Councillors' conduct enshrined in law. These principles underpin this protocol.
- 3.6 Breaches of this protocol by a Councillor may result in a complaint to the Standards Committee if it appears the Councillors' code has also been breached. Breaches by an employee may lead to disciplinary action.

### **4. The Role of Councillors**

- 4.1 Councillors have a number of roles and need to be alert to the potential for conflicts of interest which may arise between the roles. Where such conflicts are likely, Councillors may wish to seek the advice of senior colleagues, the relevant senior officer(s), and/or the Monitoring Officer.
- 4.2 Collectively, Councillors are the ultimate policy-makers determining the core values of the Council and approving the authority's policy framework, strategic plans and budget. Councillors represent the community, act as community leaders and promote the social, economic and environmental well-being of the community often in partnership with other agencies. Every Councillor represents the interests of, and is an advocate for, his/her Ward and individual constituents. He/she represents the Council in the Ward, responds to the concerns of constituents, meets with partner agencies, and often serves on local bodies.

- 4.3 As politicians, Councillors may express the values and aspirations of the party political groups to which they belong, recognising that in their role as Councillors they have a duty always to act in the public interest.
- 4.4 Councillors are not authorised to instruct employees other than:
- a. Through the formal decision making process;
  - b. To request the provision of consumable resources provided by the Council for Councillors' use;
  - c. Where employees have been specifically allocated to give support to a Councillor or group of Councillors and;
  - d. In the case of political assistants.
- 4.5 Councillors are not authorised to initiate or certify financial transactions, or to enter into a contract on behalf of the Council. Councillors must avoid taking actions which are unlawful, financially improper or likely to amount to maladministration. Councillors have an obligation under their code of conduct to have regard when reaching decisions, to any advice provided by the Monitoring Officer or the Section 151 Officer.
- 4.6 Councillors must respect the impartiality of employees and do nothing to compromise it, for example by insisting that an employee change his/her professional advice.

## **5. The Role of Employees**

- 5.1 Employees are responsible for giving advice to Councillors to enable them to fulfil their roles. In doing so, employees will take into account all available relevant factors. Under the direction and control of the Council, employees manage and provide the Council's services within the framework of responsibilities delegated to them. This includes the effective management of employees and operational issues. Employees have a duty to implement decisions of the Council, which are lawful, and which have been properly approved in accordance with the requirements of the law and the Council's Constitution.
- 5.2 Employees have a contractual and legal duty to be impartial. They must not allow their professional judgement and advice to be influenced by their own personal views. Employees must assist and advise all parts of the Council. They must always act to the best of their abilities in the best interests of the authority as expressed in the Council's formal decisions. Employees must be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for Councillors, the media or other sections of the public.
- 5.3 Employees have the right not to support Councillors in any role other than that of employee, and not to engage in actions incompatible with this protocol. In

particular, there is a statutory limitation on employees' involvement in political activities.

## **6. The Relationship between Councillors and Employees**

- 6.1 The conduct of Councillors and employees should be such as to instil mutual confidence and trust. The key elements are a recognition of and a respect for each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other, both publicly and privately.
- 6.2 Informal and collaborative two-way contact between Councillors and employees is encouraged. But personal familiarity can damage the relationship, as might a family or business connection. Councillors and employees should inform the Monitoring Officer of any relationship which might be seen as unduly influencing their work in their respective roles.
- 6.3 It is not enough to avoid actual impropriety. Councillors and employees should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a personal relationship has been disclosed, those concerned should avoid a situation where conflict could be perceived. Specifically, a Councillor should not sit on a body or participate in any decision which directly affects the employee on a personal basis.
- 6.4 With the exception of political assistants, employees work to the instructions of their senior officers, not individual Councillors. It follows that, whilst such employees will always seek to assist a Councillor, they must not be asked to exceed the bounds of authority they have been given by their managers. Except when the purpose of an enquiry is purely to seek factual information, Councillors should normally direct their requests and concerns to a senior officer, at least in the first instance.
- 6.5 Employees will do their best to give timely responses to Councillors' enquiries. However, employees should not have unreasonable requests placed on them. Their work priorities are set and managed by senior managers. Councillors should avoid disrupting employees' work by imposing their own priorities. Councillors will endeavour to give timely responses to enquiries from employees.
- 6.6 An employee shall not discuss with a Councillor personal matters concerning him/herself or another individual employee. This does not prevent an employee raising on a personal basis, and in his/her own time, a matter which his/her Ward Councillor.
- 6.7 Councillors and employees should respect each other's free (i.e. non-Council) time.

