



Council Meeting

4 June 2014

Time 6.00 pm **Public Meeting?** YES **Type of meeting** Full Council
Venue Council Chamber - Civic Centre, St Peter's Square, Wolverhampton WV1 1SH

Membership (Quorum for this meeting is 15 Councillors)

Mayor Cllr Milkinderpal Jaspal (Lab)
Deputy Mayor Cllr Michael Heap (LibDem)

Labour

Cllr Ian Angus
Cllr Harbans Bagri
Cllr Harman Banger
Cllr Mary Bateman
Cllr Philip Bateman
Cllr Payal Bedi
Cllr Peter Bilson
Cllr Alan Bolshaw
Cllr Greg Brackenridge
Cllr Ian Brookfield
Cllr Paula Brookfield
Cllr Ian Claymore
Cllr Craig Collingswood
Cllr Susan Constable
Cllr Claire Darke

Cllr Bishan Dass
Cllr Jas Dehar
Cllr Steve Evans
Cllr Val Evans
Cllr Bhupinder Gakhal
Cllr Val Gibson
Cllr Dr Michael Hardacre
Cllr Julie Hodgkiss
Cllr Keith Inston
Cllr Jasbir Jaspal
Cllr Andrew Johnson
Cllr Roger Lawrence
Cllr Linda Leach
Cllr Elias Mattu
Cllr Lorna McGregor

Cllr Peter O'Neill
Cllr Phil Page
Cllr Rita Potter
Cllr John Reynolds
Cllr John Rowley
Cllr Judith Rowley
Cllr Sandra Samuels
Cllr Caroline Siarkiewicz
Cllr Stephen Simkins
Cllr Tersaim Singh
Cllr Jacqueline Sweetman
Cllr Paul Sweet
Cllr Bert Turner
Cllr Martin Waite
Cllr Daniel Warren

Conservative

Cllr Mark Evans
Cllr Barry Findlay
Cllr Christopher Haynes
Cllr Christine Mills
Cllr Patricia Patten
Cllr Arun Photay
Cllr Zahid Shah
Cllr Paul Singh
Cllr Wendy Thompson
Cllr Andrew Wynne
Cllr Jonathan Yardley

Liberal Democrat

Cllr Richard Whitehouse

UKIP

Cllr Malcolm Gwinnett

Information for the Public

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

Contact John Wright

Tel/Email 01902 555048 or john.wright@wolverhampton.gov.uk

Address Democratic Support, Civic Centre, 2nd floor, St Peter's Square,
Wolverhampton WV1 1RL

Copies of other agendas and reports are available from:

Website <http://wolverhampton.cmis.uk.com/decisionmaking>

Email democratic.support@wolverhampton.gov.uk

Tel 01902 555043

Agenda

Item No. *Title*

MEETING BUSINESS ITEMS

DECISION ITEMS

- 1 **To elect a Mayor for the ensuing year**
- 2 **To appoint a Deputy Mayor for the ensuing year**
- 3 **To pass a vote of thanks to the retiring Mayor.**
- 4 **The Head of Democratic Services to present a return of the Councillors elected on 22 May 2014**
- 5 **The Mayor to welcome new Members and to move a vote of thanks to former Members of the Council.**
- 6 **Minutes of previous meeting** (Pages 1 - 4)
- 7 **Communications**
[To receive the Mayor's announcements]
- 8 **The Appointment of Executive, Scrutiny and Regulatory Bodies etc.** (Pages 5 - 24)
[To be tabled at the meeting]
- 9 **West Midlands Integrated Transport Authority** (Pages 25 - 82)
[To consider changes to the governance arrangements of the West Midlands Integrated Transport Authority]
- 10 **Changes to the Constitution** (Pages 83 - 128)

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Meeting of the Council

Minutes - 30 April 2014

Attendance

Mayor Cllr Milkinderpal Jaspal (Lab)
Deputy Mayor Cllr Michael Heap (LibDem)

Labour

Cllr Ian Angus	Cllr Val Evans	Cllr Phil Page
Cllr Harbans Bagri	Cllr Bhupinder Gakhal	Cllr Rita Potter
Cllr Philip Bateman	Cllr Val Gibson	Cllr John Reynolds
Cllr Payal Bedi	Cllr Dr Michael Hardacre	Cllr John Rowley
Cllr Peter Bilson	Cllr Julie Hodgkiss	Cllr Judith Rowley
Cllr Alan Bolshaw	Cllr Keith Inston	Cllr Sandra Samuels
Cllr Paula Brookfield	Cllr Jasbir Jaspal	Cllr Stephen Simkins
Cllr Ian Claymore	Cllr Andrew Johnson	Cllr Tersaim Singh
Cllr Craig Collingswood	Cllr Roger Lawrence	Cllr Jacqueline Sweetman
Cllr Claire Darke	Cllr Linda Leach	Cllr Paul Sweet
Cllr Bishan Dass	Cllr Elias Mattu	Cllr Bert Turner
Cllr Jas Dehar	Cllr Lorna McGregor	Cllr Martin Waite
Cllr Steve Evans	Cllr Peter O'Neill	

Conservative

Cllr Mark Evans	Cllr Arun Photay
Cllr Barry Findlay	Cllr Zahid Shah
Cllr Matthew Holdcroft	Cllr Paul Singh
Cllr Christine Mills	Cllr Wendy Thompson
Cllr Neville Patten	Cllr Jonathan Yardley
Cllr Patricia Patten	

Liberal Democrat

Cllr Richard Whitehouse

Employees

Keith Ireland	Strategic Director, Delivery
Ros Jervis	Director of Public Health, Community
Tim Johnson	Strategic Director, Education and Enterprise
Michael Murphy	Interim Assistant Director, Older People and Personalisation
Martyn Sargeant	Head of Democratic Services
John Wright	Democratic Support Manager

Item No. *Title*

1. **Apologies For Absence**

Apologies for absence were submitted by Cllrs Ian Brookfield, Haynes and Wynne

2. **Declaration of Interests**

No declarations of interest were made.

3. **Communications**

Wolverhampton Wanderers Football Club

The Mayor congratulated Wolverhampton Wanderers on their promotion to the Championship.

Retiring Member of the Council

The Mayor paid tribute to Councillor Neville Patten who would not be standing at the forthcoming election. Councillor Patten had been a member of the Council for 22 years and had represented the Oxley, Park and Bushbury North wards.

VE Day Remembrance Service

The Mayor gave details of a service that would be held on 8 May 2014.

Fashion Show

The Mayor gave details of a forthcoming fashion show.

4. **Minutes of the Previous meeting (19 March 2014)**

Resolved

That the minutes of the meeting held 19 March 2014 be approved as correct record subject to Councillors Payal Bedi, Jasbir Jaspal and Tersaim Singh being added to the list of those present.

5. **Deprived Area Fund Community Enterprise and Corporate Social Responsibility Grant**

It was moved by Councillor Bilson, seconded by Councillor Bilson and

Resolved

That pursuant to the Financial Procedure Rules, a grant of £70,000 per annum (total value (£140,000)) be approved from Deprived Area Fund resources to Access to Business to fund the Community Enterprise Development Support project.

6. **Summary of Executive Business**

Cllr Bilson responded to questions relating to regeneration, business rates and the reduction in government grant.

Resolved

That the Summary of Executive Business be noted

7. **Disposal of Land at Wobaston Road**

It was moved by Councillor Bilson and seconded by Councillor Johnson and

Resolved

That additional internal resources for i54 of £1.575 million, being the payment to Staffordshire County Council in accordance with the Joint Venture agreement, be approved

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Wolverhampton City Council - Political Balance 2014/15: May 2015

Political Group	Members
Labour	46
Conservative	11
Liberal Democrats	2
UKIP	1
Total	60

Allocations	Total Membership	Voting Co-optees	Non Voting Co-optees	Council Membership to Allocate	Minimum/ Majority	Allocation			
						Labour	Cons	Lib Dem	UKIP
Cabinet	10			10		10	0	0	0
Resources Panel	7			7		7	0	0	0
Performance Management Panel	7			7		7	0	0	0
Scrutiny Board	13			13		10	3	0	0
Adults and Community Scrutiny Panel	12			12		9	2	0	1
Children and Young People Scrutiny Panel	21	7	2	12		9	2	1	0
Confident and Capable Council	12			12		9	3	0	0
Enterprise and Business	12			12		9	2	1	0
Health Scrutiny Panel	9			9		7	2	0	0
Vibrant, Safe and Sustainable Communities	12			12		8	2	1	1
Audit Committee	10		2	8		6	2	0	0
Corporate Parenting Board	10			10		8	2	0	0
Special Advisory Group	9			9		6	2	1	0
Licensing Committee	12			12		9	3	0	0
Pensions Committee	12			12		9	2	1	0
Petitions Committee	6			6		5	1	0	0
Planning Committee	12			12		9	3	0	0
Standards Committee	5			5		3	1	1	0
TOTALS	191	7	4	180		140	32	6	2

Notes

1. Leader of Council ex officio member of all Cabinet Panels.
2. All members to serve on at least 2 bodies. No member to serve on more than 5.
3. Minimum majority arrangements will not apply to the Scrutiny Board/Scrutiny Panels.
4. Political balance does not apply to Standards Committee.

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MUNICIPAL YEAR 2014- 15**APPOINTMENT OF CABINET AND CABINET PANELS****CABINET (10)**

(Cabinet responsibilities shown in brackets)

Bilson (Economic Regeneration & Prosperity)**Mattu (Leisure & Communities)****S Evans (Adult Services)****Page (Schools, Skills and Learning)****Gibson (Children & Families)****Reynolds (City Services)****Johnson (Resources)****Samuels (Health and Well Being)****Lawrence (Leader)(Chair of Cabinet)****Sweet (Governance & Performance)****PERFORMANCE MANAGEMENT PANEL (7)**Bilson
Gibson
Lawrence
MattuReynolds
Samuels
Sweet (Chair)**RESOURCES PANEL (7)**Bilson
S Evans
Johnson (Chair)
LawrencePage
Reynolds
Sweet

(Note: Cabinet Members not specifically named for each Panel may attend for particular items within their respective portfolios)

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APPOINTMENT OF SCRUTINY BOARD AND SCRUTINY PANELS – 2013/14**SCRUTINY BOARD (13)**

Angus	O'Neill (Chair)
Bolshaw	Photay
P Brookfield	Potter
Darke	John Rowley
Findlay	Simkins
Hodgkiss	Thompson
McGregor	

(or nominees)

ADULTS AND COMMUNITY SCRUTINY PANEL (12)

Bedi	Findlay
P Brookfield (Chair)	Gwinnett
Claymore	Leach
Constable	Patten(Vice-Chair)
Dass	Potter
Dehar	Simkins

CHILDREN AND YOUNG PEOPLE SCRUTINY PANEL (12)

P Brookfield	Heap
Constable	Hodgkiss (Chair)
Dehar	McGregor
M Evans (Vice-Chair)	O'Neill
Hardacre	Waite
Haynes	Warren

Co-opted Members (7)

Ms S Nanan-Sen	Representing Community Secondary Schools
VACANCY	Representing Special Schools
Mrs R Watkins	Representing the Roman Catholic Church (Diocesan Schools Commission)
Mr C Randles	Representing the Church of England (Lichfield Board of Education)
VACANCY	Representing Foundation/Aided Secondary Schools
Mr A Mumberson	Representing Primary Schools
VACANCY x 1	
1 Person	Representing the Youth Council

NOT PROTECTIVELY MARKED
CONFIDENT AND CAPABLE COUNCIL SCRUTINY PANEL (12)

Angus
Bateman M
Bolshaw
Collingswood
Haynes (Vice-Chair)
J Jaspal

M Jaspal
Photay
Potter (Chair)
Siarkiewicz
Sweetman
Wynne

ENTERPRISE AND BUSINESS SCRUTINY PANEL (12)

Bagri
P Bateman
Bedi
Collingswood
V Evans
Heap

John Rowley (Chair)
Shah
T Singh
Sweetman
Waite
Yardley (Vice-Chair)

HEALTH SCRUTINY PANEL (8)

Brackenridge
Darke (Chair)
J Jaspal
M Jaspal

O'Neill
P Singh
Shah (Vice-Chair)
Turner
Warren

VIBRANT, SAFE AND SUSTAINABLE COMMUNITIES SCRUTINY PANEL (12)

M Bateman
Brackenridge
I Brookfield
Gakhal
Gwinnett
Findlay

Inston
Siarkiewicz
Simkins (Chair)
T Singh
Whitehouse
Wynne (Vice-Chair)

**APPOINTMENT OF REGULATORY AND OVERSIGHT. OTHER
PANELS/COMMITTEES/BOARDS AND ADVISORY GROUPS – 2013/14**

Audit Committee (8)

Bagri	Inston (Chair)
P Bateman	Jasbir Jaspal
Bolshaw	Mills(Vice-Chair)
Hardacre	Thompson

**Audit (Examination of Paid Accounts/Monitoring of Audit Investigations)
Sub Committee (4)**

Hardacre	Mills(Chair)
Inston	Thompson

Audit (Final Accounts Monitoring and Review) Sub Committee (4)

P Bateman	Mills
Inston (Chair)	Thompson

Licensing Committee (12)

Banger	Dass (Chair)*
Bolshaw (Vice-Chair)*	M Jaspal
Brackenridge	M Evans *
Claymore	Patten
Collingswood	Potter
Constable	P Singh

*(Denotes Chair of Sub-Committee)

Licensing Sub Committee (3)

Chair of Licensing Committee (Dass)	M Evans
Vice-Chair of Licensing Committee (Bolshaw)	

(or nominees)

Planning Committee (12)

Banger (Vice-Chair)
Claymore
Darke
Hardacre
Haynes
Inston

Leach (Chair)
John Rowley
Judith Rowley
Mrs Thompson
Turner
Yardley

Planning (Urgent Matters) Sub Committee (3)

Banger
Leach
Yardley
(or nominees)

Standards Committee (5)

I Brookfield
Hodgkiss
O'Neill
Mr Stuart J Hill - Independent Person
Mr R Tomkinson - Reserve Independent Person
Whitehouse
Wynne

Appeals Panels

From time to time other Appeals Panels may be required. These will normally comprise 6 Councillors, as appropriate, constituted on the basis of political balance. Councillors will be called on rota from a pool of Councillors (excluding the Mayor and Leader of the Council).

