

Time 9.00 am **Public Meeting?** Yes **Type of meeting** Advisory group

Venue Committee Room 4 - Civic Centre, St Peter's Square, Wolverhampton WV1 1SH

Membership

Chair Cllr John Reynolds (Lab)

Labour

Cllr Alan Bolshaw
Cllr Claire Darke
Cllr Val Gibson
Cllr Roger Lawrence
Cllr Rita Potter
Cllr Sandra Samuels OBE
Cllr Stephen Simkins

Conservative

Cllr Wendy Thompson

Quorum for this meeting is three Councillors.

Information for the Public

If you have any queries about this meeting, please contact the Democratic Services team:

Contact Dereck Francis
Tel/Email 01902 555835 or dereck.francis@wolverhampton.gov.uk
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Wolverhampton WV1 1RL

Copies of other agendas and reports are available from:

Website <http://wolverhampton.moderngov.co.uk/>
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Some items are discussed in private because of their confidential or commercial nature. These reports are not available to the public.

Agenda

Part 1 – items open to the press and public

- | <i>Item No.</i> | <i>Title</i> |
|-----------------|--|
| 1 | Apologies for absence |
| 2 | Declarations of interests |
| 3 | Minutes of the previous meeting - 16 February 2018 (Pages 3 - 4)
[For approval] |
| 4 | Matters arising
[To consider any matters arising from the minutes of the previous meeting] |

DECISION ITEMS

- | | |
|---|--|
| 5 | Changes to the Constitution (Pages 5 - 38)
[To recommend to Council revisions to the Constitution] |
|---|--|

Attendance

Members of the Special Advisory Group

Cllr Andrew Johnson (Chair)
Cllr Mary Bateman
Cllr Rita Potter
Cllr John Reynolds
Cllr Sandra Samuels OBE
Cllr Wendy Thompson

Employees

Heather Clark	Service Development Manager
Ian Fegan	Head of Communications
Dereck Francis	Democratic Services Officer
Kevin O'Keefe	Director of Governance
Martyn Sargeant	Head of Democratic Services

Part 1 – items open to the press and public

Item No. *Title*

- 1 **Apologies for absence**
Apologies for absence were submitted on behalf of Councillors Roger Lawrence, Stephen Simkins and Paul Singh.
- 2 **Declarations of interests**
No declarations of interests were made.
- 3 **Minutes of the previous meeting - 24 November 2017**
Resolved:
 That the minutes of the previous meeting held on 24 November 2017 be approved as a correct record and signed by the Chair.
- 4 **Matters arising**
With reference to Minute No. 5 (Polling Stations), Councillor John Reynolds thanked employees for identifying a workable solution to the polling station changes in Graiseley ward. Responding to Councillor Rita Potter's comment that the proposals and distances to new polling stations should not discourage the electorate from voting, Martyn Sargeant, Head of Democratic Services reported that action was being taken to target the north of the Wednesfield ward. Every voter in the ward would be written to offering a postal vote.

5 **Community Governance Review**

With reference to Minute 5 from the meeting held on 8 September 2017, Martyn Sargeant, Head of Democratic Services presented a plan identifying key actions arising from the principal issues identified by the citywide community governance review in 2017. It was formally proposed to bring the review to a close but to follow up on the actions in response to the issues highlighted by residents.

Referring to the Tettenhall community governance review, Councillor Wendy Thompson asked whether funding for the Tettenhall Local Neighbourhood Partnership would continue. She also asked that in terms of the Local Plan that the Neighbourhood Partnership Steering Group be formally recognised for future consultation purposes including on planning applications. Councillor John Reynolds reported on the action the organisation would need to take regarding funding. The Head of Democratic Services undertook to refer the point regarding the Neighbourhood Partnership Group being recognised for the purposes of consultations on planning applications to the Head of Planning.

Ian Fegan, Head of Corporate Communications, Heather Clark, Manager Strategic Project Funding and the Head of Democratic Services elaborated upon the work intended on each of the action plan objectives. The Advisory Group made the following comments and observations:

- Involving Councillors more on where section 106 income is spent would go some way to fostering closer liaison between the Council and local community.
- Where objectives in the action plan propose work with residents, the words 'and businesses' be added to the objective to ensure that, if it is not already taking place, similar engagement with the business community be introduced to obtain their views and facilitate their engagement in decision making and service delivery.
- That the objective 'Consider a scrutiny review or task and finish group on Councillor engagement', be amended to '**Recommend** a scrutiny review.
- A paper be submitted to a future meeting of the Advisory Group on draft rules for managing public questions at Council or other meetings.
- Prior to the submission of a report to Cabinet on the development of an online 'community offer' to improve information and advice for residents, the report and proposals be submitted for pre-decision scrutiny.