## **7. The Council as Employer**

- 7.1 Employees are employed by the Council as a whole.
- 7.2 Councillors' roles are set out in the Employee Employment Procedure Rules set out in Part 3. If participating in the appointment of employees, Councillors should:
- a. Remember that the sole criterion is merit (other than in the case of political assistants where political consideration may apply);
  - b. Never canvass support for a particular candidate;
  - c. Never take part where one of the candidates is a close friend or relative;
  - d. Not to be influenced by personal preferences, and
  - e. Not favour a candidate by giving him/her information not available to the other candidates.
- 7.3 A Councillor should not serve on an appeal hearing if the appellant is a friend, a relative, or an employee with whom the Councillor has had a working relationship.

## **8. Mayor and Employees**

- 8.1 Employees will respect the position of Mayor and provide appropriate support.

## **9. Cabinet Members and Employees**

- 9.1 Cabinet Members will take decisions in accordance with the Constitution and will not otherwise direct employees. Designated Officers will be responsible for instructing employees to implement the decisions of the Cabinet.
- 9.2 Designated Officers (including the Head of Paid Service, the Monitoring Officer and the Section 151 Officer) have the right to submit papers to the Cabinet as a whole or to individual Cabinet Members for consideration.
- 9.3 Designated Officers and Cabinet Members shall agree mutually convenient methods of regular contact. Before taking any formal decision, the Cabinet will seek appropriate professional advice.
- 9.4 Before any formal decisions with a financial implication are taken by the Cabinet, the Section 151 Officer and the Designated Officer(s) for the service(s) concerned must be consulted. This is to ensure that those employees who are budget holders:
- a. Are aware of the proposed decision;
  - b. Have the opportunity to offer advice, and
  - c. Are subsequently able properly to authorise the financial transactions needed to implement decisions.

- 9.5 An individual Cabinet Member who is minded to write or commission a report or to make a decision about a matter within his/her responsibility must ensure that those other Councillors and employees who need to know of the matter are so informed. There is a particular requirement to involve other Cabinet Members on cross-cutting issues.
- 9.6 Cabinet Members when making decisions (whether collectively or individually) must state the reasons for those decisions. The written record of the decisions must include the reasons.
- 9.7 Employees taking decisions under their delegated powers must consider the advisability of informing the relevant Cabinet Member(s) of their intentions in advance when the matter to which the decisions relates is likely to be sensitive or contentious, or have wider policy implications.

## **10. Overview and Scrutiny Councillors and Employees**

- 10.1 Chairs and other leading overview and scrutiny Councillors shall maintain regular contact with the employees providing the principal support to the overview and scrutiny function. In consultation with Chairs, it shall be the responsibility of the latter to ensure that those who need to know of matters being considered or for possible future consideration are so informed.
- 10.2 The Scrutiny Board and Scrutiny Panels may require employees to attend before them in accordance with the Overview and Scrutiny Procedure Rules and any protocol.

## **11. Members of Regulatory or other Committees and Employees**

- 11.1 Designated Officers will offer to arrange regular informal meetings with Chairs, Vice-Chairs and spokespersons of Regulatory or other Committees.
- 11.2 Designated Officers (including the Head of Paid Service, Monitoring Officer and the Section 151 Officer) have the right to present reports and give advice to Regulatory or other Committees.
- 11.3 Members of a Regulatory or other Committee shall take decisions within the remit of that Body and will not otherwise instruct employees to act.

## **12. Party Groups and Employees (Excluding Political Assistants)**

- 12.1 Designated Officers may properly be asked to contribute to deliberations of matters concerning Council business by party groups. An employee who is not a Designated Officer shall not be invited to attend a party group meeting, but a Designated Officer may nominate another employee to attend on his/her behalf.
- 12.2 Employees have the right to refuse such requests, and will normally not attend a meeting of a party group where some of those attending are not



Councillors. If some of those present are not Councillors, care must be taken not to divulge confidential information relating to Council business. Persons who are not Councillors are not bound by the Councillors' Code of Conduct. They do not have the same rights to Council information as Councillors. No Councillor will refer in public or at meetings of the Council to advice or information given by employees to a party group meeting.