Pensions Committee (12)

Bilson
I Brookfield
V Evans
Heap
J Jaspal
McGregor (Vice-Chair)
Page
Samuels
Shah
P Singh
T Singh
Turner (Chair)

(Note: This Committee also includes one Councillor from each of the other 6 West Midlands Districts)

Bilston Centre_Regeneration Advisory Group (11)

Bilson	Mills
Constable	Page
Dass	Samuels
Gibson	Simkins
Johnson	Turner
Leach	

City Centre_Regeneration Advisory Group (3)

Bilson	Thompson
Lawrence	

Building Schools for the Future Advisory Group (7)

Bilson	Page
M Evans	Sweet
Gibson	Thompson
Johnson	

Confident, Capable Council (Future Works) Advisory Group (6)

Johnson	Reynolds
Lawrence (Chair)	Sweet
Photay	Wynne

Corporate Parenting Board (10)

P Brookfield	Hodgkiss
Constable	Mills
Dehar	Patten
Gibson (Chair)	Potter
Hardacre	Waite

Councillor Development and Information Technology Advisory Group (7)

Collingswood (Chair)	Patten
V Evans	P Singh
Gibson	Sweet
Lawrence	

Equalities Advisory Group (8)

Brackenridge	Gakhal
Claymore	Hardacre (Chair)
Constable	Shah
Dehar	P Singh

Member Champion

Equalities Councillor Hardacre

Petitions Committee (6)

Bolshaw
V Evans (Chair)
Gakhal

Judith Rowley
Photay (Vice Chair)
Warren

(or nominees)

Property Advisory Group (6)

Bilson
Heap
Johnson

Lawrence
Reynolds
Thompson

Schools Joint Consultative Panel (5)

Claymore
M Evans
Hardacre

Page
Potter

Senior Management Re-Structure Advisory Group (6)

Bilson
Johnson
Lawrence

P Singh
Sweet
Thompson

Special Advisory Group (9)

V Evans
Johnson (Chair)
Lawrence
Mattu
O'Neill

P Singh
Sweet
Thompson
Whitehouse

(or nominees)

Sustainability Project Board (7)

Findlay
M Jaspal
Lawrence
Leach

Photay
Reynolds (Chair)
Simkins

Waste and Street Scene Partnership Management Board (3)

Findlay
Johnson

Reynolds

Appendix 5

**Representation on West Midlands Joint Authorities/Committees
(2014/2015)**

Serial No	Authority/Committee	2014/15 Representation
1	Black Country Strategic Transport Board	Cabinet Member for Economic Regeneration and Prosperity Cllr Judith Rowley (nominated substitute)
2	Centro Members Joint Committee	Cllr Claymore Cllr Judith Rowley Cllr Paul Singh
3	Integrated Transport Authority Overview and Scrutiny Committee	Cllr Judith Rowley
4	West Midlands Crime and Police Panel	Cllr Mattu Leader (nominated substitute)
5	West Midlands Fire and Rescue Authority	Cllrs T Singh* Collingswood** Yardley
6	West Midlands Integrated Transport Authority	Leader Plus (nominated substitute)
7	West Midlands Joint Committee	Leader (V) Deputy Leader Cllr N A Patten

- Notes:
- (i) *signifies nominated "lead member" for purposes of answering questions at Council meetings in relation to the Joint Authority concerned.
 - (ii) **signifies substitute nominated "lead member" for purpose of answering questions at Council meetings in relation to the Joint Authority concerned.
 - (iii) (V) signifies voting member where this needs to be determined.
 - (iv) These appointments include the power for each representative to appoint a nominee except where the constitution of the body concerned precludes this arrangement.

**Representation on Other Bodies
(Municipal Year 2014/2015)**

Serial No	Body	2013/14 Representation
8	Age UK*	Cllr Claymore (observer status)
9	Association of Black Country Authorities	Leader Chief Executive
10	Association for Public Service Excellence	Cllr Mattu
11	Birmingham Airport Holdings Ltd	Cllr Banger
12	Birmingham International Airport Consultative Committee	Cllr T Singh
13	Black Country Consortium	Leader Chief Executive
14	Black Country Local Enterprise Partnership	Leader
15	Black Country Partnership NHS Foundation Trust	Cllr Samuels
16	City of Wolverhampton Building Preservation Trust	Cllr Judith Rowley Honorary Alderman Carpenter
17	City-wide BME Forum (Ethnic Minority Council)*	Cllr Banger (or nominee) (observer status)
18	Convocation of the University of Aston	The Mayor Cllr Reynolds
19	Haven Wolverhampton*	Cllr Sweetman (observer status)
20	Health and Well-Being Board	Cabinet Member for Adult Services Cabinet Member for Children and Families Cabinet Member for Health and Well Being Cllr P Singh

Serial No	Body	2013/14 Representation
21	Heath Town Senior Citizens Welfare Project*	Cllr Milkinder Jaspal (observer status)
22	Local Government Association	Leader (Voting Member) Deputy Leader Cllrs P Singh Mrs Thompson
23	Local Government Information Unit Members' Assembly	Cllr Johnson
24	Long Term Impairments Partnership	Cabinet Member for Adult Services
25	One Voice (Disability Forum)*	Cabinet Member for Adult Services (observer status)
26	Penn Almshouses	Cllr Waite
27	River Trent Regional Flood and Coastal Committee	Cllr Reynolds
28	Roger Hinton's Charity	The Mayor Deputy Mayor Cllr Haynes
29	Royal Wolverhampton NHS Trust	Councillor Simkins
30	Safer Wolverhampton Partnership	Cabinet Member for Leisure and Communities
31	Staffordshire, Stoke-on-Trent and Wolverhampton Joint Local Access Forum	Cllr John Rowley
32	Wednesfield Library Management Committee	Cllr Potter
33	West Midlands Leader's Board	Leader (Alternate – Deputy Leader)
34	West Midlands Metropolitan Area Canals Partnership	Cllr John Rowley

Serial No	Body	2013/14 Representation
35	West Midlands Road Safety Partnership Board	Cllr Judith Rowley
36	Wolverhampton Children's Trust Board	Cabinet Member for Children and Families, Cabinet Member for Schools, Skills and Learning Chair, Children and Young People Scrutiny Board
37	Wolverhampton Citizens Advice Bureau*	Cllr Claymore (observer status)
38	Wolverhampton City Board	Leader Deputy Leader
39	Wolverhampton Domestic Violence Forum*	Cllr Constable (observer status)
40	Wolverhampton Festival of Remembrance Working Party	Cllrs Hardacre Mrs Thompson Leach (Chair) Warren
41	Wolverhampton Homes Board	Cllrs Constable Hardacre Potter P Singh T Singh
42	Wolverhampton Learning Disability Partnership	Cabinet Member for Adult Services
43	Wolverhampton Older People's Partnership Board	Cabinet Member for Adult Services
44	Wolverhampton Ring and Ride – District Advisory Group	Cllr Claymore
45	Wolverhampton Safeguarding Children's Board	Cabinet Member for Children and Families
46	Wolverhampton Schools Admissions Forum	Cabinet Member for Schools, Skills and Learning

Serial No	Body	2013/14 Representation
47	Wolverhampton Sports Advisory Council	Cllrs Bagri Darke Haynes Mattu
48	Wolverhampton Voluntary Sector Council*	Cllr Claymore (observer status)

Note: *These observer status appointments, to strategically important organisations and groups, include the power for each representative to appoint a nominee except where the constitution of the body concerned precludes this arrangement.

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SCHEDULE OF COUNCILLOR MEETINGS: 2014/15

		Usual day and time	May 2014	Jun 2014	July 2014	Aug 2014	Sept 2014	Oct 2014	Nov 2014	Dec 2014	Jan 2015	Feb 2015	Mar 2015	Apr 2015
	Bank Holidays		5 & 26			25				25 & 26	1			3 & 6
Cabinet and Council	Council	Wed (5.45pm)		4 ^a	16		17		5	17	28		4 ^b	1 ^c
	Cabinet	Wed (5pm)	14	25	23		10	1 & 22	12	10	14	4 & 25	11	15
	Cabinet (Resources) Panel	Tues (5pm)	6	17	8 & 29		9 & 30	21	11	9	20	10	3 & 24	14
	Cabinet (Perf Mngmt) Panel	Mon (5pm)		16			15		17			23		
	Executive Team	Wed (4pm)	12 ^d	18	23 ^e		10 ^e	22		10	14 ^e	25 ^e		15
	Leader's Business Mngmt Group	Wed (3pm)			16		17		5	17	28			1
Scrutiny	Annual scrutiny planning session	Mon (6pm)		9										
	Annual budget scrutiny session	Wed (4.30pm)							19					
	Scrutiny Board	Tues (6pm)		17			16	21		9	27		17	28
	Adults and community	Tues (6pm)			8		23		18		13		10	
	Children and young people	Wed (6pm)			23		24		12		14		11	
	Confident and capable council	Wed (6pm)			9			1		3		4		22
	Enterprise and business	Tues (6pm)			15		30			2		3		21
	Health	Thur (2pm)			10		25		20		15		12	
	Vibrant, safe and sustainable communities	Thur (6pm)			17			2		4		5		23
Regulatory and oversight	Audit committee	Mon (2pm)			14		22			15			9	
	Audit (investigations) sub-comm.	Mon (3pm)			21				3			2		27
	Licensing committee	Wed (10am)	14	18 & 25			10		12		21		18	29
	Planning committee	Tues (2pm)	6	17	22		23		18		20		24	
	Planning (site visits)	Tues (10am)		17	8		9		4		6		10	
	Standards committee	Thur (1.30pm)	Meetings set as required.											
	Health and Wellbeing Board	Wed (varies)	7 (12.30pm)		9 (2pm)		3 (12.30pm)		5 (2pm)		7 (12.30pm)		4 (2pm)	

^a Annual Council, 6pm

^b Budget setting

^c Annual Council: 20 May 2015, 6pm

^d Monday, 5.30pm

^e 5.30pm

SCHEDULE OF COUNCILLOR MEETINGS: 2014/15 (continued)

		Usual day and time	May 2014	Jun 2014	July 2014	Aug 2014	Sept 2014	Oct 2014	Nov 2014	Dec 2014	Jan 2015	Feb 2015	Mar 2015	Apr 2015
Finance and HR	Bank Holidays		5 & 26			25				25 & 26	1			3 & 6
	Investment advisory sub-committee	Weds (10am)		25			24			10			18	
	Pensions committee	Weds (1.30pm)		25			24			10			18	
	Pensions joint consultative forum	Weds (1.30pm)					3						4	
Other meetings	BSF advisory group	Wed (9.30am)			2			8			21			
	Bilston advisory group	Meetings set as required.												
	City centre advisory group	Meetings set as required.												
	Community cohesion forum	Wed (6pm)		11				15				11		
	Corporate parenting board	Weds (5.30pm)		18			3		19		21		11	
	Equalities advisory group	Tues (10am)		10			23			2			10	
	Equal pay advisory group	Meetings set as required.												
	Cllr devpt and IT advisory group	Fri (9am)			11			17			16			17
	Petitions committee	Fri (10am)		13	25		5	24		12	30		13	24
	Property advisory group	Mon (5.30pm)		9					3				2	
	Confident, capable Council (FutureWorks) advisory group	Tues (5.30pm)		17			30			16				
	Sustainability advisory group	Tues (5.30pm)			8				11				3	

MUNICIPAL YEAR 2014-15

SHADOW APPOINTMENTS

SHADOW CABINET AND OTHER APPOINTMENTS

Shadow Cabinet Member Portfolios

Leader	Wendy Thompson
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Deputy Leader & City Services	Paul Singh
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Scrutiny Panel Vice-Chairmen

Scrutiny Board	Barry Findlay
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Adults & Community	Pat Patten
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Children & Young People	Mark Evans
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Health	Zahid Shah
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Confident & Capable Council	Chris Haynes
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Enterprise & Business	Jon Yardley
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Vibrant, Safer & Sustainable Communities	Andrew Wynne
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Committee Vice-Chairmen

Audit	Chris Mills
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Petitions	Arun Photay
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Meeting of the City Council

4 June 2014

Report title	West Midlands Integrated Transport Authority	
Referring body	Cabinet 13 November 2013	
Councillor to present report	Cllr Roger Lawrence Leader of the Council	
Wards affected	All	
Cabinet Member with lead responsibility	Cllr Roger Lawrence Leader of the Council	
Strategic director	Simon Warren Chief Executive	
Originating service	Legal Services	
Contact employee(s)	Name of officer Robert Baldwin	Lead Lawyer(non-contentious) 01902 554962 robert. mailto:balwwin@wolverhampton.gov.uk

Report to be/has been considered by

Recommendation(s) for action or decision:

The Council is recommended:

1. That the amended terms of reference of the West Midlands Joint Committee as recommended by Cabinet on 13 November be approved in so far as they relate to the executive functions of Wolverhampton City Council.
2. That the Leader of the Council be appointed as Wolverhampton's representative on the new West Midlands Integrated Transport Authority (ITA, together with a substitute).
3. That the Centro Members Joint Committee be established as per the draft Scheme of Delegation set out in Appendix 2 at the ITA's AGM in July.
4. That the Councillors detailed on the list as circulated at the meeting be appointed as Wolverhampton's representatives of Centro Members.

5. That the Chief Legal Officer and Solicitor to the Council be authorised to agree and enter into such documents as are necessary to give effect to these decisions.

Recommendations for noting:

The Council is asked to note:

1. The changes to the governance arrangements of the West Midlands Integrated Transport Authority.

1.0 Purpose

- 1.1 Following a review in 2013, approval was sought from the Secretary of State for Transport, to make changes to the existing governance arrangements for the ITA.
- 1.2 This followed on from the changes to the Terms of Reference for the West Midlands Joint Committee and the creation of an interim Shadow ITA which Cabinet approved at its 13 November 2013 Meeting.
- 1.3 An order decreasing the number of members of the West Midland Integrated Transport Authority from 27 to 7 was laid before Parliament on May 12 and comes into force on June 4 2014.

2.0 Background

- 2.2 Membership of the new ITA is as follows:-
 - 2.2.1 The New ITA, comprising seven members nominated by the individual authorities forming the geographic area of the ITA, who would lead on strategy, prioritisation, commissioning and seeking new investment on transport for the area. It was agreed at Shadow Board that each authority would seek to appoint its Leader to reflect the greater use of West Midlands Leaders to assist with effective regional decision making.
 - 2.2.2 The new ITA and the 7 Metropolitan Districts also need to form a Joint Committee called Centro Members. This will initially have a membership of 27 appointed in the same way as previously done for the old ITA. This Joint Committee will take responsibility for operational transport matters and, as required, advise the New ITA on matters referred to them. They will form appropriate sub-committees as necessary to direct Centro's delivery role.
- 2.3 Assurance was given to the Secretary of State that the new ITA will conduct a review of the membership of Centro Members in the coming year and this will be carried out.
- 2.4 The draft constitution for the ITA, the draft Centro Members scheme of delegation and the Order laid before Parliament are contained in appendices 1, 2 and 3 for information.

3.0 Options

- 3.1 If the amended terms of reference are not adopted this will not reflect the greater use of West Midlands Leaders to assist with effective regional decision making and result in less effective regional governance.

4.0 Financial implications

- 4.1 There are no direct financial implications arising from this report as the recommendations and proposals only relate to governance arrangements at this stage. However, the ITA forms a key element of the governance arrangements through which central government devolve funding to the west Midlands and onto each local authority [NA/270514/Z]

5.0 Legal implications

- 5.1 These amendments are to identify further changes since the terms of reference were last revised and to recognise the exercise of transportation functions in support of the changes proposed within ITA. The changes are in accordance with the Local Government Acts 1972, 1985 and the Localism Act 2011. [RB/23052014M]

6.0 Equalities implications

- 6.1 None arising directly from this report.

7.0 Environmental implications

- 7.1 None arising directly from this report.

8.0 Human resources implications

- 8.1 None arising directly from this report.