Resolved:

That the Council be recommended to:

1. Approve the action plan arising from the community governance review, taking on board the comments of the Special Advisory Group.
2. Formally close the citywide community governance review and deliver the action plan arising from it.

CITY OF WOLVERHAMPTON COUNCIL	Special Advisory Group 19 October 2018
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Report title	Changes to the Constitution	
Cabinet Member with lead responsibility	Councillor Val Gibson, Governance	
Wards affected	All	
Accountable director	Kevin O'Keefe, Director of Governance	
Originating service	Democratic Services	
Accountable employee	Jaswinder Kaur	Democratic Services Manager
	Tel	Tel: 01902 550320
	Email	jaswinder.kaur@wolverhampton.gov.uk
Report to be/has been considered by	n/a	

Recommendations for decision:

The Special Advisory Group is recommended to recommend that Council:

1. Approves the amendments to the Constitution.
2. Authorises the Director of Governance to implement the changes.

1.0 Purpose

- 1.1 This report outlines the changes made to the constitution for approval by the Council. It is recommended that the Council agrees to the amendments to the Council's Constitution to ensure continuing lawfulness and effectiveness.

2.0 Background

- 2.1 The Special Advisory Group received a report on the 24 November 2017 recommending that the Constitution be refreshed to remove repetition, update terminology and, where possible, simplify the wording to make it clearer.
- 2.2 The Council noted the recommendation that further amendments to the Constitution would be presented in 2018.
- 2.3 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. The Director of Governance is authorised in the Constitution to make amendments where it is administratively convenient to do so to reflect changes in legislation or organisational restructures.

3.0 Changes to the Constitution

- 3.1 The table below details the Articles/Sections to be changed:

Section	Proposed	Rationale
Part 2 Article 10 – Employees	That Employees Responsibilities be updated in line with the current senior management structure.	To ensure they reflect the current responsibilities of each post.
Part 3 – Responsibility for functions	That the Cabinet portfolios be updated as agreed by Council on 16 May 2018.	To ensure they reflect the current responsibilities of each portfolio area.
Part 3 – Responsibility for functions	That the delegations to Cabinet, Cabinet (Resources) Panel and Cabinet (Performance Management Panel) be updated with the correct portfolio titles.	To ensure they reflect the correct portfolio area.

Section	Proposed	Rationale
Part 3 – Terms of Reference Licencing Committee – Statutory Licencing Committee – Appendix 1 Non-Statutory Licencing Committee – Appendix 2 .	That the Terms of Reference be split to form a Statutory Licencing Committee and a Non-Statutory Licencing Committee.	Following legal counsel, the Council has been advised that best practice is to establish a Statutory and Non-Statutory Committee to consider licensing matters.
Part 3 – Terms of Reference Pensions Committee	That the Terms of Reference be updated with the process for urgent decisions.	To provide clarity on the process to follow for urgent decisions.
Part 3 – Terms of Reference – Special Advisory Group	That the following functions be transferred from Standards Committee to Special Advisory Group: a. to liaise between the Council and the Ombudsman; b. to advise the Council on the conferment of the title of Honorary Alderman or Freedom of the City; c. to advise the Council on the making, amendment, revocation or re-enactment of bylaws and the promotion of or opposition to local or personal Bills in Parliament.	These functions are more closely aligned to those of Special Advisory Group than those of Standards Committee.
Part 3 – Terms of Reference Standards Committee	That maintaining oversight of the Local Code of Corporate Governance be removed from the functions.	The current practice is for the annual governance statement to be submitted to the Audit and Risk Committee for consideration and is detailed within the Terms of Reference of the Audit and Risk Committee.
Part 3 – Health and Wellbeing Together Board	That the Terms of Reference for the Health and Wellbeing Together Board formally the Health and Wellbeing Board be amended.	To reflect the changes agreed by the Health and Wellbeing Board at their meeting on 11 July 2018.