- 12.3 Employees support will not extend beyond providing factual information or professional advice in relation to matters of Council business. Employees must not be involved in advising on matters of party business, and therefore should not be expected to be present at meetings or parts of meetings when such matters are to be discussed. The duration of an employee's attendance at a party group meeting will be at the discretion of the group, but an employee may leave at any time if he/she feels it is no longer appropriate to be there.
- 12.4 Party group meetings are not empowered to make decisions on behalf of the Council, and conclusions reached at such meetings do not rank as formal decision. The presence of an employee confers no formal status on such meetings in terms of Council business and must not be interpreted as doing so. Where employees provide factual information and advice to a party group in relation to a matter of Council business, this is not a substitute for providing all the necessary information and advice when the matter in question is formally considered by the relevant part of the Council.
- 12.5 It must not be assumed that an employee is supportive of a particular policy or view considered at a party group meeting simply because he/she has attended or provided information to the meeting. An employee should be given the opportunity of verifying comments and advice attributed to him/her in any written record of a party group meeting.
- 12.6 Employees will respect the confidentiality of any party group discussions at which they are present and, unless requested to do so by the party group, will not relay the content of such discussions to another party group or to any other Councillors. This shall not prevent an employee providing feedback to other senior officers on a need to know basis.
- 12.7 In their dealing with party groups, employees must treat each group in a fair and even-handed manner. An employee accepting an invitation to the meeting of one party group shall not decline an invitation to advise another group about the same matter. He/she must give substantially the same advice to each.
- 12.8 Councillors must not do anything which compromises or is likely to compromise employees' impartiality.
- 12.9 Any particular cases of difficulty or uncertainty in relation to this part of the protocol should be raised with the Head of Paid Service and the relevant party group leader.

### **13. Political Assistants**

- 13.1 These employees have been appointed by the Council exclusively to provide support to each of the party groups. Their function is to assist the interests and work of the group to which they have been assigned. This is in contrast to all other employees whose duty is to serve the Council as a whole.
- 13.2 Political assistants will be treated in accordance with and expected to observe all codes, policies and practices relating to the Council's employees. This includes the courtesy and consideration which the Council expects its employees to show to one another.
- 13.3 Except for their immediate secretarial and clerical support, the assistants will have no line management responsibility or power of direction over other employees.
- 13.4 Political assistants are not authorised to comment publicly on behalf of the Council as a whole, or to commit the Council to any particular course of action, but can comment on behalf of the party group to which they have been assigned.
- 13.5 The level of access to Council documents and information shall be that enjoyed by Councillors.

### **14. Ward Councillors and Employees**

- 14.1 To enable them to carry out their Ward role effectively, Councillors need to be informed about matters affecting their Ward. Designated Officers must ensure that all relevant employees are aware of the requirement to keep local Councillors informed, allowing Councillors to contribute to the decision making process and develop their representative role. This requirement is particularly important:
- During the formative stages of policy development, where practicable;
  - In relation to significant or sensitive operational matters;
  - Whenever any form of public consultation exercise is undertaken and
  - During an overview and scrutiny investigation.
- 14.2 Whenever a public meeting is organised by the Council to consider a local issue, all the Councillors representing the Wards affected should be invited to attend the meeting as a matter of course. If a Ward Councillor intends to arrange a public meeting on a matter concerning some aspect of the Council's

work, he/she should inform the relevant employee. Provided the meeting has not been arranged on a party political basis:

- An employee may attend but is not obliged to do so, and
- The meeting may be held in Council-owned premises.

No such meetings should be arranged or held in the immediate run-up to Council elections.

14.3 Whilst support for Councillors' Ward work is legitimate, care should be taken if employees are used to accompany Councillors to Ward surgeries. In such circumstances:

- The surgeries must be open to the general public, and
- Employees should not be requested to accompany Councillors to surgeries held in the offices or premises of political parties.