9.0 Corporate landlord implications

- 9.1 None arising directly from this report

9.0 Schedule of background papers

- 9.1 None

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WEST MIDLANDS INTEGRATED TRANSPORT AUTHORITY CONSTITUTION

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PART 1 - INTRODUCTION

West Midlands Integrated Transport Authority

1. The Authority comprises seven councillors, each of whom must be elected to one of the seven constituent district councils comprising the metropolitan West Midlands. These seven district councils appoint a single member to the Authority in accordance with the provisions of schedule 10 of the Local Government Act 1985 (as amended).
2. Councillors may be removed by their appointing council, subject to the council complying with the statutory requirements as to periods of notification etc. The overriding duty of members of the Authority is to the whole community of the West Midlands. A list of the members of the Authority for current municipal year is set out in Annex 1 of the constitution.
3. All seven members meet together as the West Midlands Integrated Transport Authority, and these meetings are held in public.
4. The West Midlands Integrated Transport Authority has ultimate responsibility for public transport within the region, but has delegated much of its decision making to a Centro Joint Committee. This arrangement is set out more fully in Part 2 of the constitution.

Principles of Decision Making

5. All decisions made by the West Midlands Integrated Transport Authority, and by officers acting under their delegated powers, will be made in accordance with the following principles:
 - they will be within the lawful powers of the Authority;
 - due consultation will be carried out where appropriate (including taking relevant professional advice from officers);
 - they will demonstrate respect for human rights;
 - there will be a presumption in favour of open and transparent decision making;
 - there will be a clarity of aims and desired outcomes;
 - all decisions will be taken within the letter and spirit of the constitution.

Compliance with the Constitution

6. All meetings of the Authority will be conducted in accordance with the relevant Standing Orders set out in Part 3 of this constitution when considering any matter.

Review and Revision of the Constitution

7. The Clerk will monitor and review the operation of the constitution on a yearly basis and make recommendations for amendments as appropriate, to ensure that the aims and principles of the constitution are given full effect.

Changes to the Constitution

8. Changes to the constitution will be approved by the Authority after consideration of proposals submitted by the Clerk.

Publication of the Constitution

9. The Clerk will arrange for printed copies of the constitution to be made available to all members of the Authority and for public inspection. An electronic copy of the constitution will also be made available on the Authority's website.

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PART 2 - RESPONSIBILITY FOR FUNCTIONS

10. The Authority has a statutory responsibility to set out and ensure the implementation of policies to co-ordinate and promote the use of public transport in the West Midlands. The Centro implements the Authority's policies and provides it with expert professional advice to enable it to make appropriate and informed decisions.
11. Collectively they are responsible for:
 - Formulating a long term vision for the West Midlands public transport system that is based on the vision of a 'world class' integrated public transport system that contributes to the economic development of the West Midlands through a network of high volume public transport corridors, and delivered by a 'best in class' organisation.
 - Developing and championing the business case for a rapid transit network, including Midland Metro.
 - Developing and championing the 'Vision for Rail' as part of the development of the rail network, in partnership with Network Rail and train operating companies.
 - Operating a concessionary fares scheme and implementing the government's National Concessionary Scheme and any local variations.
 - Championing and developing Smartcard technology within the region.
 - Developing bus travel, by championing the modernisation of the bus network in the region through a culture that focuses on bus passengers and their needs through the Transforming Bus Travel partnership.
 - Financially supporting subsidised bus services that are socially necessary, but not commercially viable.
 - Providing an annual grant to enable the West Midlands Special Needs Transport Ltd to operate a 'Ring & Ride' service for people who have difficulty in using other public transport facilities.
 - Developing policies for the promotion and encouragement of safe, efficient and economic transport facilities and services to, from and within its area, in partnership with public transport operators, the police and district councils.
 - Promoting and publicising the public transport network through the provision of travel information as part of the 'Network West Midlands' initiative.
 - Constructing and maintaining bus stations and public transport infrastructure.

12. In order to carry out effective decision making in respect of these responsibilities, the West Midlands Integrated Transport Authority has, along with the seven West Midlands metropolitan district councils, established a Centro Members Joint Committee to which it has delegated areas of decision making authority that the joint committee (and/or the joint committee's own sub-committees) can exercise on behalf of the full Authority.

Matters Reserved for Determination by the West Midlands Integrated Transport Authority

13. The following functions of the West Midlands Integrated Transport Authority will remain reserved matters for determination by the Authority only:
- Setting its revenue budget for transport, including approving estimates of income and expenditure of Centro pursuant to s15(1)(b) of the Transport Act 1968, determining the grants to be made to passenger transport companies to s13 of the Transport Act 1968, and the issue of a levy pursuant to the Transport Levying Bodies Regulations 1992;
 - Determining the borrowing limits of the West Midlands Integrated Transport Authority in relation to transport matters, pursuant to s3 of the Local Government Act 2003;
 - Approving borrowing by the West Midlands Integrated Transport Authority, pursuant to s12(3) of the Transport Act 1968, and lending money to Centro;
 - Developing policies for the promotion and encouragement of safe, efficient and economic transport facilities and services and producing a Local Transport Plan;
 - Making a written request to the Secretary of State for Transport to authorise Centro to purchase compulsorily any land which Centro requires for the purposes of its business;
14. Any of the functions set out above may be referred to the Centro Members Joint Committee for it to make recommendations for consideration and determination by the West Midlands Integrated Transport Authority.

Delegation from the West Midlands Integrated Transport Authority to the Centro Members Joint Committee

15. The following functions of the West Midlands Integrated Transport Authority will be delegated to the Centro Members Joint Committee in order for it to make recommendations to the Authority for decision:
- Securing appropriate level of rail services through rail devolution;

- Developing policies for the promotion and encouragement of safe, efficient and economic transport facilities and services for inclusion in the Local Transport Plan;
- The Authority's revenue budget for the forthcoming year and corresponding district council tax levy

16. The following functions of the West Midlands Integrated Transport Authority will be delegated to the Centro Members Joint Committee in order for it to determine, subject to the Centro Members Joint Committee exercising these functions in accordance with any transport policies of the Authority, the Local Transport Plan and the Authority's agreed transport budgets:

- Formulating general policies with respect to the availability and convenience of public passenger services pursuant to s9A(5) - (7) of the Transport Act 1968;
- Monitoring and overseeing the activities and performance of Centro (including the power pursuant to s15(6) of the Transport Act 1968) to give to Centro such directions as appears to the Centro Members Joint Committee to be appropriate to secure the policy objectives of the West Midlands Integrated Transport Authority;
- Ensuring that Centro secures the provision of appropriate public passenger transport services under s9A(3) of the Transport Act 1968;
- Considering and approving the creation and development of:
 - Quality Partnership Schemes under s114 - 123 of the Transport Act 2000;
 - Ticketing Schemes under s135 - 138 of the Transport Act 2000; and
 - Concessionary Travel Schemes under s93 - 104 of the Transport Act 1985;
- Determining what local bus information should be made available, and the way in which it should be made available, under s139 - 143 of the Transport Act 2000;
- Ensuring that Centro implements those actions delegated to it for promoting the economic, social and environmental well-being of the West Midlands, under s99 of the Local Transport Act 2008;
- Monitoring the West Midlands Integrated Transport Authority's transport budget, pursuant to s15A(2) of the Transport Act 1968;
- Approving Centro minor works capital programme and the agreed Centro budget for the scheme concerned;

- Monitoring Centro's performance against the agreed Local Transport Plan;
- Formulating, developing and monitoring procedures for public consultation of, and lobbying for, the West Midlands Integrated Transport Authority's transport policies;
- Considering issues arising from the implementation of schemes for the introduction of Smartcards;
- Authorising the disposal, acquisition and development of any land within any budget agreed by the West Midlands Integrated Transport Authority;
- Determining the operation, performance, contract management and development of tendered bus services, bus stations/stops, and passenger transport services, under s10(1) of the Transport Act 1968 and within the agreed Centro budget;
- Determining the operation, performance and development of the West Midlands Integrated Transport Authority's accessible transport provision, pursuant to s106(1) and 106(2) of the Transport Act 1985, and within the agreed Centro budget; and
- Monitoring the performance of Midland Metro, bus and rail services and initiating appropriate action.

PART 3 - RULES OF PROCEDURE AND DECISION MAKING

WEST MIDLANDS INTEGRATED TRANSPORT AUTHORITY PROCEDURAL STANDING ORDERS

Name

17. The name of the Authority shall be the 'West Midlands Integrated Transport Authority'.

Membership of the Authority

18. The Authority shall consist of 7 Members who shall be Members of the constituent councils, appointed by those Councils.
19. Members appointed by a constituent council shall be appointed and continue in office in accordance with sections 31 to 33 of the Local Government Act 1985, as amended by Section 10 of the Local Government Act 1986 and the relevant provisions of the Local Government and Housing Act 1989.
20. A Member of the Authority may resign his/her Membership by giving the Clerk written notice to that effect.
21. Where a vacancy occurs from amongst Members appointed by a constituent council, the provisions of Section 32 of the Local Government Act 1985 shall apply.

Definitions

22. Unless the context otherwise requires, the following expressions shall have the meanings respectively given to them below:
- 'Authority' means the West Midlands Integrated Transport Authority.
 - 'Officer' means the person who, as a matter of operational practice, is primarily responsible for, or involved with, the subject under discussion.
 - 'Clerk' means the person appointed pursuant to Section 34(8) of the Local Government Act 1985.
 - 'Clear working day' means any day except Saturday or Sunday or a Bank Holiday and excludes the date of the notice and the date of the meeting.
 - 'Related' in relation to Members and officers has the same meaning as 'a Member of your family' set out in the Introduction to the Members' Code of Conduct.

Meetings

23. The first meeting of the Authority after the ordinary elections of councillors each municipal year shall be the Annual Meeting of the Joint Authority and shall be held as soon as possible after the Annual Meetings of the constituent Councils, and in any case not later than 30 June, or such other date as may be provided by law.

24. The Authority shall, between each Annual Meeting, hold at least four other meetings for the transaction of general business on such day and at such time as they may determine except that the Clerk, after consultation with the Chair, may cancel any of such meetings if in his/her opinion insufficient business has arisen for consideration.
25. An Extraordinary Meeting of the Authority shall be convened at any time by the Clerk upon the instructions of the Chair.
26. A Special Meeting of the Authority shall be convened at any time by the Clerk upon receipt by them of a written requisition for that purpose signed by at least three Members of the Authority and specifying the business to be transacted at the meeting.
27. Notice of a meeting convened pursuant to paragraph 26 shall be issued within five clear working days of receipt of the requisition and, notwithstanding paragraph 32, no other business other than that specified in the requisition shall be transacted at the meeting.
28. Meetings of the Authority shall be held at such places as the Authority or, in the case of urgency, the Clerk in consultation with the Chair, may direct.

Notice of Meetings

29. At least five clear working days before a meeting of the Authority (excluding the date of the notice and date of the meeting):
 - notice of the time and place of the intended meeting shall be published at the offices of the Authority and such other place as is fixed for the meeting of the Authority.
 - a summons to attend the meeting, specifying the business proposed to be transacted thereat, shall be left at or sent by post to the address designated by each Member.
 - Copies of the summons shall be made available for inspection by Members of the public.
30. Lack of service on a Member of the Authority of the summons referred to in sub-paragraph 29 above shall not affect the validity of a meeting of the Authority.

31. A Member of the Authority may require a particular item of business, which is relevant to the powers and duties of the Authority, to be discussed at an ordinary meeting of the Authority subject to at least ten clear working days' notice of such intention being given to the Clerk in writing, signed by the Member concerned and specifying the business to be discussed. The Clerk shall set out in the notice of every meeting of the Authority the items of business requested by Members in the order in which they have been received unless the Member or Members concerned has indicated in writing that an items should be discussed at a later meeting or has since withdrawn the item. If the Member is not present at the meeting when an item of which he/she has given notice comes up for discussion, this item shall, unless the Authority decides otherwise, be treated as withdrawn and shall not be raised again without fresh notice.
32. Except in the case of business required by these Standing Orders to be transacted at a meeting of the Authority and other business brought before the meeting as a matter of urgency and of which the Clerk shall have prior notice and which the Chair considers should be discussed at the meeting, no business shall be transacted at a meeting of the Joint Authority other than that specified in the summons relating thereto.
33. At any time during a meeting of the Authority, the Chair may direct that an item of business or part thereof (other than one requested by a Member pursuant to paragraph 31) shall be withdrawn and no consideration of that item shall take place at the meeting.
34. The Monitoring Officer or the Treasurer may, in pursuance of their statutory duties and in consultation with the Clerk, include an item on the agenda of any meeting of the Authority and may require the Clerk to convene a special meeting to convene a special meeting for such a purpose.

Appointment of Chair and Vice-Chair

35. At the opening of each Annual Meeting, the Chair/Vice Chair shall ask the Clerk to invite nominations for the positions of Chair and Vice Chair and the Authority shall then elect a Chair and Vice Chair from its Members. Such appointment shall continue until the election of a new Chair and Vice Chair at the next following Annual Meeting. For the avoidance of doubt, this procedure will not remove the requirement for the Member pursuant to these Standing Orders and the Local Government Act 1985 entitled to preside at the meeting to exercise a casting vote in accordance with paragraph 37 below.
36. On a vacancy arising in the office of Chair or Vice Chair for whatever reason, the Authority shall as soon as possible elect a replacement for the remainder of the year in which such vacancy occurred.
37. In the case of an equality of votes in respect of the appointment of a Chair of the Authority, the person presiding at the meeting shall give a casting vote in addition to any other vote he/she may have.

Chair of Meetings

38. At each meeting of the Authority the Chair, if present, shall preside.
39. If the Chair is absent from a meeting of the Authority the Vice Chair, if present, shall preside.
40. If both the Chair and Vice Chair of the Authority are absent from a meeting of the Authority, the Clerk shall invite Members of the Authority present to select another Member of the Authority to preside at the meeting until such time as the Chair or Vice Chair joins the meeting.
41. Any power or duty of the Chair in relation to the conduct of a meeting shall be exercised by the person presiding at the meeting.

Quorum

42. No business shall be transacted at any meeting of the Authority unless at least five Members are present, provided that if more than one third of the whole number of Members of the Authority becomes disqualified at the same time, the quorum shall be determined in accordance with the provisions of the Local Government Act 1972, Schedule 12, paragraph 45.
43. If during any meeting of the Authority, the Chair after counting the number of Members present, declares that there is not a quorum present, the meeting shall stand adjourned to a time fixed by the Chair. If there is no quorum and the Chair does not fix a time for the reconvened meeting, the meeting shall stand adjourned to the next ordinary meeting of the Authority.

Consideration of Items of Business

44. All other items of business dealt with at a meeting of the Authority shall be introduced by the Chair who may then invite an officer to explain the item.
45. Members shall then be given an opportunity to speak on the item, the order being decided by the Chair.
46. Unless the Chair shall otherwise determine, each Member shall speak only once on each agenda item.
47. Once each Member who wishes to speak has done so, the Chair shall move the item which, if seconded, shall be voted upon.

Amendments

48. Unless the Chair shall otherwise determine, no amendments to an item of business on the agenda for a meeting of the Authority shall be moved at that meeting.

49. If a Member wishes to seek an amendment to the recommendations he/she may, when exercising his/her right to speak on the item pursuant to paragraph 45, explain why he/she wishes an amendment to be made and move that a decision on the item be deferred until the next meeting of the Authority to enable the Clerk to give proper consideration to the issue raised and address them in a revised report.

50. If the request for a deferment is supported by a majority of votes, the item shall be deferred and no further discussion of it shall take place at the meeting.

Members' Items

51. An item of business requested by a Member pursuant to paragraph 31 shall be introduced by the Member who gave notice of it.

52. The Chair shall then give the Clerk (in person or through another Officer present at the meeting) an opportunity to comment on the item.