Section	Proposed	Rationale
Part 3 – Corporate Parenting Board	That the Terms of Reference for the Corporate Parenting Board be amended.	To reflect the changes agreed by the Corporate Parenting Board at their meeting on 18 January 2018.
Part 3 – Responsibility for functions	That the delegations to Directors be updated.	To ensure they reflect the current responsibilities of each Director following the most recent senior management restructure.
Part 3 – Delegations to the Director of Finance	<p>That the following delegations be deleted:</p> <p>E6 - To administer the assessment and payment of Housing Benefit, the Localised Council Tax Support Scheme and the Sanctions Policy in respect of fraud.</p> <p>E13 - To make loans for vehicle purchase and to arrange leasing or contract hire as appropriate.</p>	<p>This function is sufficiently covered by delegation E20.</p> <p>This delegation is no longer required.</p>
Part 3 – Delegations to the Strategic Director of People	<p>That the following delegation be reworded from:</p> <p>G8 - To manage the Anti-Social Behaviour Unit in conjunction with Wolverhampton Homes and, in conjunction with the Director of Governance to institute proceedings to combat anti-social behaviour.</p> <p>To</p> <p>G8 - To deliver the authority's ASB responsibilities through contracting with Wolverhampton Homes and, in conjunction with the</p>	To better reflect current operation.

Section	Proposed	Rationale
	<p>Director of Governance to institute proceedings to combat anti-social behaviour.</p>	
<p>Part 3 – Delegations to the Director of Children’s Services</p>	<p>That the following delegation be reworded from:</p> <p>H8 - That the following delegation be reworded from: To exercise the statutory functions, powers and duties of the Council in relation to vulnerable children and young people as set out in Working Together 2015.</p> <p>To</p> <p>H8 - That the following delegation be reworded from: To exercise the statutory functions, powers and duties of the Council in relation to vulnerable children and young people as set out in Working Together 2018.</p>	<p>To reflect up to date legislation.</p>
<p>Part 3 – Delegations to the Director of Adult Services</p>	<p>That the following delegation be reworded from:</p> <p>17 - To exercise the statutory functions, powers and duties of the Council in relation to vulnerable adults and adults at risk as set out in the Care Act 2014.</p> <p>To</p> <p>17 - To discharge the functions conferred on or exercisable by the council in its capacity as Adult Social Services Authority conferred</p>	<p>To incorporate all relevant legislation.</p>

Section	Proposed	Rationale
	<p>by the Local Authority Social Services Act 1970, the Care Act 2014 and all other health and social care legislation for adults including in relation to mental health.</p>	
<p>Part 3 – Delegations to the Director of Adult Services</p>	<p>That the following delegations be added:</p> <p>I11 - To discharge any functions exercisable by the council under Section 75 of the National Health Service Act 2006 on behalf of an NHS body and have the responsibility for any adults' functions integrated with any NHS body.</p> <p>I12 - To be designated as the 'responsible person' required by the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 to ensure compliance with the procedures and ensure action is taken in the light of complaints and also for other statutory complaints procedures relating to adults' complaints.</p>	<p>These are operational issues and by delegating to an officer these can be dealt with in a timely manner.</p>
<p>Part 3 – Delegations to the Director of Pensions</p>	<p>That the delegations to Director of Pensions be updated.</p>	<p>To ensure they reflect the current responsibilities of the director.</p>
<p>Part 3 – Delegations to the Director of Pensions</p>	<p>That the following delegation be reworded from:</p> <p>M3 - To provide services to the West Midlands Integrated Transport Authority Pension Fund.</p>	<p>To better reflect current procedure.</p>

Section	Proposed	Rationale
	<p>To</p> <p>M3 - To manage and administer the West Midlands Integrated Transport Authority Pension Fund in line with the S101 delegation from the Combined Authority.</p>	
<p>Part 3 – Delegations to the Director of Governance</p>	<p>That the following delegation be moved from the Director of Finance to the Director of Governance, and be updated from:</p> <p>In consultation with the Director of Governance to deal with ex-gratia claims up to £500.</p> <p>To:</p> <p>Deal with ex-gratia claims up to £750.</p>	<p>This is an operational issue and by delegating to an officer these can be dealt with in a timely manner.</p>
<p>Part 4 – Full Council Meeting Procedure Rules</p>	<p>That the notice for written questions by Councillors be changed from five clear days' notice to seven clear days' notice</p>	<p>To ensure written questions are received in a timely manner and added to the agenda ahead of publication whilst, also reflecting the current practice.</p>
<p>Part 4 – Full Council Meeting Procedure Rules</p>	<p>That the notice for Motions be changed from five clear days to seven clear days.</p>	<p>To ensure motions are received in a timely manner and added to the agenda ahead of publication whilst, also reflecting the current practice.</p>
<p>Part 4 – Code of Conduct for Employees</p>	<p>That the following paragraph be updated:</p> <p>Employees who are provided with an access pass or identification card must wear them on a corporate branded</p>	<p>To clarify expectations.</p>