14.4 Employees must never be asked to attend Ward or constituency political party meetings.

14.5 It is acknowledged that some Council employees (e.g. those providing dedicated support to Cabinet Members) may receive and handle messages for Councillors on topics unrelated to the Council. Whilst these will often concern diary management, care should be taken to avoid Council resources being used for private or party political purposes.

14.6 In seeking to deal with constituents' queries or concerns, Councillors should not seek to jump the queue but should respect the Council's procedures. Employees have many pressures on their time. They may not be able to carry out the work required by Councillors in the requested timescale, and may need to seek instructions from their managers.

## **15. Councillors' Access to Documents and Information**

15.1 This part of the protocol should be read in conjunction with the Access to Information Rules set out in Part 3.

15.2 Councillors may request Designated Officers to provide them with such information, explanation and advice as they may reasonably need to assist them to discharge their roles as Councillors. This may range from general information about some aspect of the Council's services to specific information on behalf of a constituent. Where information is requested on behalf of a third party, it will only be provided if:

- It is in the public domains, and
- It is not barred by the Data Protection Act from being given.

- 15.3 Every Member of the Cabinet, the Scrutiny Board, Scrutiny Panels and Regulatory or other Committees has a right to inspect documents about the business of that body. A Councillor who is not a member of a particular body may have access to any document of that specific part of the Council provided:
- He/she can demonstrate a reasonable need to see the documents in order to carry out his/her roles as a Councillor (the “need to know” principle), and
  - The documents do not contain “confidential” or “exempt” information as defined by the law.
- 15.4 Disputes as to the validity of a Councillor’s request to see a document on a need to know basis will be determined by the Monitoring Officer. Employees should seek his/her advice if in any doubt about the reasonableness of a Councillor’s request.
- 15.5 A Councillor should obtain advice from the Monitoring Officer in circumstances where he/she wishes to have access to documents or information:
- a. Where to do so is likely to be in breach of the Data Protection Act, or
  - b. Where the subject matter is one in which he/she has a personal or prejudicial interest as defined in the Councillors’ Code of Conduct.
- 15.6 Information given to a Councillor must only be used for the purpose for which it was requested.
- 15.7 It is an accepted convention that a Councillor of one party group will not have a need to know and therefore a right to inspect a document which forms part of the internal workings of another party group.
- 15.8 Councillors and employees must not disclose information given to them in confidence without the consent of a person authorised to give it, or unless required by law to do so. When requested to do so, employees will keep confidential from other Councillors advice requested by a Councillor.
- 15.9 Councillors and employees must not prevent another person from gaining access to information to which that person is entitled by law.

## **16. Media Relations**

- 16.1 All formal relations with the media must be conducted in accordance with the Council’s agreed procedures and the law on local authority publicity.
- 16.2 Press releases or statements made by employees must promote or give information on Council policy or services. They will be factual and consistent with Council policy. They cannot be used to promote a party group.

- 16.3 Employees will keep relevant Councillors informed of media interest in the Council's activities, especially regarding strategic or contentious matters.
- 16.4 Before responding to enquiries from the media, employees shall ensure they are authorised to do so. Likewise, employees will inform the Council's press office of issues likely to be of media interest, since that unit is often the media's first point of contact.
- 16.5 If a Councillor is contacted by, or contacts, the media on an issue, he/she should:
- a. Indicate in what capacity he/she is speaking (e.g. as Ward Councillor, in a personal capacity, as a Cabinet Member, on behalf of the Council, or on behalf of a party group);
  - b. Be sure of what he/she wants to say or not to say;
  - c. If necessary, and always when he/she would like a press release to be issued, seek assistance from the Council's press office and/or relevant Designated Officer, except in relation to a statement which is partly political in nature;
  - d. Consider the likely consequences for the Council of his/her statement (e.g. commitment to a particular course of action, image, allegations of jumping to conclusions);
  - e. Never give a commitment in relation to matters which may be subject to claims from third parties and/or are likely to be an insurance matter;
  - f. Consider whether to consult other relevant Councillors; and
  - g. Take particular care in what he/she says in the run-up to local or national elections to avoid giving the impression of electioneering, unless he/she has been contacted as an election candidate or political party activist.