53. Other Members shall then be given an opportunity to speak on the item, the order being decided by the Chairman.

54. Unless the Chair shall otherwise determine, each Member shall speak only once on the item.

55. When all Members who wish to speak pursuant to paragraph 45 have done so, the Member who requested the item shall then have a right of reply.

56. The Chair shall then move the item which, if seconded, shall be voted upon.

Order of Business

57. At every meeting of the Authority the order of business shall be to select someone to preside if the Chair and Vice Chair are absent and thereafter shall be in accordance with the order specified in the notice of the meeting, except that such order may be varied -

(a) by the Chair at his/her discretion, or

(b) on a request agreed to by the Authority.

Minutes

58. No discussion shall take place upon the minutes except upon their accuracy. At each meeting of the Authority, the minutes of the previous meeting if agreed will be signed by the Chair.

Discussions Affecting Persons Employed by the Authority

59. If any question arises at a meeting of the Authority as to the appointment, promotion, dismissal, salary, pension or conditions of service, or as to the conduct of any officer, such question shall not be the subject of discussion until the Authority has decided whether or not the power of exclusion of the public under Schedule 12A to the Local Government Act 1972 shall be exercised.

Voting

60. The mode of voting at meetings of the Authority shall be by show of hands unless the Authority decides in any particular case to vote by ballot.
61. In the case of an equality of votes, the Chair of the meeting of the Authority shall have a casting vote in addition to any other vote he/she may have.
62. Where more than two persons are nominated for any appointment to be filled by the Authority and of the votes given there is not an overall majority in favour of one person the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken and so on until a majority of votes is given in favour of one person.
63. Any power or duty of a member of the Authority in respect of voting rights shall apply equally to a member properly appointed by a constituent council as a substitute to represent them at any Authority meeting.
64. Any Member not supporting a resolution may request that his/her dissent be recorded.

Interests of Members in Contracts

65. All Members of the Authority shall comply with the requirements of the Authority's Code of Conduct for Members (Part 5) in respect of the registration of Personal Interests and the provisions relating to declaring the same and withdrawing from meetings.

Interests of Officers in Contracts

66. The Clerk shall keep a record of particulars of any notice given by an officer of the Authority under Section 117 of the Local Government Act 1972, of a pecuniary interest in a contract, which record shall be open during office hours for inspection by any Member of the Authority and shall otherwise comply with the requirements of the Code of Conduct for Officers.

Gifts and Hospitality

67. In accordance with the Code of Conduct for Members approved by the Authority a Member must within 28 days of receiving any gift or hospitality over the value of £25 provide written notification to the Clerk of the existence and nature of gift or hospitality.

Inspection of Land, Premises etc

68. A Member of the Authority shall not issue any order respecting any works which are being carried out by or on behalf of the Authority or claim by virtue of his/her membership of the Authority any right to inspect or to enter upon any lands or premises which the Authority has the power or duty to inspect or enter.

Canvassing of Members

69. Canvassing of Members of the Authority directly or indirectly for any appointment under the control of the Authority shall disqualify the candidate concerned for the appointment.

70. A Member of the Authority shall not solicit for any person any appointment under the control of the Authority but this shall not preclude a Member from giving a written testimonial of a candidate's ability, experience or character for submission with an application for employment.

Relatives of Members or Officers

71. A candidate for any appointment who knows that he/she is related to any Member or officer of the Authority shall when making application, disclose that relationship to the officer to whom the application for appointment is required to be submitted. A candidate who fails to disclose such relationship will be disqualified from the appointment and if appointed, shall be liable to dismissal without notice. Every Member or officer shall disclose to the officer concerned any relationship known to him/her to exist between himself/herself and any person whom he/she knows is a candidate for appointment. The officer concerned shall report to the Authority any such disclosures made to him/her.

Inspection of Minutes and Documents

72. Without prejudice to any rights which arise as an elector or member of the public, a Member of the Authority may, for the purpose of his/her duty as such Member, but not otherwise, on application to the Clerk, inspect the minutes of the Authority and any document which has been considered by the Authority and shall on request be supplied for the like purposes with a copy of such a document, provided that a Member shall not knowingly call for a copy of any document relating to a matter in which he/she has a Personal Interest as defined in the Authority's Code of Conduct for Members, (Part 5) and that this shall not preclude the Clerk from declining to allow inspection of any document which is, or in the event of legal proceedings would be, protected by privilege arising from the relationship of solicitor and client.

Disturbances at Meetings

73. If a member of the public interrupts the proceedings of any meeting, the Chair shall warn that person. If the interruption continues, the Chair shall order the person's removal from the meeting room. In the case of a general disturbance in any part of the meeting room open to the public, the Chair shall order that part to be cleared.
74. If at any meeting any Member, in the opinion of the Chair, indulges in misconduct by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly, offensively, or by wilfully obstructing the business of the Authority, the Chair or any other Member may move "That the Member named be not further heard" and the motion, if seconded, will be put and voted upon without discussion.
75. If the Member named continues the misconduct after a motion under paragraph 74 has been carried, the Chair shall either move "That the Member named do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion) or adjourn the meeting for such period as the Chair shall consider expedient.

Variation and Revocation of Standing Orders

76. Any addition, variation or revocation to these Standing Orders shall when proposed and seconded stand adjourned without discussion to the next meeting of the Authority. Provided that this Standing Order shall not apply to any review of Standing Orders at the annual meeting of the Authority.

Suspension of Standing Orders

77. Any Standing Order may be suspended at a meeting of the Authority where such suspension is moved as regards any business at the meeting and approved by a majority of the Members of the Authority at the meeting.

Committees, Sub-Committees and Working Groups of the Authority

78. The Authority shall, at its Annual Meeting, appoint the Chairs of, and approve terms of reference for, such Committees, Sub-Committees and Working Groups as are deemed necessary to conduct the business of the Authority in the forthcoming year ensuring the membership is determined in accordance with the rules of political balance contained in the Local Government and Housing Act 1989.
79. Where a new Committee, Sub-Committee or Working Group is established during the year, or a casual vacancy occurs in the position of Chair of a Committee, Sub-Committee or Working Group, the meeting of the Authority that establishes the new Committee, Sub-Committee or Working Group, or the meeting of the Authority following the vacancy occurring (as the case may be), shall appoint the Chair of the Committee, Sub-Committee or Working Group.
80. The Chair and Vice-Chair of every Committee, Sub-Committee or working group shall be authorised to carry out any necessary duties (including attendance at meetings with officers) which are related to the discharge of powers or duties of such Committee, Sub-Committee or Working Group.
81. Standing Orders shall, with any necessary modifications, apply to meetings of Committees, Sub-Committees or Working Groups.
82. Subject to any statutory provision or to any resolution (including any such resolution as requires a decision of one Committee, Sub-Committee or Working Group to be considered or approved by another committee) and to the provisions of this Standing Order, powers and duties allocated to any committee shall be delegated to and exercisable on behalf of the Authority by that committee.
83. Every delegation to a Committee, Sub-Committee or Working Group of any power or duty shall be subject to any general or special instructions given by the Authority to the Committee, Sub-Committee or Working Group as to how the power or duty shall be exercised or discharged.

84. The powers and duties allocated to a Committee, Sub-Committee or Working Group, in so far as they are not delegated powers and duties of that committee, shall be exercised by the committee subject to confirmation of their decisions by the Authority.
85. Any decision of a committee with regard to a power or duty which is not delegated to that committee shall be taken as recommendation to the Authority and shall be submitted to the Authority for its consideration and decision.
86. The minutes of a meeting of a Sub-Committee shall be submitted to the next convenient meeting of the Committee by which it was appointed and no act of a Sub-Committee shall have effect until approved by that Committee.
87. Any Member of a Committee, Sub-Committee or Working Group may appoint any other Member of the Authority to attend and act on their behalf at a meeting which they are unable to attend and shall have notified the Clerk accordingly before the relevant meeting.

Legal Proceedings

88. Where any document will be a necessary step in any legal procedure or legal proceedings on behalf of the Authority it shall be signed by the Clerk unless any enactment otherwise requires or authorises, or the Authority gives the necessary authority to some other person for the purpose of such procedure or proceedings.
89. The Clerk is authorised to institute or defend any legal proceedings in any case where either the institution or defence of such proceedings is necessary to give effect to decisions of the Authority (or of any committee, sub-committee or officer with delegated authority to take decisions in the name of the Authority) or in any case where the Clerk considers that the institution or defence of proceedings is necessary to protect the Authority's interests.
90. The powers of the Clerk under this Standing Order shall include the power to negotiate the settlement of legal proceedings subject to any action taken being reported to the Authority in accordance with the Financial Regulations.

Common Seal

91. The Common Seal of the Authority shall be kept in the custody of the Clerk and the affixing of the Common Seal shall be attested by the Clerk or a person nominated by him/her.
92. A decision of the Authority shall be sufficient authority for the sealing of any document necessary to give effect to the decision.
93. A record of every sealing of a document of which the Common Seal shall have been affixed shall be made and shall be signed by the person who has attested the Common Seal.
94. Common Seal of the Authority shall be affixed to those documents which in the opinion of the Clerk require to be sealed.

Signing of Agreements and Contracts etc

95. The Clerk is the agent of the Authority to sign all formal written agreements and contracts entered into by the Authority or by a Committee which has the power to act on behalf of the Authority.

Adoption of Financial Regulations

96. The Authority shall adopt Financial Regulations which shall be observed by all committees, Members and officers.

Interpretation

97. The decision of the Chair of the meeting on the question of the construction of the Standing Orders and on any question of order not provided for by the Standing Orders shall be final.
98. The inclusion or exclusion of any specific matters in any other regulation or resolution shall not be construed as limiting in any way the scope of these Standing Orders.
99. In these Standing Orders where the context so requires, reference to the Authority shall mean the Authority itself or acting through its committees or other committees exercising delegated powers.
100. In appropriate circumstances, the functions of the Clerk may be undertaken by a consultant or similar professional person appointed for a specific scheme or purpose.

Standing Orders to be Given Members

101. A printed copy of the Authority's Standing Orders and Financial Regulations shall be given by the Clerk to every Member of the Authority on his/her first being appointed to the Authority.

PART 4 - CODES AND PROTOCOLS

Code of Conduct for Elected Members

Code of Conduct for Employees

Protocol for Member/Officer Relations

Guidance for Members and Officers on Publicity in the Pre-Election Period

Access to Information Procedure Rules

Monitoring Officer Protocol

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CODE OF CONDUCT FOR ELECTED MEMBERS

I being a member of the West Midlands Integrated Transport Authority hereby declare that I will undertake my duties as follows:

102. I will represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

103. As a holder of public office, and as required by law, I will behave in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in the Authority:

SELFLESSNESS: I will act solely in terms of the public interest. I will not act in such a way as to gain financial or other material benefits for myself, my family, or my friends.

INTEGRITY: I will not place myself under any financial or other obligation to outside individuals or organisations that might seek to influence me in the performance of my official duties.

OBJECTIVITY: I will make choices on merit, in carrying out public business, including when making public appointments, awarding contracts, or recommending individuals for rewards and benefits.

ACCOUNTABILITY: I am accountable for my decisions and actions to the public and must submit myself to whatever scrutiny is appropriate to my office.

OPENNESS: I will be as open as possible about all the decisions and actions I take. I will give reasons for my decisions and restrict information only when the wider public interest or the law clearly demands.

HONESTY: I will declare any private interests relating to my public duties and take steps to resolve any conflicts arising in a way that protects the public interests.

LEADERSHIP: I will promote and support these principles by leadership and example.

104. As a member of the West Midlands Integrated Transport Authority I will act in accordance with the principles in paragraph 103 and, in particular, I will

(a) Champion the needs of residents - the whole community and all my constituents, including those who did not vote for me - and put the public interest first.

- (b) Deal with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
- (c) Not allow other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the West Midlands region or the good governance of the Authority in a proper manner.
- (d) Exercise independent judgement and not compromise my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member of this Authority.
- (e) Listen to the interests of all parties, including relevant advice from statutory and other professional officers, take all relevant information into consideration, remain objective and make decisions on merit.
- (f) Be accountable for my decisions and cooperate when scrutinised internally and externally, including by local residents.
- (g) Contribute to making the Authority's decision-making processes as open and transparent as possible to ensure residents understand the reasoning behind those decisions and are informed when holding me and other members to account, but restricting access to information when the wider public interest or the law requires it.
- (h) Behave in accordance with all my legal obligations, alongside any requirements contained within the Authority's policies, protocols and procedures, including on the use of the Authority's resources.
- (i) Value my colleagues and staff and engage with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- (j) Always treat people with respect, including the organisations and public I engage with and those I work alongside.
- (k) Provide leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this Authority.

105. **Gifts and Hospitality**

I will, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £25 which I have accepted as a member from any person or body other than the Authority.

I acknowledge that the Monitoring Officer will place my notification on a public register of gifts and hospitality.

I am aware that this duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the Authority for this purpose.

106. Register of Interests

I will:

- (a) register and, where appropriate, disclose those disclosable pecuniary interests that I am obliged to declare under the Localism Act and associated regulations;
- (b) register details of my membership of any organisation or body whose rules or requirements of membership could be regarded as suggesting a degree of loyalty to that organisation or body. I acknowledge that this could arise by reason of an organisation having an obligation of secrecy about its rules, its membership or conduct and/or a commitment of allegiance or support to that organisation or body. I understand that such organisations or bodies may or may not be charitable concerns and they may also have a local, regional, national or international aspect;
- (c) register details of my membership of any trade union within the meaning of Section 1 of the Trade Union and Labour Relations (Consolidation) Act 1992.

I will do this by completing, signing and submitting the prescribed form to the Monitoring Officer at the West Midlands Integrated Transport Authority. I will keep the register updated and acknowledge that its contents will be published on Centro's website and will be open to the public to inspect.

107. Disclosable Pecuniary Interests Entered on the Register

I understand that if I am present at a meeting of the Authority and

- (a) I am aware that I have a disclosable pecuniary interest under paragraph 106 above in any matter to be considered or being considered at the meeting; and
- (b) the interest is entered in the Authority's register,

I may not participate in any discussion or further discussion of an item of business or in any vote or further vote taken on that item which affects or relates to the subject matter in which I have such an interest, and I will leave the room where the meeting is held while any discussion or voting takes place.

108. Disclosable Pecuniary Interests NOT Entered on the Register

I understand that if I am present at a meeting of the Authority and

- (a) I am aware that I have a disclosable pecuniary interest under paragraph 106 above in any matter to be considered or being considered at the meeting, and

- (b) the interest is not entered in the Authority's register,

I must disclose the interest to the meeting. Furthermore, I may not participate or further participate in any discussion of the matter at the meeting or participate in any vote or further vote taken on the matter at the meeting and I will leave the room where the meeting is held while any discussion or voting takes place.

I also understand that if an interest referred to in 7 above is not entered on the Authority's register and is not the subject of a pending registration, I must notify the Authority's Monitoring Officer of the interest within 28 days of the date of the disclosure.

109. **Other Relevant Interests**

I understand that I have an Other Relevant Interest (which is not a disclosable pecuniary interest) in any matter to be considered or being considered at the meeting) where:

- (a) a decision in relation to that matter might reasonably be regarded as affecting the well-being or financial standing of me or a member of my family or a person with whom I have a close association, or an organisation or body under paragraph 106 above, 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 I have been elected or otherwise of the Authority's administrative area; and
- (b) the interest is one that a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest.