Section	Proposed	Rationale
	lanyard at all times . All employees who have daily, face-to-face contact with our customers must wear a name badge at all times.	
Part 4 - Protocol for webcasting – Appendix 2	That the Protocol for webcasting be added to section 4.	To assist in the conduct of webcasting and to ensure compliance with the Council's obligations under the Data Protection Act 2018, the General Data Protection Regulation, and the Human Rights Act 1998.

4.0 Financial implications

- 4.1 There are no financial implications arising from the recommendations in this report.
[GE/09102018/N]

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 standing orders relating to decision-making, finance and contracts. The Council is also required to keep its Constitution updated. The Director of Governance is authorised under the constitution to make amendments which more accurately reflect legislative and organisational changes.
[RB/09102018/L]

6.0 Equalities implications

- 6.1 The Council must, in the exercise of its functions, have due regard to the need to:
- a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act;
 - b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 6.2 The Constitution seeks to ensure that, in its decision-making and its operations, the Council fully complies with the public-sector equality duty.

6.3 An equalities assessment has been carried out on the Constitution, having due regard for equalities implications and there were no specific implications linked to the recommendations in this report.

7.0 Environmental implications

7.1 There are no environmental implications arising from this report.

8.0 Human resources implications

8.1 There are no human resources implications arising from this report.

9.0 Corporate landlord implications

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

10.0 Schedule of background papers

10.1 Changes to the Constitution, Special Advisory Group, 24 November 2017

10.2 Corporate Parenting Board – proposed amendments to Terms of Reference, Corporate Parenting Board, 18 January 2018

10.3 Strengthening Governance and System Leadership - Health and Wellbeing Board Review - Final Recommendations, Health and Wellbeing Board, 11 July 2018

11.0 Appendices

Appendix 1 - Terms of Reference – Statutory Licencing Committee and Non-Statutory Committee

Appendix 2 - Terms of Reference –Non-Statutory Committee

Appendix 3 - Protocol for Webcasting

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Delegations to the Statutory Licensing Committee

1. Delegations to **the Statutory** Licensing Committee

(Established under the Licensing Act 2003)

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

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

Delegations to the Statutory Licensing Committee

- Employment of children
 - Operation of loudspeakers
 - Anti-social behaviour — high hedges
 - Sale and movement of pigs and cattle
 - Meat, dairy, egg product and fish product establishments
- 1.2 ~~To exercise the Council's functions relating to Health, safety and welfare in connection with work and control of dangerous substances.~~
- 1.3 ~~To exercise the Council's functions relating to the Registration of Births, Deaths and Marriages and the approval of premises for the solemnisation of marriages.~~
- 1.4 To receive and approve annual reports on the administration and management of licensing matters.
- 1.5 Statutory Powers and Duties

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

1.6 Schedule

Function	Provision of Act or Statutory Instrument
Licensing and registration functions	
1. Licensing functions set out in the Licensing Act 2003.	Sections 5 to 8 53A-C and 41A-D of the Licensing Act 2003, as amended by Sections 103-140 of the Police Reform and Social Responsibility Act 2011.
2. Power to issue licences authorising the use of land as a caravan site ("site licences").	Section 3(3) of the Caravan Sites and Control of Development Act 1960.
3. Power to license the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936.
4. Power to license hackney carriages and private hire vehicles.	(a) as to hackney carriages, the Town Police Clauses Act 1847, as extended by section 171 of the Public Health Act