## **17. Correspondence**

- 17.1 Correspondence between an individual Councillor and an employee should not be copied to another Councillor unless the author expressly intends and states that this is the case or consents. Where correspondence is copied, this should always be made explicit, i.e. there should be no "blind" copies.
- 17.2 Official letters written on behalf of the Council should normally be in the name of the relevant employee. It may be appropriate in some circumstances (e.g. representations to a Government Minister) for letters to appear in the name of a Cabinet Member or the Chairs of the Scrutiny Board, Scrutiny Panel or Regulatory or other Committee.
- 17.3 The Mayor may initiate correspondence in his/her own name.

17.4 Letters which create legally enforceable obligations or which give instructions on behalf of the Council should never be sent in the name of a Councillor.

17.5 When writing in an individual capacity as a Ward Councillor a Councillor must make clear that fact.

## **18. Access to Premises**

18.1 Employees have the right to enter Council land and premises to carry out their work. Some employees have the legal power to enter property in the ownership of others.

18.2 Councillors have a right of access to Council land and premises to fulfil their duties.

18.3 When making visits as individual Councillors, they should:

- a. Whenever practicable, notify and make advance arrangements with the appropriate employee in charge;
- b. Comply with health and safety, security and other workplace rules;
- c. Not interfere with the services or activities being provided at the time of the visit.
- d. If outside his/her own Ward, notify the Ward Councillor(s) beforehand; and
- e. Take special care at schools and establishments serving vulnerable sections of society to avoid giving any impression of improper or inappropriate behaviour.

## **19. Use of Council Resources**

19.1 The Council's Codes and protocols set out in Part 3 must be observed.

19.2 This part of the protocol should be read in conjunction with the Council's "whistleblowing" policy.

19.3 Councillors or employees with questions about the implementation or interpretation of any part of this protocol should seek the guidance of the Head of Paid Service or Monitoring Officer.

19.4 A Councillor who is dissatisfied about the actions taken by, or conduct of, an employee should:

- a. if a councillor is dissatisfied they should address this with the employee privately and confidentially and if it is not resolved informally they should refer the issue to their manager.

- 19.5 If direct discussion with the employee is inappropriate (e.g. because of the seriousness of the concern) or fails to resolve the matter, the Councillor should raise the issue with the employee's Manager.
- 19.6 A serious breach of this protocol by an employee may lead to an investigation under the Council's disciplinary procedure.
- 19.7 An employee who believes a Councillor may have acted other than in accordance with this protocol should raise his/her concern with the Monitoring Officer. He/she will consider how the complaint or allegation should be dealt with. At a minor level, this may be no more than informally referring the matter to the Leader of the relevant party group. More serious complaints may involve alleged breaches of the Councillors' Code of Conduct, and may be referred to the Standards Committee.

## **20. Attendance at Seminars and Conferences**

- 20.1 There is a presumption that only essential conferences will be attended. The term 'conference' is used to mean any paid for event, including seminars and workshops, attended by a Councillor or employee of City of Wolverhampton Council.
- 20.2 Essential conferences are to be defined as:
- a. Those that meet identified Councillor or employee development needs as defined by individual Councillor or Employee Development Reviews that have been conducted in accordance with established procedures.
  - b. Those for which the costs and benefits to the Council have been evaluated.
- 20.3 Attendance at paid for conferences will require prior approval by the responsible budget holder regardless of cost.
- 20.4 The maximum total number of Councillors and/or employees attending any individual conference shall be three; but the presumption shall be for one.
- 20.5 One employee may accompany a Councillor or Councillors at any individual conference.
- 20.6 The presumption shall be that one employee representing City of Wolverhampton Council may attend a conference.
- 20.7 Following attendance at any conference a written report shall be prepared by the Councillor or employee attending and must include a summary of the key implications for the Council. The report shall be submitted, in the case of Councillors to a relevant Committee or Panel of the Council or, in the case of employees, Management Team.

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## **Councillor Allowances Scheme (updated for 2014/15)**

### **1. Introduction**

- 1.1 This Councillors' Allowances Scheme was made by the Council on 8 February 2012, and updated on 18 December 2013, in accordance with the statutory provisions in the Local Government and Housing Act 1989, the Local Government Act 2000 and the Local Authorities (Members' Allowances) (England) Regulations 2003.