I acknowledge that if I have an Other Relevant Interest as described above:

- (a) I will make a 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; and
- (b) I will not participate in any discussion or further discussion of an item of business or in any vote or further vote taken on that item which affects or relates to the subject matter in which I have an Other Relevant Interest at any meeting at which I am present and I will leave the room where the meeting is held while any discussion or voting takes place.

Signed:.....

Full name:

Date:

CODE OF CONDUCT FOR EMPLOYEES

Introduction

110. The public is entitled to expect the highest standards of conduct from all employees who work for the West Midlands Integrated Transport Authority. The aim of this code is to lay down guidelines for employees that will help maintain and improve standards and protect employees from misunderstanding and criticism. The Code of Conduct incorporates the principles defined by the Nolan Committee's first report on standards in public life.
111. It is not enough to avoid actual impropriety: you should at all times avoid any appearance of improper conduct or the appearance by your behaviour that you may be subject to improper influence. 'Impropriety' means behaving in a way in which it is not appropriate for a public sector employee to behave - it covers a wide range of things, such as conveying confidential information to external persons or bodies for personal gain or accepting bribes, or doing someone a favour that could be misunderstood as compromising the West Midlands Integrated Transport Authority's integrity.
112. This Code of Conduct sets out guidelines that maintain the highest standards of propriety. If employees are in any doubt over any issue, eg. whether or not to accept a gift or offer of hospitality, they should consult their manager. However, ultimate responsibility rests with the individual employee, who must at all times be able to justify their actions and be able to refute any allegations of impropriety.

Standards

113. The West Midlands Integrated Transport Authority's 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 with impartiality and in an objective 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.

Criminal Conduct

114. You must always be able to justify your actions. If an allegation is made, it is up to the employee to demonstrate that any such rewards have not been corruptly obtained.
115. The West Midlands Integrated Transport Authority may cancel a contract where the contractor has made a gift or carried out some kind of favour for an employee of the Authority in relation that contract.
116. Attempts to bribe or corrupt you in connection with the award of contracts must be reported to the appropriate officer.

Gross Misconduct

- 117. Action that falls short of being a criminal offence may still be gross misconduct for the purposes of your employment in respect of which disciplinary action, which could lead to dismissal, could be taken against you.
- 118. In any organisation there may be individuals with alcohol or drug related problems. Being under the influence of alcohol or drugs to the extent that your work is impaired may constitute gross misconduct. Employees should, for example, avoid drinking at lunchtime to the extent that their work performance is adversely affected.

Disclosure Of Information

- 119. The law requires that certain types of information must be available to members of the Authority, auditors, government departments, service users and the public. The West Midlands Integrated Transport Authority may also decide to be open about other types of information.
- 120. Employees must not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way.
- 121. The confidentiality of the West Midlands Integrated Transport Authority's business shall be maintained and employees shall not convey information to external persons or bodies for personal gain, or to compromise the integrity of the West Midlands Integrated Transport Authority.

Political Neutrality

- 122. In their dealings with matters affecting the Authority, employees must be aware that they serve the Authority as a whole. It follows they must serve all councillors and other politicians of any political affiliation, and not just those of the controlling group, and must ensure that the individual rights of all councillors and other politicians are respected. Employees may also be required to advise political groups. They must do so in ways, which do not compromise their political neutrality.
- 123. Employees must not allow their own personal or political opinions to interfere with their work.

Councillors and Other Politicians

- 124. Certain employees will have direct dealings with councillors and other elected and also non-elected politicians. Mutual respect between employees and politicians is essential to good local government. Close personal familiarity between employees and individual politicians can damage the West Midlands Integrated Transport Authority's integrity and prove embarrassing to other employees and politicians, and should therefore be avoided.

Contractors

125. All relationships of a business or private nature with external contractors must be declared in writing to the Clerk. This is particularly important for employees who engage or supervise contractors, or have previously had or currently have a relationship in a private or domestic capacity with contractors.

Colleagues

126. Personal relationships or transactions with colleagues should not influence an employee's professional judgement.

Appointment and Other Employment Matters

127. Employees involved in appointments must ensure that these are made on the basis of merit. It would be unlawful 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 them.
128. 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.

Outside Commitments

129. Employees must declare any outside interests that could be perceived as influencing their decision making or compromise their integrity.
130. Employees must follow the West Midlands Integrated Transport Authority's rules on the ownership of intellectual property or copyright created during their employment.

Personal Interests

131. Employees must declare any personal interest in the West Midlands Integrated Transport Authority's business activities.
132. To prevent the possibility of implied impropriety or covert influence, employees must declare their membership of any non-public organisation that has secrecy about its rules, membership and/or behaviour, such organisations or bodies may or may not be charitable concerns and they may also have a local, regional, national or international aspect.

Equality Issues

133. All employees must ensure that policies relating to equality issues are complied with in addition to the requirements of the law. All members of the local community, customers and colleagues have a right to be treated with fairness and equity.

Tendering

134. Employees must exercise fairness and impartiality when dealing with suppliers and contractors.

135. Employees who are privy to confidential information on tenders or costs of external contractors must not in any circumstances disclose that information to any unauthorised party or organisation, in particular, to any other external contractors or tenderers.
136. Employees must ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates.

Hospitality

137. Employees must only accept offers of hospitality for a genuine business reason such as a need to impart information or represent the West Midlands Integrated Transport Authority in the community. In all cases you should be able to justify the arrangements as being in the interests of the West Midlands Integrated Transport Authority.
138. The criteria that should be considered in determining whether or not you should accept hospitality include the scale and the location of hospitality offered and whether it can be justified as in furthering the interests of the West Midlands Integrated Transport Authority. An employee must always be able to justify his/her actions as being in the best interests of the West Midlands Integrated Transport Authority.
139. Offers to attend sporting, cultural or arts events should only be accepted if the purpose of attendance is to assist the West Midlands Integrated Transport Authority in building good relationships or networking with local organisations that will better enable it to carry out the policies of the Authority and if there are good reasons for the West Midlands Integrated Transport Authority to be seen to be represented at the event.
140. 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 visits to inspect equipment, etc. are required as part of the procurement process, employees must ensure that the arrangements for such visits do not jeopardise the integrity of the subsequent purchasing decision.
141. When hospitality has to be declined those making the offer should be courteously but firmly informed of the procedures and high standards and integrity expected of the West Midlands Integrated Transport Authority's employees.

Hospitality Provided by the West Midlands Integrated Transport Authority

142. It is recognised that some of the operations of the West Midlands Integrated Transport Authority are of a commercial character and that business is conducted in circumstances where the provision of hospitality is accepted practice.

143. When providing such hospitality employees must have particular regard to the principles of public accountability and to the public image of the West Midlands Integrated Transport Authority. This means such hospitality must be provided on an appropriate scale that merits the occasion and within approved budget provision.

Gifts

144. Employees, or their families or partners with the employee's knowledge must not accept significant personal gifts in terms of value from contractors and outside suppliers. The West Midlands Integrated Transport Authority will allow employees to keep insignificant items of token value such as pens, diaries, etc. Thus all significant gifts, loans of goods, money or assets, bottles of wine or spirits, prizes and other benefits in kind should be declined. Gifts delivered must be returned to the sender with an appropriately worded letter.
145. All trips, free travel, holidays, accommodation including payment of hotel bills and use of company cars/executive jets at the expense of contractors must be regarded as unacceptable.

Sponsorship - Giving and Receiving

146. Where an outside organisation wishes to sponsor a West Midlands Integrated Transport Authority employee or is seeking to sponsor a West Midlands Integrated Transport Authority activity or function, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
147. Where the West Midlands Integrated Transport Authority wishes to sponsor an event or service, neither an employee nor any partner, spouse or relative (with the knowledge of the employee) must benefit from such sponsorship in a direct way. Similarly, where the West Midlands Integrated Transport Authority 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.

PROTOCOL FOR MEMBER AND OFFICER RELATIONS

Background

148. Members are elected by the public, whereas officers are appointed to undertake employment by the Authority. Whilst their respective responsibilities are quite distinct, they are nevertheless indispensable to each other.
149. In the Authority, elected members are appointed by their district council and serve for a period of 12 months. Whilst they serve on the Authority, they will be acting on behalf of the Authority. They should be particularly careful to avoid and/or manage conflicts of interest between their responsibility to the Authority, the requirements of their district council and to the electorate.
150. Officers are appointed to the Authority and must be politically neutral in their work. Senior posts are politically restricted, which means that officers in those posts cannot speak or write any message which could affect public support for a political party.
151. Members are covered by a Code of Conduct adopted by the Authority. This requires high personal standards of conduct whereby neither members nor officers may, in behaviour or speech, act discriminatory with regard to eg. gender, race, religion or any other similar matter. This protocol is an extension of those codes of conduct and does not either replace or remove any of their requirements.

Relationships

152. Members and officers must act with courtesy and mutual respect towards each other at all times. This is a partnership where members should determine the policies through the Authority and the officers implement them in a professional manner.
153. Members should remember that officers cannot respond to personal criticism in the same way politicians can, and therefore temper their remarks accordingly. They should be particularly careful about contact with less senior staff and in all circumstances avoid 'throwing their weight around' or using any form of oppressive or abusive behaviour. If they have any concerns about the behaviour of individual officers, they should report them to the Clerk to the Authority.

Advice and Support

154. Officers will provide briefings on any transport or administrative matter, either individually or to group meetings, but that advice must not be on political business. Similarly, officers should not be asked to be present at any meetings during which political business is being discussed.

155. Officers are expected to provide impartial advice to all members, irrespective of their political party. To assist members carrying out their duties, they are entitled to a timely response to all reasonable requests for advice. The advice given must be unbiased and not deliberately obstructive, although since it must be provided on a professional basis, it may not necessarily be what the member wishes to hear.
156. Whilst support is provided to members in relation to all transport matters to assist them in discharging their responsibilities, support cannot be extended to assisting members in any of their political activities. Members must not put pressure on staff to provide resources or support which officers are not entitled to provide.
157. Mutual confidentiality must be observed. Officers will not divulge, without prior agreement, any letter or communication from a member marked 'strictly confidential'. Similarly, members shall not purport to make decisions on behalf of the Authority or release any documents of a confidential nature.
158. Officers will provide relevant information, access to documents, advice and explanations when requested by members. All public committee papers will be made available on the West Midlands Integrated Transport Authority's website. Other information will be provided as requested, but shall be treated as confidential unless made public by law or with the express or implied consent of the Authority. No member may utilise such information for personal gain or advantage.
159. Members and officers must recognise their separate roles and neither must take advantage of the other, or use the resultant relationship to seek advantage either for personal gain or to influence decisions for their own purposes.
160. Officers, and not Members, implement the policies of the Authority. Members should avoid trying to get officers to act in any way that exceeds their area of responsibility, or is outside the bounds of the authority delegated to them by their manager, or disrupts the officer's work by imposing their own priorities.
161. Members and officers should respect each other's free (non-employment) time.
162. Neither members nor officers should openly criticise each other. Such criticism in public or through the media could also affect any complaint or disciplinary process involving a Member or officer.

Elections, Referendums and Petitions

163. It is unlawful for a local authority (which includes the Authority) to publish any material designed to affect public support for a political party or for it to give financial or other assistance to bodies to enable them to publish materials which the Authority itself may not publish.

164. Particular care should be taken to ensure that publicity issued by the West Midlands Integrated Transport Authority immediately prior to an election or by-election within the West Midlands area could not be perceived as seeking to influence public opinion, or to promote the public image of a particular candidate, or group of candidates. Proactive publicity in all its forms of candidates and other politicians involved directly in the election should not take place in the period between the notice of an election and the election itself. Publicity should not deal with controversial issues or report views, proposals or recommendations in such a way that identifies them with individual Authority members or groups of members.
165. However, it is acceptable for the West Midlands Integrated Transport Authority to respond, in appropriate circumstances, to events and legitimate service enquiries provided that its answers are factual and not party political. The key factor to remember is that publicity should be objective, balance, informative and accurate, concentrating on facts or explanations. Members holding key political or civic positions should be able to comment in an emergency or where there is a genuine need for a member level response to an important event outside the West Midlands Integrated Transport Authority's control. Proactive events arranged in this period should not involve the Authority's members likely to be standing for election.
166. In line with the requirements of the Government's Code of Recommended Practice on Local Authority Publicity 1988 (as revised), during the period prior to any election, the West Midlands Integrated Transport Authority will not:
- Provide quotes from members to the news media or other organisations, nor arrange publicity events or photo calls that involve the Authority's members;
 - Issue the news media news releases or statements that actively promote a candidate;
 - Issue the news media news releases which refer to policy or controversial matters directly affecting the electoral division.

GUIDANCE FOR MEMBERS AND OFFICERS ON PUBLICITY IN THE PRE-ELECTION PERIOD

Introduction

167. In most years during May, elections to the seven West Midlands metropolitan district councils take place. This note has been prepared to provide guidance to officers on the West Midlands Integrated Transport Authority's duty to comply at all times with the statutory restrictions on publicity. The note focuses in particular on publicity in the pre-election period.

The Purpose of Publicity

168. The main purposes of the West Midlands Integrated Transport Authority's publicity include increasing public awareness of the decisions that it takes, allowing the public to have an informed say about issues that affect them, explaining to the public the reasons for particular policies and priorities and, in general, improving local accountability.
169. 'Publicity' is defined as "any communication, in whatever form, addressed to the public at large or to a section of the public". Publicity is newspapers, newsletters, websites, posters, leaflets, booklets, banners, badges etc. Advertising is publicity. Campaigns, exhibitions, conferences and any other kind of public communication can be defined as publicity.

Prohibition of Political Publicity

170. At all times, and not just in the pre-election period, there is in law an absolute prohibition of political publicity. The West Midlands Integrated Transport Authority is under a duty not to publish any material which, in whole or in part, appears designed to affect support for a political party. In determining whether material falls within the prohibition, regard must be had to:
- the content and style of the material,
 - the time and circumstances of its publication,
 - the likely effect on those to whom it is directed,
 - whether the material refers to a political party or to persons identified with a political party or promotes or opposes a point of view on a question of political controversy which is identifiable as the view of one political party and not of another, and
 - where the material is part of a campaign, the effect which the campaign appears to be designed to achieve.

Publicity in the Pre-election Period

171. The pre-election period, often referred to as the 'purdah' period, is the time from the date the notice of the election is published to polling day.

172. In almost all respects, it will be 'business as usual' for the West Midlands Integrated Transport Authority during the pre-election period, and the publicity that this necessarily creates. The national code of practice recognises that publicity may include information about individual member's proposals, decisions and recommendations where this is relevant to their position and responsibilities within the West Midlands Integrated Transport Authority. The national code does not prohibit the publication of information on politically sensitive or controversial issues but it does provide guidance on publicity at sensitive times such as during the purdah period, in the following terms:

"The period between the notice of an election and the election itself should preclude proactive publicity in all its forms of candidates and other politicians involved directly in the election. Publicity should not deal with controversial issues or report views, proposals or recommendations in such a way that identifies them with individual members or groups of members."

173. It is however,

".....acceptable for the authority to respond in appropriate circumstances to events and legitimate service enquiries provided that their answers are factual and not party political."

174. The Code acknowledges that a degree of flexibility is necessary:

"Members holding key political and or civic positions should be able to comment in an emergency or where there is a genuine need for a level response to an important event outside the authority's control. Proactive events arranged in this period should not involve members likely to be standing for election."