Delegations to the Statutory Licensing Committee

Function	Provision of Act or Statutory Instrument
	<p>1875 and section 15 of the Transport Act 1985 and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.</p>
	<p>(b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.</p>
5. Power to license drivers of Hackney Carriage and private hire vehicles.	Sections 51, 53, 54, 57, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
6. Power to license operators of private hire vehicles.	Sections 55, 56, 57, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
7. Power to register pool promoters.	Gambling Act 2005.
8. Power to grant track betting licences.	Schedule 3 to the Betting, Gaming and Lotteries Act 1963. Gambling Act 2005
9. Power to license inter-track betting schemes.	Schedule 5ZA to the Betting, Gaming and Lotteries Act 1963. Gambling Act 2005
10. Power to grant permits in respect of premises with amusement machines.	Gambling Act 2005.
11. Power to register societies wishing to promote lotteries.	Gambling Act 2005.
12. Power to grant permits in respect of premises where amusements with prizes are provided.	Schedule 3 to the Lotteries and Amusements Act 1976. Gambling Act 2005
13. Power to license sex shops, sex cinemas and sexual entertainment venues.	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3, as amended by Section 27 of the Policing and Crime Act 2009.
14. Power to license performances of hypnotism.	The Hypnotism Act 1952.
15. Power to license for acupuncture, tattooing, ear piercing, electrolysis	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982 as

Delegations to the Statutory Licensing Committee

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

Delegations to the Statutory Licensing Committee

Function	Provision of Act or Statutory Instrument
27. Power to register scrap metal dealers and licence motor salvage operators.	Section 1 of the Scrap Metal Dealers Act 1964 and Part I of the Motor Vehicles (Crime) Act 2001.
28. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975.
29. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.	Part III of the Fire Safety and Safety Places of Sport Act 1987.
30. Power to issue fire certificates.	Regulatory Reform Fire Safety Order 2005.
31. Power to license premises for the breeding of dogs.	Section 1 of the Breeding of Dogs Act 1973 and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999.
32. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Section 1 of the Pet Animals Act 1951; section 1 of the Animal Boarding Establishments Act 1963; the Riding Establishments Acts 1964 and 1970; section 1 of the Breeding of Dogs Act 1973 and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.
33. Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925.
34. Power to license zoos.	Section 1 of the Zoo Licensing Act 1981.
35. Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976.
36. Power to license knackers' yards.	Section 4 of the Slaughterhouses Act 1974. See also the Animal By-Products Order 1999.
37. Power to license the employment of children.	Part II of the Children and Young Persons Act 1933, byelaws made under the Part, and Part II of the Children and Young Persons Act 1963.
38. Power to license persons to collect for charitable and other causes.	Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916 and

Delegations to the Statutory Licensing Committee

Function	Provision of Act or Statutory Instrument
39. Power to grant consent for the operation of a loudspeaker.	section 2 of the House to House Collections Act 1939. Schedule 2 to the Noise and Statutory Nuisance Act 1993.
40. Power to issue licences for the movement of pigs.	Article 12 of the Pigs (Records, Identification and Movement) Order 1995.
41. Power to license the sale of pigs.	Article 13 of the Pigs (Records, Identification and Movement) Order 1995.
42. Power to license collecting centres for the movement of pigs.	Article 14 of the Pigs (Records, Identification and Movement) Order 1995.
43. Power to issue a licence to move cattle from a market.	Article 5(2) of the Cattle Identification Regulations 1998.
44. Power to approve meat product premises.	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994.
45. Power to approve premises for the production of minced meat or meat preparations.	Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995.
46. Power to approve dairy establishments.	Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995.
47. Power to approve egg product establishments.	Regulation 5 of the Egg Products Regulations 1993.
48. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready to eat foods.	Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995.
49. Power to approve fish products premises.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
50. Power to approve dispatch or purification centres.	Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.