The Council has had regard to the Guidance on Consolidated Regulations for Local Authority Allowances issued by the Office of the Deputy Prime Minister and the Inland Revenue in July 2003.

In November 2009, the Council established its own Independent Remuneration Panel under the Local Authorities (Members' Allowances) (England) Regulations 2003. Prior to this date the Council took advice from the Members' Allowances Independent Panel established by the Black Country Boroughs.

The Council has had regard to the recommendations of the Panel in approving the levels of allowances set out in this scheme.

- 1.2 A copy of the Panel's report is available from Democratic Services, Civic Centre, St Peter's Square, Wolverhampton, WV1 1SH. Telephone: 01902 555048 and on the Council's website.

### **1.3 Definitions**

"Regulations" means the Local Authorities (Members' Allowances) (England) Regulations 2003 and any Regulations which may from time to time replace, amend or revoke them.

"Regulatory or other Committee" means, in accordance with the Council's Constitution, Committees, Sub-Committee or Panels comprising Councillors or other persons established to deal with functions which are neither reserved to the Council nor are Cabinet functions.

- 1.4 Sections 2 to 16 of this Scheme describe the types of allowances which may be paid to Councillors and the arrangements for administering the Scheme.
- 1.5 Section 17 contains a Schedule of Allowances approved by the Council for 2014/15. The Schedule will be re-issued annually when the annual adjustment has been made and at any time when the Scheme is amended.

### **2. Basic Allowance**

- 2.1 This is a basic, flat rate allowance payable to all Councillors. The allowance is the same for each Councillor and is paid in instalments through the year.

2.2 Where the term of office of a Councillor begins or ends otherwise than at the beginning (1 April) or end of a year (i.e. 31 March), his/her entitlement shall be to payment of such part of the basic allowance as bears to the whole the same proportion as the number of days during which his/her term of office as Councillor bears to the number of days in that year.

2.3 Basic allowance is intended to recognise the time commitment of all Councillors, including such inevitable calls on their time as meetings with employees and constituents and attendance at political group meetings. It is also intended to cover incidental costs such as the cost of telephone rental and calls and home office expenses such as postage, stationary and the use of their homes.

### **3. Special Responsibility Allowance**

3.1 Special Responsibility Allowances (SRAs) may be paid to those Councillors who have significant responsibilities. The Regulations prescribe the categories of responsibility for which SRAs may be paid.

3.2 The Council has determined that SRAs be paid to Councillors holding the following posts:-

- Leader
- Deputy Leader
- Leader of the Main Opposition Group
- Deputy Leader of the Main Opposition Group
- Cabinet Member
- Chair – Scrutiny Board
- Chair – Scrutiny Panel
- Chair – Planning Committee
- Chair – Licensing Committee
- Chair – Pensions Committee
- Chair – Audit Committee

- Vice-Chair – Scrutiny Board and Panels
- Vice-Chair – Planning Committee
- Vice-Chair – Licensing Committee
- Vice-Chair – Pensions Committee
- Vice-Chair – Audit Committee

- Leader of a Minority Opposition Group \*
- Councillor Champions

“Special Responsibility Allowance for the Leader of a Minority Opposition Group to be paid only if a Minority Opposition Group comprises five or more Councillors”

3.3 Where a Councillor undertakes duties which would entitle him/her to more than one Special Responsibility Allowance under this Scheme then he/she shall receive only the higher allowance.

- 3.4 Where a Councillor does not have throughout the whole of a year any such responsibilities as entitle him/her to a SRA, his/her entitlement shall be to payment of such part of the SRA as bears to the whole the same proportion as the number of days during which he/she has such special responsibilities bears to the number of days in that year.

