

Wolverhampton City Council

OPEN DECISION ITEM

SPECIAL ADVISORY GROUP STANDARDS COMMITTEE

Date **16 December 2011**
17 January 2012

Originating Service Group(s) **DELIVERY**

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|---------------------|------------------|---------------|----------------|
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| Telephone Number(s) | 4910 | 4410 | 4932 |

Title **REVISION OF THE CONSTITUTION 2011/12 – HOUSEKEEPING ISSUES
– DECEMBER 2011**

RECOMMENDATION

That the proposed amendments to the Constitution, indicated in Section 3 of the report, be endorsed for consideration at full Council on 8 February 2012.

1. **PURPOSE**

- 1.1 To report mid year revisions to the May 2011 (updated July) edition of the Council's Constitution and to request endorsement prior to consideration at the next meeting of full Council on 8 February 2012

2. **BACKGROUND**

- 2.1 The Constitution Review Group, comprising the officers that co-ordinate the review of the Constitution on an on-going basis, continues to meet regularly. The revisions detailed in paragraph 3 below have been referred to the Group since May 2011, for consideration, with a view for inclusion in the Constitution.
- 2.2 When conducting the annual review of the Constitution, it is the convention to place a copy of the Constitution, with the amendments highlighted, in the Members' Rooms. To enable Members to have sight of the amendments to the Constitution set out in this report, a copy of the May 2011 (updated July) Constitution revised as detailed in this report has been deposited in the Members' Rooms.

3. **RECOMMENDED CHANGES TO THE CONSTITUTION CO-ORDINATED THROUGH THE CONSTITUTION REVIEW GROUP**

3.1 **Recommended Changes to the Financial Procedure Rules**

Recommend changes to the Financial Procedure Rules are set out in Appendix 1 and explained in paragraphs 3.1.1 – 3.1.7 below.

3.1.1 **Budget Preparation Paragraph 4**

Modify the paragraph by adding the text in bold:

The Cabinet shall determine a recommended budget, which it will report to the Council in accordance with statutory timescales, and no later than March of the preceding financial year. This will include recommendations on council tax, housing rents, and other equivalent items of income. **In the case of capital budgets, recommended budgets may be put to Council by Cabinet (Resources) Panel.**

The intention of this change is to formalise the current convention whereby mid-year recommendations of changes to the capital programme are made by Cabinet (Resources) Panel rather than Cabinet. The text is intended to make it possible for either Cabinet or Cabinet (Resources) Panel to make these recommendations, with no specific delegations required over and above this.

3.1.2 **Virements Paragraphs 1 and 8**

Modify paragraph 1 by adding a new bullet point (h) as in bold below:

Budget Holders shall be delegated the authority to action in-year virements of budget only where all of the following apply:

- (a) the total value of the virement does not exceed £50,000*;

- (b) the virement is to an existing service or capital scheme identified in the approved budget;
- (c) the Budget Holders of both services or capital schemes have approved the virement;
- (d) the Section 151 Officer (or his/her delegate) has approved the virement;
- (e) the virement would not result in an overall increase in the budget of the general fund, the housing revenue account or the capital programme;
- (f) in the case of revenue budgets, the virement is within one of the following groups of headings:
 - (i) Employees;
 - (ii) All other controllable expenditure.
- (g) the virement does not relate to the payment of grants to any outside organisation or individual
- (h) virements to or from the budget have not been disallowed under paragraph 8 below.**

* This limit is to be applied to the full-year equivalent budget, to the increase in gross expenditure or income (whichever is greater), and at service or capital scheme level.

Add new paragraph 8 as follows:

Full Council, Cabinet or Cabinet (Resources) Panel may disallow virements to or from a budget heading for the purposes of paragraph 1 above.

The intention of the changes to paragraphs 1 and 8 is to introduce the concept of 'disallowed' virements. This is to prevent the viring of budgets by officers or other Member groups under delegation, and is expected to be used to demonstrate and enforce commitment to high-profile and/or high-sensitivity services and capital projects.

3.1.3 Virements Paragraph 3

Modify the paragraph by adding the text in bold:

The Cabinet (Resources) Panel shall have delegated authority to approve the allocation of capital budgets to individual capital schemes, only where those budgets were originally approved on a non-specific basis and have not yet been allocated. **Any schemes to which budget is allocated in this way do not need to have been in the approved budget prior to the Panel granting such approval.**

The intention of this change is to transfer authority for approving the addition of new capital schemes from Full Council to Cabinet (Resources) Panel, where those schemes are funded by the allocation of budgets which were originally approved on a non-specific basis. At present, the allocation of budget to new schemes, however they are funded, requires the approval of Full Council in accordance with Expenditure paragraph 3(a), which is repeated below, and Full Council's retained authority to approve the budget.