Delegations to the Statutory Licensing Committee

Function	Provision of Act or Statutory Instrument
51. Power to register fishing vessels on board which shrimps or molluscs are cooked.	Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
52. Power to approve factory vessels and fishery product establishments.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
53. Power to register auction and wholesale markets.	Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
54. Duty to keep register of food business premises.	Regulation 5 of the Food Premises (Registration) Regulations 1991.
55. Power to register food business premises.	Regulation 9 of the Food Premises (Registration) Regulations 1991.
56. Power to sanction use of parts of buildings for storage of celluloid.	Section 1 of the Celluloid and Cinematograph Film Act 1922.
57. Power to approve premises for the solemnisation of marriages.	Section 46A of the Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995. Civil Partnership Act 2004, The Marriages and Civil Partnerships (Approved Premises) Regulations 2005 and The Marriages and Civil Partnerships (Approved Premises) (Amendment) Regulations 2011.
58. Powers relating to complaints about high hedges.	Part 8 of the Anti-Social Behaviour Act 2003.
59. Licensing functions set out in the Gambling Act 2005 and order and regulations thereunder.	Gambling Act 2005.
60. Power to act when there is a threat of environmental damage and the carrying out of works in default	Environmental Damage (Prevention and Remedial) Regulations 2009
Functions relating to the enforcement of byelaws	Any provision of any enactment (including a local Act) whenever passed, and section 14 of the Interpretation Act 1978.
Functions relating to health and safety at work	

Delegations to the Statutory Licensing Committee

Function	Provision of Act or Statutory Instrument
<p>Functions under any of the “relevant statutory provisions” within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc Act 1974, to the extent that those functions are discharged otherwise than in the authority’s capacity as an employer.</p>	<p>Part I of the Health and Safety at Work etc. Act 1974.</p>
<p>1.7 Terms of Reference of the Licensing Sub-Committee</p>	
<p>1.8 The Sub-Committee will comprise three elected Councillors appointed on a rota basis from the Licensing Committee who will:-</p> <ul style="list-style-type: none"> A. consider and determine contentious applications in respect of licensed premises and Hackney Carriage and Private Hire Drivers/operators, B. authorise the institution of legal proceedings in respect of various licensing and environmental matters. 	

Delegations to the Non – Statutory Licensing Committee

1. **Delegations to the Non – Statutory Licensing Committee**

(Established under Section 101 Local Government Act 1972)

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

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

Delegations to the Non – Statutory Licensing Committee

- Employment of children
 - Operation of loudspeakers
 - Anti-social behaviour – high hedges
 - Sale and movement of pigs and cattle
 - Meat, dairy, egg product and fish product establishments
- 1.2 To exercise the Council’s functions relating to Health, safety and welfare in connection with work and control of dangerous substances.
- 1.3 To exercise the Council’s functions relating to the Registration of Births, Deaths and Marriages and the approval of premises for the solemnisation of marriages.
- 1.4 To receive and approve annual reports on the administration and management of licensing matters.
- 1.5 Statutory Powers and Duties

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

1.6 Schedule

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

Delegations to the Non – Statutory Licensing Committee

Function	Provision of Act or Statutory Instrument
	1875 and section 15 of the Transport Act 1985 and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
	(b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
5. Power to license drivers of Hackney Carriage and private hire vehicles.	Sections 51, 53, 54, 57, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
6. Power to license operators of private hire vehicles.	Sections 55, 56, 57, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
7. Power to register pool promoters.	Gambling Act 2005.
8. Power to grant track betting licences.	Schedule 3 to the Betting, Gaming and Lotteries Act 1963.
9. Power to license inter-track betting schemes.	Schedule 5ZA to the Betting, Gaming and Lotteries Act 1963.
10. Power to grant permits in respect of premises with amusement machines.	Gambling Act 2005.
11. Power to register societies wishing to promote lotteries.	Gambling Act 2005.
12. Power to grant permits in respect of premises where amusements with prizes are provided.	Schedule 3 to the Lotteries and Amusements Act 1976.
13. Power to license sex shops, sex cinemas and sexual entertainment venues.	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3, as amended by Section 27 of the Policing and Crime Act 2009.
14. Power to license performances of hypnotism.	The Hypnotism Act 1952.
15. Power to license for acupuncture, tattooing, ear-piercing, electrolysis	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982 as

Delegations to the Non – Statutory Licensing Committee

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

Delegations to the Non – Statutory Licensing Committee

Function	Provision of Act or Statutory Instrument
27. Power to register scrap metal dealers and licence motor salvage operators.	Section 1 of the Scrap Metal Dealers Act 1964 and Part I of the Motor Vehicles (Crime) Act 2001.
28. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975.
29. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.	Part III of the Fire Safety and Safety Places of Sport Act 1987.
30. Power to issue fire certificates.	Regulatory Reform Fire Safety Order 2005.
31. Power to license premises for the breeding of dogs.	Section 1 of the Breeding of Dogs Act 1973 and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999.
32. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Section 1 of the Pet Animals Act 1951; section 1 of the Animal Boarding Establishments Act 1963; the Riding Establishments Acts 1964 and 1970; section 1 of the Breeding of Dogs Act 1973 and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.
33. Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925.
34. Power to license zoos.	Section 1 of the Zoo Licensing Act 1981.
35. Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976.
36. Power to license knackers' yards.	Section 4 of the Slaughterhouses Act 1974. See <i>also</i> the Animal By-Products Order 1999.
37. Power to license the employment of children.	Part II of the Children and Young Persons Act 1933, byelaws made under the Part, and Part II of the Children and Young Persons Act 1963.
38. Power to license persons to collect for charitable and other causes.	Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916 and