#### **4. Dependants' Carers' Allowance**

- 4.1 A dependants' carers' allowance is payable to those Councillors who incur expenditure for the care of their children or other dependants whilst undertaking particular duties. These duties are specified in the Regulations and are as follows:
- a. attendance at a meeting of the Cabinet or of a Committee of the Cabinet (i.e. the Cabinet or a Cabinet Panel)
  - b. attendance at a meeting of the Full Council or any Regulatory or other Committee (i.e. a Committee or Sub-Committee or Panel of the Council)
  - c. attendance at a meeting of some other body to which the Council make appointments or nominations, including attendance at a meeting of a Committee or Sub-Committee of the body and for the avoidance of doubt shall include attendance at a meeting of the West Midlands Combined Authority
  - d. attendance at a meeting which has both been authorised by the Council, or a Regulatory or other Committee of the Council or a Joint Committee of the Council and one or more other authorities, or a Sub-Committee of a Joint Committee and to which representatives of more than one political group have been invited
  - e. attendance at a meeting of a local authority association of which the Council is a member
  - f. duties undertaken on behalf of the Council in pursuance of any standing order (Contracts Procedure Rules) requiring a Councillor or Councillors to be present while tender documents are opened
  - g. duties undertaken on behalf of the Council in connection with the discharge of any function of the Council conferred by or under any enactment and empowering or requiring the Council to inspect or authorise the inspection of premises
  - h. duties undertaken on behalf of the Council in connection with arrangements made by the Council for the attendance of pupils at a school approved for the purposes of section 342 of the Education Act 1996 (approval of non-maintained special schools)

- i. any other duty approved by the Council in connection with discharging the duties of the Council or its Regulatory or other Committees (i.e. Committees or Sub-Committees).
- 4.2 The amount of the dependants' carers' allowances payable in respect of the duties listed above will be the reasonable actual costs incurred up to a total annual maximum amount of 10% of the basic allowance.

## **5. Travelling and Subsistence Allowance**

- 5.1 Travel and subsistence allowance is payable in connection with undertaking duties specified by the Council. The duties specified are those set out in section 4.1 of this Scheme.

- 5.2 Travel and subsistence within the West Midlands County area

No separate amount will be payable for travel and subsistence. The basic allowance will be deemed to include an element for travel and subsistence.

- 5.3 Travel and subsistence outside the West Midlands County area

Councillors required to travel outside the West Midlands County area in connection with the duties specified in section 4.1 of this Scheme are encouraged to travel by public transport. The costs of such travel if incurred directly by the Councillor will be reimbursed. Alternatively, the Council will obtain and pay for travel warrants or tickets etc. for use by the Councillor.

Where it is not possible to use public transport, mileage rates applicable to Council employees, equivalent to the cost of standard class rail fare, will be reimbursed. All claims for mileage should be accompanied by a VAT receipt.

Where Councillors are unable to take main meals i.e. breakfast, lunch and dinner, in their normal place then the reasonable costs of purchasing a meal and beverage or appropriate refreshment will be reimbursed.

Councillors must obtain receipts when paying for transport and meals/refreshments. In the case of alcoholic drinks, only expenditure for reasonable refreshment or business purposes will be reimbursed.

- 5.4 Councillors who are required to return to Wolverhampton to attend Council meetings or attend to other Council business while away from home on personal business or in connection with their employment will not normally be reimbursed any travel or subsistence costs by the Council. In exceptional personal, compassionate or other mitigating circumstances, the reimbursement of such travel costs will be considered by the Director of Governance and Section 151 Officer following consultation with the Political Group Leaders.

## **6. Membership of the Local Government Pension Scheme**

- 6.1 The Council has determined that all Councillors are entitled to a pension in accordance with the Local Government Pension Scheme Regulations.
- 6.2 The Council has determined that both the basic allowance and the special responsibility allowance shall be treated as amounts in respect of which such pensions are payable.

**Note:** Each Councillor will need to decide whether he/she wishes to join the contributory Local Government Pension Scheme. The Scheme is the subject of Regulations made under Section 7 of the Superannuation Act 1972. Separate guidance has been issued by the West Midlands Pension Fund

## **7. Co-opted Members and Independent Person's Allowance**

- 7.1 The Council has determined not to pay any allowance to co-opted Members or Independent Persons (i.e. a person who, not being an elected Councillor, has been appointed to membership of a Regulatory or other Committee of the Council) or persons or representatives of external organisations (i.e. a person who, not being a Councillor, has been invited to attend a Regulatory or other Committee of the Council) in respect of attendance at meetings.
- 7.2 Co-optees and persons or representatives of external organisations will be entitled to travel and subsistence allowance.
- 7.3 Travel and subsistence within the West Midlands County area – co-optees and persons or representatives of external organisations will be paid on the same basis as that applying immediately before the coming into operation of this Scheme.
- 7.4 Travel and subsistence outside the West Midlands County area – co-optees and persons or representatives of external organisations will be paid allowances on the same basis as Councillors as set out in section 5.3 of this Scheme.