Non Prohibited Publicity - for Individual Councillors

175. Publicity about individual councillors may include the contact details, the positions they hold at the West Midlands Integrated Transport Authority and their responsibilities.
176. Publicity may also include information about individual councillors' proposals, decisions and recommendations only where this is relevant to their position and responsibilities within the West Midlands Integrated Transport Authority.
177. All such publicity should be objective and explanatory and whilst it may acknowledge the part played by individual councillors as holders of particular positions at the West Midlands Integrated Transport Authority, personalisation of issues or personal image making should be avoided.
178. Publicity should not be, or liable to misrepresentation as being, party political.

179. Whilst it may be appropriate to describe policies put forward by an individual councillor which are relevant to his or her position and responsibilities within the West Midlands Integrated Transport Authority, and to put forward his or her justification in defence of them, this should not be done in party political terms, using political slogans, expressly advocating policies of those of a particular political party or directly attacking policies and opinions of other parties, groups or individuals.

Democratic Services and the Media

180. During the forthcoming election period, the Democratic Services and Media teams will continue to offer as full a service as possible. However, in some instances, there may be certain activities that could be seen to promote local election candidates that we may not be able to undertake. Whilst staff in these sections are able to support members in their capacity as councillors, by law they are not able to support them in their capacity as local politicians.

DRAFT

ACCESS TO INFORMATION PROCEDURE RULES

181. The Authority is required by section 100G(3) of the Local Government Act 1972 to keep at its principal office a summary of various rights to attend meetings and to inspect documents in the Authority's possession, conferred by that Act and by some other legislation.

Access to Meetings

182. A meeting of the Authority (including meetings of its committees or sub-committees) is open to the public, except as stated in paragraphs 183 and 184 below.
183. The public must be excluded from a meeting during any item of business whenever it is likely that, if they were present, confidential information would be disclosed in breach of the obligation of confidence. Confidential information means information provided on a confidential basis by a Government department, and information the disclosure of which is prohibited by statute or by Court Order.
184. The public may be excluded by resolution during an item of business whenever it is likely that there would be disclosure to them of 'exempt information'. A description of 'exempt information' is set out in Schedule 12A to the Local Government Act 1972, as amended.

Access to Agenda and Connected Papers

185. Copies of the agenda and reports for a meeting of the Authority or of any of its committees or sub-committees must be open for inspection by the public, except for any report on an item during the consideration of which the meeting is not likely to be open to the public. Documents must be available five clear working days before the meeting, or as soon as the meeting is convened, or the item added to the agenda, if that is less than five clear working days before the meeting. The papers will be available for inspection between the hours of 9.00am and 5.00pm on working days. All public reports will also be made available before the meeting on the West Midlands Integrated Transport Authority's website.
186. A reasonable number of copies of agenda and reports must be available for members of the public present at a meeting. The agenda and reports must also be made available to the media on request.

Inspection

187. After a meeting and once the minutes have been signed, a copy of the minutes (or, if any of the meeting was held in private, or a summary of what took place in private), together with the documents made available for public inspection under paragraph 185 above, will be available for public inspection between the hours of 9.00am and 5.00pm on working days. This right of inspection exists for six years from the date of the meeting concerned.

Inspection of Background Papers

188. Members of the public may also inspect a list of background papers for any report (except those reports containing 'confidential' or 'exempt' information) and a copy of each of the documents included in that list. This right is available as soon as the report to which the list relates is published, and continues for four years from the date of the meeting. (In the case of the public right to inspect background papers, the right is subject to their production as soon as is reasonably practicable after the request is made). Background papers disclosing confidential or exempt information are not required to be listed, and they will not be open to inspection.
189. Background papers are documents which relate to the subject matter of a report, disclose any fact or matter on which the report is based, and have been relied on to a material extent in preparing the report, but exclude any published work.
190. Requests for inspection of such documents should be made to the Democratic Services Manager who will arrange for the production of such documents as soon as reasonably practicable after the request.

Additional Access for Members

191. Any document in the possession or under the control of the Authority which contains material relating to any business to be transacted at a meeting is open to inspection by a member of the Authority (subject to paragraph 192 below).

Publication of Additional Information

192. The Authority must maintain a register stating the name of every member of the Authority and their appointing council. The register is open to inspection by the public between the hours of 9.00am and 5.00pm on working days. This information will also be published on the West Midlands Integrated Transport Authority's website.
193. The Authority must maintain a list specifying the powers delegated to its officers, and stating the title of the officer by whom each of those powers is exercisable. This list is open to the public inspection, but excludes delegations of less than six months duration.

Financial Documents

194. A member of the Authority has a right to inspect its accounts.
195. Any local government elector for a district within the West Midlands area has the right to inspect an order for the payment of money made by the Authority, and the right to inspect the statement of accounts prepared by the Authority under the Accounts and Audit Regulations 2003 (as amended).
196. At the audit of the Authority's accounts by the external auditor, any persons interested may inspect the accounts to be audited and all books, deeds, contracts, bills, vouchers and receipts relating to them, except that no personal information about a member of the Authority's staff is required to be disclosed.

Documents Deposited with the Authority

197. Documents may be required to be deposited with a proper officer of the Authority, either under an Act of Parliament or statutory instrument, or pursuant to the Standing Orders of either House of Parliament. A person interested in any such document may inspect it. Requests should be made to the Clerk.

Other Documents

198. Any report received from the Local Government Ombudsman under s30 of the Local Government Act 1974 must normally be open to public inspection for a period of three weeks, but the Ombudsman may direct that a particular report shall not be publicly available.
199. Where a public inquiry is to be held into a compulsory purchase order made by the Authority, a statement of the Authority's case to the inquiry, together with copies of any documents it intends to submit to the inquiry, must be made available for inspection by any person on request.
200. The Local Government (Inspection of Documents) (Summary of Rights) Order 1986 lists many other statutory provisions under which documents are required to be available to the public. None of the listed provisions applies to the Authority, except for the matters mentioned in paragraphs 195, 196, 197 and 198 above.

Fees

201. No fee will be charged for providing the facility of inspecting background papers (paragraph 187 above).
202. A person who is entitled to inspect a document may (unless copyright law forbids it) make copies of, or extracts from it, or require a photographic copy of, or extract from, the document. The Authority reserves the right to make a charge for providing copies of documents.

PROTOCOL FOR THE MONITORING OFFICER

General Introduction to Statutory Responsibilities

203. The Monitoring Officer is a statutory appointment pursuant to section 5 of the Local Government and Housing Act 1989. This Protocol provides some general information on how those statutory requirements will be discharged within the West Midlands Integrated Transport Authority.
204. The Monitoring Officer undertakes to discharge their statutory responsibilities with a positive determination and in a manner that enhances the overall reputation of the Authority. In doing so, they will also safeguard, so far as is possible, Members and Officers, whilst acting in their official capacities, from legal difficulties and/or criminal sanctions.
205. In general terms, the Monitoring Officer's ability to discharge these duties and responsibilities will depend, to a large extent, on Members and officers:
- complying with the law of the land (including any relevant codes of conduct);
 - complying with any general guidance issued, from time to time, by the Ethics Committee and the Monitoring Officer;
 - making lawful and proportionate decisions; and
 - generally, not taking action that would bring the Authority, their offices or professions into disrepute.

Working Arrangements

206. Having excellent working relations with members and officers will assist in the discharge of the statutory responsibilities of the Monitoring Officer and keep the Authority out of trouble. Equally, a speedy flow of relevant information and access to debate (particularly at the early stages of any decision-making by the Authority) will assist in fulfilling those responsibilities. Members and officers must, therefore, work with the Monitoring Officer in discharging these responsibilities.
207. The Monitoring Officer issues guidance to officers to assist them in understanding the nature, breadth and requirements that the Monitoring Officer puts upon all officers. The guidance also explains how the Monitoring Officer will approach the role. The Monitoring Officer considers that the role is a positive and preventative one, related to legality, avoidance of maladministration and observance of codes of conduct /practice where there is actual / potential transgression by the Authority.

208. The Monitoring Officer gives authoritative advice and guidance on these issues which will be conducive to a culture of propriety and integrity. This will provide comfort for officers and members alike. However, although the Monitoring Officer will seek to be positive about the role, it must be recognised that the role imposes a personal duty to make a public, statutory report where it appears to be necessary. This might ultimately force the authority to consider issues it might not wish to.
209. The Monitoring Officer and the Authority should co-operate in every way possible so as to reduce the chance of the need for the Monitoring Officer to issue a formal report. In support of this, the Monitoring Officer places significant reliance upon the advice and support given by colleagues in Legal Services, Human Resources and Democratic Services, but particularly those in the Legal Services team who will, in providing corporate legal advice do so in an enabling manner, but also identify areas of particular risk and concern, assisting officers / members to achieve their objectives, but ultimately in a lawful and proper manner.
210. The following arrangements and understandings between the Monitoring Officer, members and Directors are designed to ensure the effective discharge of the Authority's business and functions.
211. The Monitoring Officer will:
- be alerted by members and officers to any issue(s) that may become of concern to the Authority, including, in particular issues around legal powers to do something or not, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to arise;
 - have advance notice (including receiving agendas, minutes, reports and related papers) of all relevant meetings of the Authority at which a binding decision of the Authority may be made (including a failure to take a decision where one should have been taken) at or before the Authority's meetings;
 - have the right to attend any meeting of the Authority before any binding decision is taken by the Authority (including a failure to take a decision where one should have been taken);
 - in carrying out any investigation have unqualified access to any information held by the Authority and to any officer who can assist in the discharge of these functions;
 - ensure the other statutory officers are kept up-to-date with relevant information regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to arise;
 - report to the Authority, from time to time, on the constitution and any necessary or desirable changes;

- as per the statutory requirements, make a report to the Authority, as necessary on the staff, accommodation and resources they requires to discharge their statutory functions;
- have a special relationship of respect and trust with the Chair, and chairs of the committees, sub-committees and working groups with a view to ensuring the effective and efficient discharge of Authority business;
- develop effective working liaison and relationship with the External Auditor and the Local Government Ombudsman (including having the authority, on behalf of the Authority, to complain to the same, refer any breaches to the same or give and receive any relevant information, whether confidential or otherwise, through appropriate protocols, if necessary);
- maintain and keep up-to-date relevant statutory registers for the declaration of members' interests, gifts and hospitality;
- give informal advice and undertake relevant enquiries into allegations of misconduct;
- defer the making of a formal report under s5 Local Government and Housing Act 1989 where another investigative body is involved;
- have sufficient resources to enable them to address any matters concerning their Monitoring Officer functions;
- be responsible for preparing any training programme for members on ethical standards and Code of Conduct issues;
- ensure that Members and Officers of the Authority are fully aware of their obligations in relation to probity.

212. To ensure the effective and efficient discharge of these arrangements, members and officers will report any breaches of statutory duty or Authority policies or procedures and other vires or constitutional concerns to the Monitoring Officer, as soon as practicable.

213. The Monitoring Officer is also available for members and officers to consult on any issues in respect of possible maladministration, impropriety and probity issues, or general advice on the constitutional arrangements.

Sanctions for Breach of the Code of Conduct for Members and this Protocol

214. Complaints in relation to a breach of the Code of Conduct for members will be considered by the West Midlands Integrated Transport Authority.

Monitoring the Protocol

215. The Monitoring Officer will report to the West Midlands Integrated Transport Authority as to whether the arrangements set out in this protocol have been complied with and will include any proposals for amendments in the light of issues which have arisen.

Conflicts and Interpretation

216. Where the Monitoring Officer has received a complaint or is aware of an event which may lead to them issuing a statutory report relating to a matter upon which they have previously advised the Authority, they shall consult the Clerk who may then either refer the matter to another officer for investigation and report to the Clerk, or ask a neighbouring authority to make their Monitoring Officer available to investigate the matter and report to the Clerk and/or the Authority as appropriate.
217. Questions of interpretation of this guidance will be determined by the Monitoring Officer

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PART 5 - MEMBERS' ALLOWANCES SCHEME

[To be inserted here]

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ANNEXES

- Annex 1- Members of the West Midlands Integrated Transport Authority 2014/15**
- Annex 2 - Roles and Functions of Members of the Authority**
- Annex 3 - Senior and Lead Member Role Profiles 2014/15**
- Annex 4 - Officers of the West Midlands Integrated Transport Authority**

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**ANNEX 1 - MEMBERS OF THE WEST MIDLANDS INTEGRATED
TRANSPORT AUTHORITY 2014/15**

Name	Party	Appointing Council
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[To be inserted here]

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ANNEX 2 - ROLES AND FUNCTIONS OF MEMBERS OF THE AUTHORITY

218. All members are expected:

- (a) to act corporately for the good governance of the Authority, balancing the needs of the whole community of the West Midlands with their role of local representative;
- (b) on a regular basis, to attend meetings of the Authority and any committees, sub-committees, working parties or external bodies to which the member has been appointed and to fully participate in policy formulation and decision making, including the development of strategic policies and the determination of the budget in accordance with principles of good public governance, including a requirement to act at all times in accordance with:
 - statutory and other legal requirements
 - the Code of Conduct for Members
 - Standing Orders of the Authority
 - the Member/Officer relations protocol

Rights and Duties of Members

219. Members will have such rights of access to such documents, information, land and buildings of the Authority as are necessary for the proper discharge of their functions and in accordance with the law.
220. A member of the Authority may, for the purposes of their duty as such member, but not otherwise, on application to the Clerk and Treasurer inspect any document which has been considered by a committee or a sub-committee or by the Authority and shall, on request, be supplied for the like purposes with a copy of such a document if practicable.
221. A member shall not knowingly inspect and shall not call for a copy of any document relating to a matter in which they are professionally interested, or in which they have directly or indirectly any disclosable pecuniary interests within the meaning of the Localism Act 2011 and/or regulations made there under or the Code of Conduct. This provision shall not preclude the Clerk and/or Treasurer from declining to allow inspection of any document which is, or in the event of legal proceedings would be, protected by privilege arising from the relationship of solicitor and client.
222. All reports made or minutes kept by any committee or sub-committee shall be open for the inspection of any member of the Authority during office hours.
223. Subject to any statutory provision in that behalf, no member of the Authority shall, without the consent of the Authority, be entitled to inspect any document in the custody of any officer of the Authority if, in the opinion of that officer and of the Clerk and/or Treasurer, the document is of a confidential nature.

224. A member of the Authority shall not issue any order respecting any works which are being carried out by or on behalf of the Authority, or, unless authorised by the Authority, claim by virtue of their membership of the Authority any rights to inspect or to enter upon any lands or premises of the Authority or which the Authority has the power or duty to inspect or enter.

Failure to Attend Meetings

225. Subject to the provisions of Section 85 Local Government Act 1972, any member failing to attend any meeting of the Authority or its committees for a period of six months ceases to be a member of the Authority, unless within that period, the member's absence is approved by the Authority.
226. The Clerk will monitor absences from meetings and, unless approval for any absence is given by the Authority, will report the failure to attend to the Authority in order that it may declare a vacancy and notify the relevant constituent district council.

Conduct

227. Members will, at all times, observe the Members' Code of Conduct and the Member/Officer Relations protocol set out in Part 4 of this constitution.

Allowances

228. Members will be entitled to receive allowances in accordance with the Members' Allowances Scheme as set out in Part 6 of this Constitution.