Delegations to the Non – Statutory Licensing Committee

Function	Provision of Act or Statutory Instrument
39. Power to grant consent for the operation of a loudspeaker.	section 2 of the House to House Collections Act 1939. Schedule 2 to the Noise and Statutory Nuisance Act 1993.
40. Power to issue licences for the movement of pigs.	Article 12 of the Pigs (Records, Identification and Movement) Order 1995.
41. Power to license the sale of pigs.	Article 13 of the Pigs (Records, Identification and Movement) Order 1995.
42. Power to license collecting centres for the movement of pigs.	Article 14 of the Pigs (Records, Identification and Movement) Order 1995.
43. Power to issue a licence to move cattle from a market.	Article 5(2) of the Cattle Identification Regulations 1998.
44. Power to approve meat product premises.	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994.
45. Power to approve premises for the production of minced meat or meat preparations.	Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995.
46. Power to approve dairy establishments.	Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995.
47. Power to approve egg product establishments.	Regulation 5 of the Egg Products Regulations 1993.
48. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to eat foods.	Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995.
49. Power to approve fish products premises.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
50. Power to approve dispatch or purification centres.	Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.

Delegations to the Non – Statutory Licensing Committee

Function	Provision of Act or Statutory Instrument
51. Power to register fishing vessels on board which shrimps or molluscs are cooked.	Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
52. Power to approve factory vessels and fishery product establishments.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
53. Power to register auction and wholesale markets.	Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
54. Duty to keep register of food business premises.	Regulation 5 of the Food Premises (Registration) Regulations 1991.
55. Power to register food business premises.	Regulation 9 of the Food Premises (Registration) Regulations 1991.
56. Power to sanction use of parts of buildings for storage of celluloid.	Section 1 of the Celluloid and Cinematograph Film Act 1922.
57. Power to approve premises for the solemnisation of marriages.	Section 46A of the Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995. Civil Partnership Act 2004, The Marriages and Civil Partnerships (Approved Premises) Regulations 2005 and The Marriages and Civil Partnerships (Approved Premises) (Amendment) Regulations 2011.
58. Powers relating to complaints about high hedges.	Part 8 of the Anti-Social Behaviour Act 2003.
59. Licensing functions set out in the Gambling Act 2005 and order and regulations thereunder.	Gambling Act 2005.
60. Power to act when there is a threat of environmental damage and the carrying out of works in default	Environmental Damage (Prevention and Remedial) Regulations 2009
Functions relating to the enforcement of byelaws	Any provision of any enactment (including a local Act) whenever passed, and section 14 of the Interpretation Act 1978.
Functions relating to health and safety at work	

Delegations to the Non – Statutory Licensing Committee

Function	Provision of Act or Statutory Instrument
<p>Functions under any of the “relevant statutory provisions” within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc Act 1974, to the extent that those functions are discharged otherwise than in the authority’s capacity as an employer.</p>	<p>Part I of the Health and Safety at Work etc. Act 1974.</p>
<p>1.7 Terms of Reference of the Licensing Sub-Committee</p>	
<p>1.8 The Sub-Committee will comprise three elected Councillors appointed on a rota basis from the Licensing Committee who will:-</p>	
<p>A. consider and determine contentious applications in respect of licensed premises and Hackney Carriage and Private Hire Drivers/operators,</p> <p>B. authorise the institution of legal proceedings in respect of various licensing and environmental matters.</p>	

Protocol for webcasting of formal council meetings.

This protocol is provided to assist in the conduct of webcasting and to ensure compliance with the Council's obligations under the Data Protection Act 2018, the General Data Protection Regulation, and the Human Rights Act 1998.