## **8. Withholding Allowances**

- 8.1 If a Councillor has been suspended from membership of the Council then his/her basic allowance, any SRA and all travel and subsistence allowances will be withheld during the period of suspension. If a Councillor has been partially suspended e.g. prevented from exercising particular functions or having particular responsibilities, then his/her basic allowance will not be withheld but travel and subsistence allowances and any SRA related to the suspended duties and responsibilities will be withheld.
- 8.2 Where payment of any allowance has already been made in respect of any period during which the Councillor concerned has been suspended or ceased to be a Councillor or is in any other way not entitled to receive the allowance

in respect of that period, then any such allowances will be repaid by the Councillor.

**Note:** References to suspension and partial suspension refer to the provisions of Part III of the Local Government Act 2000 and any Regulations made thereunder.

## **9. Forgoing of Allowances**

- 9.1 A Councillor may forgo all or any part of any allowances to which he/she is entitled under this Scheme. Notice in writing must be given by the Councillor to the Monitoring Officer.

## **10. Backdating of Allowances**

- 10.1 If this Scheme is amended and any amendment is made which affects an allowance payable for the year in which the amendment is made then the entitlement to such allowance as amended may apply (if the Council so determines) with effect from the beginning of the year in which the amendment is made.

## **11. Annual Adjustments of Allowance Levels**

- 11.1 Basic and Special Responsibility Allowances for the municipal year commencing 4 June 2014 will be paid as set out in the Schedule to this Scheme.

## **12. Tax and National Insurance Treatment of Councillors' Allowances**

- 12.1 For tax and national insurance purposes Councillors and non-Councillors are treated in the same way as any other individual who holds an office or is an employee. Guidance received by the Council will be made available to Councillors who should also contact their tax office for advice as necessary.

## **13. Amendments and Revocation of the Scheme**

- 13.1 Before the beginning of each year the Council will make a Scheme as required by the Regulations for the payment of allowances in respect of the year.
- 13.2 The Scheme may be amended at any time but may only be revoked with effect from the beginning of a year.

## **14. Claims and Payment**

- 14.1 Claims for dependants' carers' allowance, travelling and subsistence allowances must be claimed within one month of the date on which entitlement to the allowance arose.

14.2 Unless otherwise agreed payment of basic allowance and SRA's will be made monthly in advance.

## 15. Records of Allowances

15.1 The Council will keep a record of payments made by it in accordance with the Scheme. The record will contain the information required by the Regulations.

15.2 As soon as reasonably practicable after the end of a year to which the Scheme relates the Council will publish details in accordance with the Regulations of allowances paid.

## 16. Publicity

16.1 The Council will as soon as reasonably practicable after the making of this Scheme or any amendment thereto make arrangements for publication as required by the Regulations.

## 17. Schedule of Basic and Special Responsibility Allowances

Basic Allowance (All Councillors) – £9,181

Description	From 04.06.14
<b>Special Responsibility Allowance (SRA)</b>	
Leader	25,000
Deputy Leader	20,000
Leader of the Main Opposition Group	15,000
Deputy Leader of the Main Opposition Group	2,500
Cabinet Member	15,000
Chair – Scrutiny Board	15,000
Chair – Scrutiny Panel	10,000
Chair – Planning Committee	15,000
Chair – Licensing Committee	15,000
Chair – Audit Committee	10,000
Chair – Pensions Committee	10,000
Vice-Chair – Scrutiny Board and Panels	2,500
Vice-Chair – Planning Committee	5,000
Vice-Chair – Licensing Committee	5,000
Vice-Chair – Audit Committee	2,500
Vice-Chair – Pensions Committee	2,500
Councillor Champion	2,500
Ceremonial Mayor (inclusive of £2,500 clothing allowance)	20,000
Ceremonial Deputy Mayor (inclusive of £1,250 clothing allowance)	5,000

(Note: Where a Councillor undertakes duties which entitle him/her to more than one SRA under the Scheme, he/she will receive only the higher allowance)

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