ANNEX 3 - SENIOR & LEAD MEMBERS' ROLE PROFILES 2014/15

Chair of the Authority

- To chair meetings of the Authority and to ensure their overall effectiveness,
- To provide effective leadership in the development of the Authority's policy, strategy and budget proposals,
- To act as the Authority's principal Member spokesman at local, regional and national level,
- To seek to ensure that good working relationships are established with external public and private sector bodies and networks relevant to the efficient discharge of the Authority's functions.

Vice-Chair of the Authority

- To support the Chair of the Authority in discharging the roles associated with the office of Chair.
- To deputise for the Chair in their absence.

Chairs of Committees/Sub-Committees

- To chair the committees and ensure its overall effectiveness.
- To have a working knowledge of the Authority's relevant policies and strategies and to ensure that they are sufficiently and effectively briefed by officers on matters coming before the committee.
- To co-ordinate and manage the work of the committee.
- To support the role of the Chair of the Authority in development of policy, strategy and budget proposals.

Vice-Chairs of Committees/Sub-Committees

- To support the committee Chairs in discharging their roles.
- To deputise during any absence of the Chair during a meeting.

ANNEX 4 - OFFICERS OF THE WEST MIDLANDS INTEGRATED TRANSPORT AUTHORITY

Clerk

229. The Authority appoints a Clerk to give it advice on governance and ethics matters, to give it advice on any legal matters relating to the conduct of its meetings, and to have responsibility for ensuring that agendas, reports and minutes are prepared and made available for all of its meetings.

Treasurer

230. The Authority appoints a Treasurer to ensure that its financial arrangements are lawful and prudent. The Treasurer has responsibility for the administration of the Authority's financial affairs and to give financial advice to members in the discharge of their responsibilities. The Treasurer will provide advice on the scope and powers of the Authority to take decisions about financial impropriety, probity, budget and policy framework issues. James Aspinall was appointed to this position in May 2008.

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CENTRO MEMBERS - SCHEME OF DELEGATION

- A. The following functions of WMITA will be referred to the Centro Members in order for them to make recommendations to the new ITA for decision:
- Securing appropriate level of rail services through rail devolution.
 - Oversee Centro's input into policies for the promotion and encouragement of safe, efficient and economic transport facilities and services for inclusion in the Local Transport Plan.
 - The Centro elements of the WMITA's revenue budget and Levy
- B. The following functions of the new ITA will be delegated to Centro Members subject to Centro Members exercising these functions in accordance with any transport policies of the ITA, the Local Transport Plan and the ITA's agreed transport budgets:
- Formulating general policies with respect to the availability and convenience of public passenger services pursuant to Sections 9A(5)-(7) of the Transport Act 1968;
 - Monitoring and overseeing the activities and performance of Centro (including the power pursuant to Section 15(6) of the Transport Act 1968 to give to Centro such directions as appear to Centro Members to be appropriate to secure the policy objectives of the new ITA.
 - Ensuring that Centro secures the provision of appropriate public passenger transport services under Section 9A(3) of the Transport Act 1968;
 - Considering and approving the creation and development of:-
 - Quality Contracts and Quality Partnership Schemes under Sections 114-123 of the Transport Act 2000;
 - Ticketing Schemes under Sections 135-138 of the Transport Act 2000; and
 - Concessionary Travel Schemes under Sections 93-104 of the Transport Act 1985;
 - Determining what local bus information should be made available, and the way in which it should be made available under Sections 139-143 of the Transport Act 2000.
 - Ensuring that Centro implements those actions delegated to it for promoting the economic, social and environmental well-being of the West Midlands under Section 99 of the Local Transport Act 2008.
 - Monitoring the new ITA's transport budget pursuant to Section 15A(2) of the Transport Act 1968.
 - Approving Centro minor works capital programme and the agreed Centro budget for the scheme concerned.
 - Monitoring Centro performance against the Local Transport Plan.

- Formulating, developing and monitoring procedures for public consultation of, and lobbying for, the new ITA's transport policies.
- Considering issues arising from the implementation of schemes for the introduction of Smartcards.
- Authorising the disposal, acquisition and development of any land within any budget agreed by the new ITA.
- Determining the operation, performance, contract management and development of tendered bus services, bus stations/stops, and passenger transport services under Section 10(1)(via) of the Transport Act 1968 [within the agreed Centro budget].
- Determining the operation, performance and development of the new ITA's accessible transport provision pursuant to Sections 106(1) and 106(2) of the Transport Act 1985 [within the agreed Centro budget].
- Monitoring the performance of Midland Metro, bus and rail services and initiating appropriate action.

Pursuant to Section 101(1) of the LGA 1972, the new ITA have agreed to enter into arrangements to discharge certain of their functions through and by establishing a management committee to be called Centro Members.

From July 2014 each constituent council shall appoint a number of their elected members to be members of Centro Members such number being set out below:

Birmingham	10
Coventry	3
Dudley	3
Sandwell	3
Solihull	2
Walsall	3
Wolverhampton	3

Each constituent council shall make their appointments to Centro Members in accordance with the principles of political balance set out in Section 15(5) of the Local Government and Housing Act 1989. Appointments will be made in accordance with the principle of giving effect to wishes of the relevant political group as to the member(s) to be appointed to any seat allocated to that political group.

Centro Members may establish sub-committees and in establishing sub-committees, it will determine –

The terms of reference of the sub-committee

The size and membership of the sub-committee

The Chair (and Vice-Chair, if any) of the sub-committee

Any delegated powers of the sub-committee

Appointments to sub-committees will be made in accordance with the principles of political balance set out in Section 15(5) of the LGHA 1989.

Matters retained by the ITA

The Scheme of Delegation sets out the terms of reference of the Centro Members Committee.

With the exception of those functions set out in Parts A and B of Schedule 1 above, the discharge of all the transport functions of the new ITA remain those of WMITA only and in particular but not exclusively

- Setting the ITA's revenue budget for transport, including approving estimates of income and expenditure of Centro pursuant to Sections 15(1)(b) of the Transport Act 1968, determining the

grants to be made to PTC pursuant to Section 13 of the Transport Act 1968, and the issue of a levy pursuant to the Transport Levying Bodies Regulations 1992;

- Determining the borrowing limits of WMITA in relation to transport matters pursuant to Section 3 of the Local Government Act 2003;
- Approving borrowing by WMITA pursuant to Section 12(3) of the Transport Act 1968, and lending money to Centro;
- Developing policies for the promotion and encouragement of safe, efficient and economic transport facilities and services and producing a Local Transport Plan;
- Making a written request to the Minister to authorise Centro to purchase compulsorily any land which Centro require for the purposes of their business;

Any of the functions set out above may be referred to Centro Members for advice which may make recommendations therein to WMITA.

S T A T U T O R Y I N S T R U M E N T S

2014 No. 1180

TRANSPORT

**The West Midlands Integrated Transport Authority (Decrease in
Number of Members) Order 2014**

<i>Made</i> - - - -	<i>6th May 2014</i>
<i>Laid before Parliament</i>	<i>12th May 2014</i>
<i>Coming into force</i> - -	<i>4th June 2014</i>

The Secretary of State for Transport makes the following Order in exercise of the powers conferred by section 29(2) of the Local Government Act 1985(a).

In accordance with section 29(3) of that Act he has had regard to the number of local government electors in the areas of the constituent councils of the West Midlands Integrated Transport Authority.

He has consulted those councils in accordance with section 29(4) of Act.

Citation and commencement that

1. This Order may be cited as the West Midlands Integrated Transport Authority (Decrease in Number of Members) Order 2014 and comes into force on 4th June 2014.

Decrease in number of members of the Authority

2. In Part 6 of Schedule 10 to the Local Government Act 1985 (number of members of the West Midlands Integrated Transport Authority), for the number specified in the final column of the table in relation to each of the Authority's constituent councils, in each case substitute "1".

Signed by authority of the Secretary of State

6th May 2014

Baroness Kramer
Minister of State
Department for Transport

(a) 1985 c. 51; section 29 and Part 6 of Schedule 10 were amended by Schedule 9 to the Police and Magistrates' Courts Act 1994 (c. 29), and Part 6 of Schedule 10 was amended by paragraph 53 of Schedule 4 to the Local Transport Act 2008 (c. 26).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order alters the membership of the West Midlands Integrated Transport Authority. From 4th June 2014 the number of members to be appointed by the constituent councils is reduced to one per council.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.



Meeting of the City Council

4 June 2014

Report title	Changes to the Constitution	
Referring body	Standards Committee, 1 May 2014	
Councillor to present report	Cllr Bert Turner	
Wards affected	n/a	
Cabinet Member with lead responsibility	n/a	
Strategic director	Keith Ireland, Delivery	
Originating service	Democratic Services	
Contact employee(s)	Martyn Sargeant	Head of Democratic Services 01902 555043 martyn.sargeant@wolverhampton.gov.uk
Report to be/has been considered by	Standards Committee Special Advisory Group	1 May 2014 24 April 2014

Recommendation(s) for action or decision:

The Council is recommended to approve the revisions to the Constitution, specifically:

- (1) To revise the petitions protocol.
- (2) To amend the Council procedure rules.
- (3) To reissue the recording and filming of meetings protocol, to include provisions in relation to social media.
- (4) To delegate responsibility to strategic directors for approval of overseas trips by employees, where there are no costs to the Council.
- (5) To move responsibility for most housing support services from Community directorate to Education and Enterprise.
- (6) To amend the delegations to the Audit Committee.
- (7) To remove references to shadow chairs.
- (8) To change the arrangements for hearing human resources appeals.
- (9) To approve the inclusion of a new Planning Code of Conduct.
- (10) To change the mechanism for appointing to the office of Deputy Mayor and Mayor.
- (11) To amend the terms of reference for the Special Advisory Group.

1.0 Purpose

- 1.1 This report seeks support for a number of changes to the Constitution, all of which have been previously reviewed and supported by both the Special Advisory Group and the Standards Committee.

2.0 Background

- 2.1 As part of the iterative approach to maintaining the Constitution, the Constitution Review Group has highlighted a number of changes that need to be made. Some of these are in relation to operational changes within the Council's structures, others reflect changes in regulations and guidance, whilst others simply reflect refinements borne out of experience. As is the Council's normal practice, the proposed changes have been reviewed first by the Special Advisory Group and then by the Standards Committee.

3.0 Changes to the Constitution

Petitions protocol

- 3.1 The experience of both Councillors and petitioners in the consideration of petitions over the past year has highlighted a number of areas where the existing protocol could be refined, particularly to ensure clarity of process. The draft changes were reviewed and supported by the Council Meetings and Public Engagement Advisory Group. The revised protocol is attached as appendix A to the report.

Council procedure rules

- 3.2 As with the petitions protocol, the procedure rules for the conduct and management of Council meetings have been amended to ensure clarity of process. A copy of the proposed amendments is attached as appendix B.

Filming and recording protocol

- 3.3 Since the existing protocol was last reviewed, there has been a significant amount of publicity relating to the issue of, particularly, members of the public filming or recording during public meetings. This has triggered guidance from the Department for Communities and Local Government providing a clear expectation that such activity should be permissible, even encouraged, within the bounds of reasonable propriety. The protocol has been updated in the light of this, to provide guidance for the public about what is acceptable and to enable Councillors, particularly chairs of committees, to manage meetings appropriately.
- 3.4 Over the same period, there has also been a significant increase in the volume of social media activity. The Council itself has increased its Facebook and Twitter output in relation to key meetings. The protocol has been amended to reflect these changes.

- 3.5 The revisions to the protocol were reviewed and supported by the Council Meetings and Public Engagement Advisory Group. A copy of the proposed amendments is attached as appendix C.
- 3.6 The Special Advisory Group highlighted the importance of providing guidance about filming minors and an additional paragraph was included (see paragraph viii).

Approval of overseas trips by employees

- 3.6 Overseas trips by employees are currently approved by an individual Executive decision by the relevant Cabinet member. A number of such trips involve no cost to the Council (usually where the trip is funded through a grant from a third party, e.g. the European Union). In order to streamline the decision-making process, it is proposed that such decisions should be made in future under strategic directors' delegated authority. This has therefore been included in the appropriate section of the Constitution (Delegations to Chief Executive and all Strategic Directors – see below).

	Function	Limits or restrictions on delegation
B16	Approval for overseas trips by employees.	Where there is no cost to the Council (i.e. funded by a third party).

- 3.7 Approval of trips where there is a cost to the Council will continue to require individual Cabinet member approval.

Responsibility for housing support services

- 3.8 Responsibility for these services currently sits across two portfolios: Economic Regeneration and Prosperity and Adult Services. Discussions between the two directorates (Education and Enterprise, and Community), which have included the two Cabinet members, has resulted in an agreement to transfer most housing support services to sit together with the strategic housing function already overseen in Economic Regeneration and Prosperity.
- 3.9 Amendments have been made to the Constitution to reflect these changes, specifically to section two of appendix one (Delegations to the Cabinet) and to sections 20D (Delegations to the Strategic Director, Community) and 20F (Delegations to the Strategic Director, Education and Enterprise). These changes do not include any new or changed responsibilities, simply transfers between portfolios/directorates.

Delegations to the Audit Committee

- 3.10 Following new guidance, the Audit Committee has reviewed its terms of reference and the delegations in the Constitution have been amended accordingly. The changes also reflect the dissolution of the Final Accounts – Monitoring and Review sub-committee,

which is no longer considered necessary, with its work being assumed by the main committee.

References to shadow chairs

- 3.11 At its meeting on 18 December 2013, the Council made a number of changes to the schedule of responsibility allowances for Councillors. This included ending the arrangement of appointing shadow chairs to certain committees. In light of this, references to shadow chairs have been removed from the Constitution.

Changes to arrangements for hearing human resources appeals

- 3.12 Changes are proposed to the way in which human resources appeals are considered. Therefore, with effect from the Annual Council meeting, the existing appeals panel will be dissolved and new arrangements will be implemented. The draft Constitution has been amended to reflect this.
- 3.13 At the time of writing, final proposals for replacement arrangements were being prepared for consideration by the Special Advisory Group and then submission to Cabinet for approval.

Revised Planning Code of Conduct for Councillors and employees

- 3.14 The Council already has in place a Planning Code of Conduct which was based on the Note on Probity issued by the Local Government Association, in addition to the National Code of Conduct, following the development of national legislation on standards.
- 3.15 The Localism Act 2011 and associated regulations introduced a new standards regime and in light of that the Council has in place a local Code of Conduct and a Standards Committee. The revised Planning Code of Conduct is additional to the Council's Code of Conduct. The revised Planning Code of Conduct specifically relates to the operation of the planning regime and more particularly to Planning Committee. It is entitled the Planning Code of Conduct so as to differentiate it from the Council's Code of Conduct.
- 3.16 Some of the changes made by the Localism Act 2011 and associated regulations relate to the changes from personal and prejudicial interests and the introduction of disclosable pecuniary interests. Issues relating to predetermination have also moved on since the current Planning Code of Conduct was adopted. The revised guide has been drafted to take into account the up to date position in relation to all relevant matters. A copy of the code of conduct is attached as appendix D to the report.
- 3.17 Some aspects of the existing Planning Code of Conduct remain the same such as the provisions relating to site visits and party whip.