Webcasting of public council and committee meetings

Introduction

The City of Wolverhampton Council is committed to involving local residents in decision making, however some residents may sometimes not be able to attend the meetings they are interested in. To ensure that those residents can still get involved, the Council films and streams, live, many of its meetings ('webcasting'). These can then be watched online as the meeting happens or up to six months after the meeting (after 6 months, a recording of the webcast can be ordered via Democratic Services).

Which meetings are webcast?

The following meetings are currently webcast on the Council's website:

- Full Council
- Scrutiny Board

How do we webcast and how long will the recording be available?

Fixed cameras are located in the Council Chamber and in Committee Room 3 at the Civic Offices to provide the webcasting facility.

The webcast of any of the meetings listed above will be the available on the Council's website for a period of 6 months and, after that, copies of recordings may be available upon request.

Are there any meetings or parts of meetings which the Council may not webcast?

The City of Wolverhampton Council wants to make sure meetings are webcast as far as possible to ensure full engagement with the public. However, there are instances where it may not be appropriate to webcast a meeting or parts thereof, for example:

- **When an individual, who is presenting at a public meeting, specifically requests not to appear on the public webcast, and we agree with the request.** We will always seek to accommodate such requests and work with that individual to agree an approach that is satisfactory to all parties. Any such part of a meeting that has not been broadcast will not appear online or be available following the meeting. If you are watching from home, you will see a notice appearing on the screen to let viewers know what is happening.

- **In considering whether or not to record contributions by children at meetings** the Council will, for those aged 16 or over check with the young people themselves that they are content to be filmed and, subject to that, record and broadcast them. For children younger than 16, or those who are otherwise thought vulnerable, we will record only with the consent of the appropriate parent or guardian. If we are in any doubt we will stop the webcast whilst children are speaking.
- **When Councillors at a meeting pass a resolution to exclude the press and public because there is likely to be disclosure of**

exempt or confidential information. This will happen in situations where national rules allow the Council to exclude the press and public. You will be notified if watching from home that the webcasting has ceased for this part of the meeting and why. The Council will only do this if they have good reason as it will always try to conduct its business in public.

Signage of webcasting and other filming and recording at meetings

Agendas relating to those meetings that The City of Wolverhampton Council webcasts include a statement to alert the public to the webcast

as well as the rights of the public generally to film, record, photograph and use social media to report from the proceedings, as follows:

WEBCASTING NOTICE

- This meeting will be filmed by the Council for live and/or subsequent broadcast on the Council's website. The whole of the meeting will be filmed, except where there are confidential or exempt items, and the footage will be on the website for 6 months. A copy of it will also be retained in accordance with the Council's data retention policy.
- If you make a representation to the meeting, unless you have specifically asked not to appear on the webcast, you are taking positive action to confirm that you consent to being filmed. You have been made aware of the broadcast and entering the Council Chamber or meeting room you are also consenting to being filmed by The City of Wolverhampton Council and to the possible use of those images and sound recordings for webcasting and/or training purposes.
- If you do not wish to have your image captured, you should sit in the public gallery area.
- In addition, the Council is obliged by law to allow members of the public to take photographs, film, audio-record, blog or tweet the proceedings at public meetings. The Council will only seek to prevent this should it be undertaken in a disruptive or otherwise inappropriate manner.
- If you have any queries regarding webcasting or the recording of meetings by the public, please contact Democratic Services on 01902 555046.

The Role of the Chair

The Chair of the meeting will make an announcement at the beginning of the meeting to make sure everyone understands that the meeting will be webcast and that they may also be filmed by others in the Chamber.

The Chair of the meeting has the discretion to request the termination or suspension of the webcast if continuing to webcast would prejudice the proceedings of the meeting.

This would include:

- (i) Public disturbance or other suspension of the meeting;
- (ii) Exclusion of public and press being moved and supported;
- (iii) Any other reason supported by the Council/Committee.

Archived webcasts or parts of webcasts shall only be removed from the Council's website if the Borough Solicitor considers that it is necessary because all or part of the content of the webcast is, or is likely to be, in breach of any statutory provision or common law rule, for example Data Protection and/or Human Rights legislation or provisions relating to confidential or

exempt information. It is anticipated, however, that meetings will be conducted lawfully and that the need to exercise this power will occur only on an exceptional basis.

Any elected Member who is concerned about any webcast should raise their concerns with the Scrutiny and Systems Manager.