Changes to the appointment arrangements for Mayors and Deputy Mayors

- 3.18 Traditionally, the office of Mayor has been offered to Councillors according to seniority (based on length of service) but with a mechanism to allow for rotation between the political groups. From 2015, it is proposed that it will be based solely on length of service, irrespective of political affiliation and that previous office holders will only be eligible for consideration if all other Councillors have declined the opportunity. A copy of the draft revised wording is attached as appendix E.

Changes to the Special Advisory Group terms of references

- 3.19 As part of its review of the electoral arrangements for 2014 and beyond, the advisory group noted some ambiguity in its terms of reference. In light of this, the terms of reference have been updated to provide greater clarity. A copy of the draft revised wording is attached as appendix F.
- 3.20 An annotated copy of the full Constitution, showing all the changes to be made, is available on the Council's committee management system (modern.gov) at:

<https://wolverhampton.moderngov.co.uk/ecCatDisplay.aspx?sch=doc&cat=13081&path=0>

4.0 Financial implications

- 4.1 There are no financial implications associated with the recommendations in this report.
- [GE/05052014/F]

5.0 Legal implications

- 5.1 The Council is required by Section 37 of the Local Government Act 2000 to prepare and publish a Constitution which contains its procedures relating to decision-making, finance and contracts. The Council is also required to keep its Constitution updated.

[RB/06052014/M]

6.0 Equalities implications

- 6.1 There are no equalities implications arising from this report, as the changes to be made are not a result of any new policy or operational practice.

7.0 Environmental implications

- 7.1 There are no environmental implications arising from this report.

8.0 Corporate landlord implications

8.1 There are no corporate landlord implications arising from this report.

9.0 Human Resources implications

9.1 The proposed changes in respect of hearing human resources appeals will have implications for a number of employees. These will be covered in more detail in the submission of proposals to the Special Advisory Group and Cabinet.

10.0 Schedule of background papers

Amendments to the Constitution – Special Advisory Group – 24 April 2014
Amendments to the Constitution – Standards Committee – 1 May 2014

Appendix A

APPROACH TO DEALING WITH PETITIONS AT FULL COUNCIL MEETINGS

- a. Where a Petition contains more than 2,500 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 Support 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 guideline. Exact timings are at the discretion of the Mayor.

FULL COUNCIL MEETINGS PROCEDURE RULES

FULL COUNCIL MEETINGS PROCEDURE RULES
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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 Wolverhampton City Council acting by the Council.

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

“Assistant Director (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 Assistant Director’s (Finance) role is independent and reports to Council. This role can also be fulfilled by another employee where authorised by the Assistant Director (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 and Young People Scrutiny Panel. Non-statutory Co-opted Members are Youth Council representatives serving on the Children and Young People Scrutiny Panel.

~~“Independent Person” – A person appointed in accordance with various legislation and regulations to serve on the Standards Committee.~~

“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 20 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 20.1	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 Appendix.

(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:

- (i) elect a person to preside if the Mayor and the Deputy Mayor are not present;
- (ii) elect the Mayor;
- (iii) appoint the Deputy Mayor;
- (iv) approve the minutes of the last meeting;
- (v) receive any announcements from the Mayor;
- (vi) elect the Leader of the Council;
- (vii) receive the Leader's appointments to the Cabinet;
- (viii) 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 Appendix);
- (ix) appoint Member Champions;
- (x) appoint representatives to Outside Bodies unless the appointment is a Cabinet function or has been delegated by the Full Council.
- (xi) 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 Appendix 1);

- (xii) 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
- (xiii) 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:

- (i) decide which Scrutiny Panels and Regulatory or other Committees to establish for the municipal year;
- (ii) decide the size and terms of reference for the Scrutiny Board, Scrutiny Panels and Regulatory or other Committees;
- (iii) decide the allocation of seats to political groups in accordance with the political balance rules set out in paragraph 2.4 below
- (iv) appoint a Member Champion for Equalities
- (v) appoint to the Scrutiny Board, Scrutiny Panels, Call-in Group, 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;
- (vi) 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

- (i) Full Council will appoint from among the voting Councillors, Chairs and Vice-Chairs of the Scrutiny Board, Scrutiny Panels and Regulatory or other Committees.
- (ii) 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.
- (iii) If it is necessary for the body to appoint a person to preside, the Chief Executive 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

- (i) 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.
- (ii) 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 20 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:

- (i) elect a person to preside if the Mayor and Deputy Mayor are not present;
- (ii) Receive apologies for absence
- (iii) approve the minutes of the last meeting;
- (iv) receive any declarations of interest from Councillors;
- (v) receive any announcements from the Mayor;
- (vi) deal with any business from the last Council meeting;
- (vii) 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;
- (viii) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (ix) consider motions; and
- (x) 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 Chief Executive to call Council meetings in addition to ordinary meetings:

- (i) the Full Council by resolution;
- (ii) the Mayor, or if the office of Mayor is vacant, or if the Mayor is unable to act for any reason, the Deputy Mayor;
- (iii) the Leader;
- (iv) the Monitoring Officer; and
- (v) 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 Chief Executive.
- (vi) the Chief Executive 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 seven days, the Councillors concerned shall inform the Chief Executive 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 Chief Executive in consultation with the person presiding and notified in the summons.

6. NOTICE OF AND SUMMONS TO MEETINGS

The Chief Executive 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 seven 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 seven clear days notice in writing of the question to the Chief Executive 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 Chief Executive 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 Chief Executive not later than seven clear days before the date of the meeting.

- (b) The Chief Executive 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 after the mover a Councillor has moved a proposal motion, ~~and explained the its purpose of it until 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.

12.65 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 12.9;
- (e) on a point of order under Rule 12.12; and
- (f) on a point of information under Rule 12.13.

12.76 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 ~~or add~~ others; or
 - (iv) to insert ~~or add~~ 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.~~87~~ 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.~~98~~ 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.~~109~~ 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.~~110~~ 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.

| 12.1~~2~~⁴ 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.

| 12.1~~32~~³³ 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.

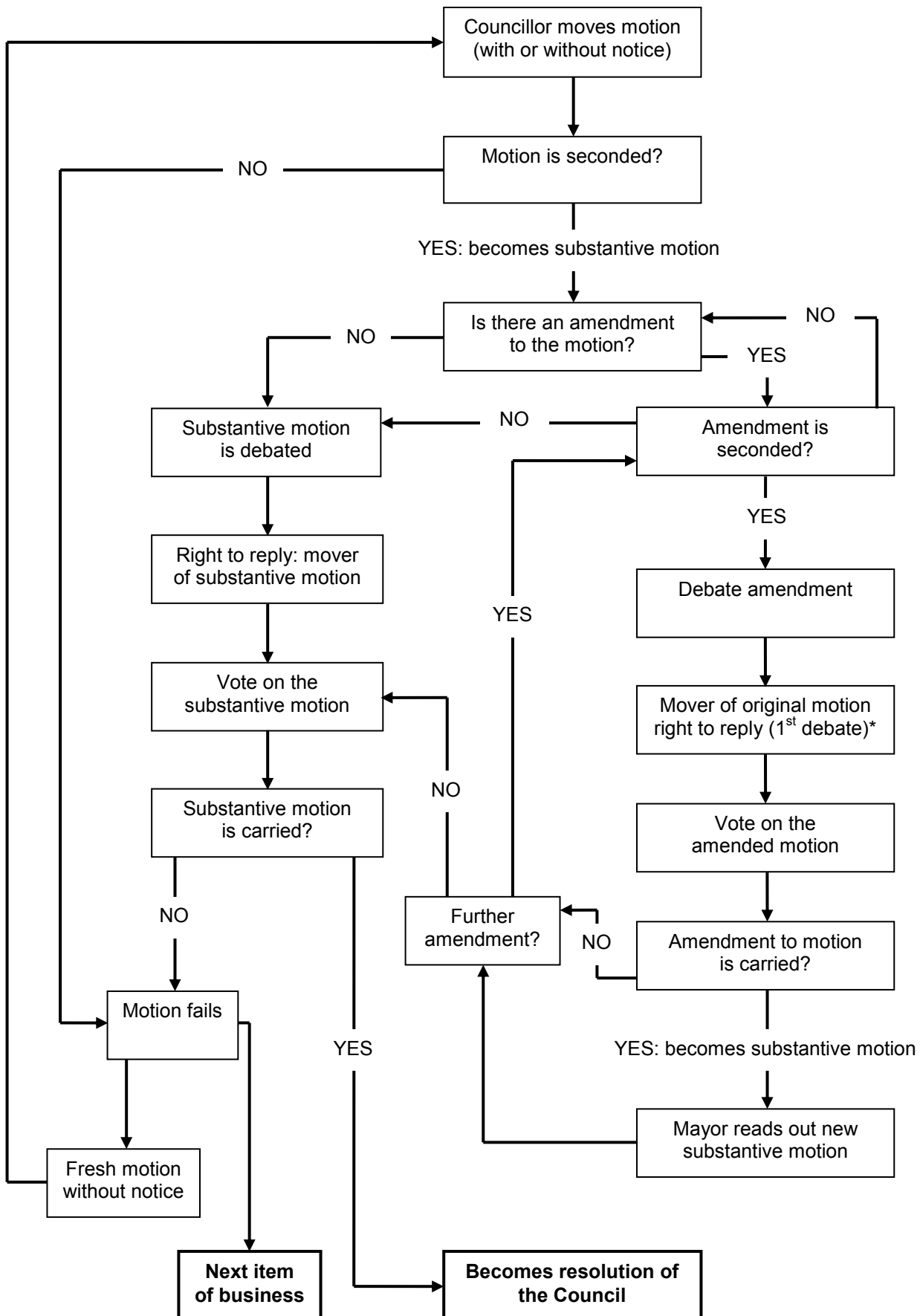
| 12.1~~43~~⁴⁴ Point of information

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.

| 12.1~~54~~⁵⁵ 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.

PROCESS FOR CONSIDERATION OF MOTIONS AT COUNCIL



13. PREVIOUS DECISIONS AND MOTIONS *Mover of the amendment has no right to reply

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.

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 Appendix.

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 ~~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 Appendix 2 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.

Appendix C

PROTOCOL FOR THE RECORDING AND FILMING OF MEETINGS AND THE USE OF SOCIAL MEDIA

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, ~~twittering~~ tweeting or use of other social media at Council meetings open to the public (hereafter referred to as 'broadcasting activities') ~~is~~ are allowed subject to the following restrictions:

- (i) All ~~audio/video visual recording/ photography blogging, tweeting or use of social media may~~ broadcasting activities should take place from the public gallery or the designated press seating in the meeting room. ~~The activity should normally record the actions of the Council not the reactions of individual members of the public.~~
- (ii) Anyone undertaking ~~audio/video visual recording/ photography blogging, tweeting or use of social media~~ broadcasting activities must ~~notify the Democratic Services Officer prior to the commencement of the meeting and~~ comply with any instructions given by the Chair of the meeting.
- (iii) The use of flash photography, ~~or~~ 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.
- ~~(iv) — Where the Chair of a meeting considers the audio/video visual recording/ photography blogging, tweeting or use of social media is disrupting the meeting, the operator of the equipment will be required to stop.~~
- ~~(v) — Members of the public and press must agree to ensure the audio/video visual recording/ photography blogging, tweeting or use of social media will not be edited in a way that could lead to misinterpretation of the proceedings of a meeting. This includes refraining from editing the views being expressed in a way that may ridicule or show a lack of respect towards those being filmed/ recorded/ photographed.~~
- (~~i~~vi) The Democratic Support team will ensure signs are prominently displayed at meetings to remind attendees that ~~filming/ recording/ photography audio/video visual recording/ blogging, tweeting or use of social media~~ broadcasting activities may be undertaken and that the Council has no control over where it material may appear (for example posted on the internet) ~~and to remind the public of their right not to be filmed, recorded or photographed.~~ Meeting agendas will also carry this message.
- ~~(vii) — Anyone seated in the public area or anyone attending the meeting to speak will have the opportunity to express to the Chair at any point in the proceedings their wish not to be filmed/~~

~~recorded/photographed. [Councillors are excluded from this provision.]~~

~~(viii) The Chair can suspend filming when someone who wishes to speak does not wish to be filmed/recorded/photographed.~~

~~(ix) If the Chair reasonably believes the audio/video visual recording/ photography blogging, tweeting or use of social media is disrupting the meeting in any way the operator of the equipment will be required to stop.~~

(v) 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.

(vix) 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.

~~(xi) At the commencement of a meeting, the Chair will announce if any requests to record etc have been made.~~

(viiixii) Anyone asked to leave a meeting because they have refused to comply with the Chair's requests may be refused permission to ~~film, record, and photograph blogging, twittering or use of social media~~engage in broadcasting activities at future Council meetings.

(viiiixiii) Any decision taken by the Chair on the interpretation of this protocol is final.

(ixiv) 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 ~~filming/ recording/ photography~~broadcasting activities will be permitted during this exclusion. All cameras, recording and sound equipment must then be removed from the meeting room.

(xv) 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 ~~and plus~~

the Mayor (in the case of meetings of the Full Council) or the Chair ~~of the~~(for all other meetings).

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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:

- (i) All broadcasting activities should take place from the public gallery or the designated press seating in the meeting room.
- (ii) Anyone undertaking broadcasting activities must comply with any instructions given by the Chair of the meeting.
- (iii) 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.
- (iv) The Democratic Support 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.
- (v) 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.(vi) 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.
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Appendix D

WOLVERHAMPTON CITY COUNCIL

DRAFT Planning Code of Conduct for Councillors and Employees

Contents

1. Introduction
2. General Principles
3. General Role of Councillors and Employees
4. Declarations of Interest
5. Pre-Application and Pre-Decision Discussions
6. Attendance at Public Meetings
7. Lobbying and Pre-Determination
8. Party Whip
9. Public Participation
10. Reports to Planning Committee
11. Decision Making Process
12. Committee Site Visits
13. Development Proposals of Councillors, Employees and the Council
14. Planning Agreements
15. Filming
16. Training

1. Introduction

- 1.1 This Code has been written to advise all those concerned with planning matters of Wolverhampton City 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 Chief Legal Officer or her nominated officer, the Head of Planning or Democratic Support. 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:

- (i) Act fairly and openly;
- (ii) Approach each application with an open mind;
- (iii) Carefully weigh up all relevant issues;
- (iv) Determine each application on its own merits;
- (v) Avoid contacts with interested parties which might be taken to indicate that they were unduly influenced by one party or another;
- (vi) Ensure that there are clear and substantial reasons for their decisions, and that those reasons are clearly stated;
- (vii) Avoid expressing a fixed view on a case before it is heard by the Planning Committee;
- (viii) 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:

- (i) Providing impartial and professional advice;
- (ii) Making sure that all relevant information necessary for the decision to be made is given;
- (iii) Providing a clear, accurate and succinct analysis of the issues;
- (iv) Setting planning applications, enforcement issues and other planning matters against the broader Development Plan policies and other relevant material considerations;
- (v) Giving a clear recommendation;
- (vi) 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).

- i) 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.
- ii) 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	<p>Do not influence the decision in any way.</p> <p>Do not participate or vote.</p> <p>Withdraw if continued presence incompatible with the Seven Principles of Standards in Public Life</p>
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- 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.
- 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.
 - 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 Support.

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:-
- (i) Where the impact of a proposed development is difficult to visualise from the submitted plans and any additional supporting material;

(ii) 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;

(iii) 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:

- necessary to make the development acceptable in planning terms
- directly related to the development and
- 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.