No person shall commit the Council to expenditure on any of the following:

- (a) a service or capital scheme not individually identified in the approved budget;

It should be noted that there is scope for wide interpretation of this amended paragraph, the most extreme of which is that all capital schemes may be approved by Cabinet (Resources) Panel, with Full Council only approving generalised capital budgets. It is intended that a convention will be observed that wherever possible specific schemes are presented to Full Council for approval, in which case the enhanced authorities introduced by this modification will be used in limited (albeit undefined) circumstances.

3.1.4 Virements Paragraph 4

Add new paragraph 4 as follows:

The Cabinet (Resources) Panel shall have delegated authority to approve the payment of grants to individual recipients, only where all of the following apply:

- (a) there is an appropriate heading in the approved budget;**
- (b) such heading clearly refers to payment of grants, but not to specific recipients;**
- (c) The total amount of grant payable to a recipient in any financial year does not exceed £50,000.**

The intention of this change is to transfer authority for approving the payment of grants to specific recipients from Full Council to Cabinet (Resources) Panel, subject to a number of conditions as set out in the paragraph. At present, the payment of grants to recipients who are not individually identified in the existing approved budget requires the approval of Full Council in accordance with Expenditure paragraph 3(b), which is repeated below, and Full Council's retained authority to approve the budget.

No person shall commit the Council to expenditure on any of the following:

- (b) grants to any outside organisation or individual not individually identified in the approved budget.

3.1.5 Supplementary Budgets Paragraphs 1 and 2

Modify paragraph 1 by adding the text in bold:

An overall increase or decrease in the Council's total budget, or the budget of the general fund, housing revenue account, or capital programme when considered separately, must be approved by full Council **(subject to paragraph 2 below)**.

Add new paragraph 2 as follows:

Where all of the following apply, an overall increase or decrease in the Council's total budget may be approved by Cabinet (Resources) Panel, and not require the approval of full Council:

- (a) **There is no increase or decrease in the net budget;**
- (b) **New or additional external income has been identified which was not included in the approved budget;**
- (c) **Such income has conditions attached by the person providing the income that severely constrain its possible range of uses;**
- (d) **The Section 151 Officer agrees that approval may be granted by Cabinet (Resources) Panel.**

The intention of this change is to allow increases to the gross budget which are funded by external income to be approved by Cabinet (Resources) Panel, subject to conditions as set out in the paragraph. At present, only Full Council may approve changes to the total budget, however funded.

3.1.6 Accounting Paragraphs 5 and 6

Add new paragraphs 5 and 6 as follows:

No officer shall undertake accounting duties unless that officer falls within the span of control of the Section 151 Officer, according to the organisational structure in place at the time. For the purposes of this paragraph, ‘officer’ includes individuals acting as if they were an officer of the Council.

For the purposes of paragraph 5 above, accounting duties shall be taken to include, but not be limited to: providing financial advice to Members and officers; preparing budgets; preparing financial information to be used in budget monitoring; preparing financial forecasts (except where that officer is a budget holder and is acting in that role). It shall not be taken to include making entries in the accounts and is not intended to prevent budget holders discussing relevant financial matters with members when carrying out their service management responsibilities.

The intention of this addition is to prevent officers from beyond the span of control of the Section 151 Officer performing duties for which she is ultimately legally responsible. This is done for two main reasons: firstly, to attempt to avoid the very large potential risks relating to financial information being used in decision-making which has not benefited from the controls and supervisions put in place by the Section 151 Officer; and secondly, to avoid duplication of effort and the resulting waste of resources.

3.1.7 Provisions and Reserves Paragraphs 2 and 3

Modify paragraphs 2 and 3 by adding the text in bold:

No provisions or reserves shall be established or dissolved without the prior agreement of the Section 151 Officer and approval by Cabinet **(Resources)** Panel.

No money shall be transferred to or from provisions or reserves without the prior agreement of the Section 151 Officer and approval by Cabinet **(Resources)** Panel.

The intention of this modification is to transfer authority to approve provisions and reserves activities from Cabinet to Cabinet (Resources) Panel.

3.1.8 **Schedule of Responsibilities**

The above changes have been reflected where relevant in the Schedule of Responsibilities.

3.2 **Amendment to Cabinet Portfolio Responsibilities**

- 3.2.1 The Constitution Review Group has been notified of a change in Cabinet Portfolio Responsibility as detailed below:-

Part 3/11 paragraph 15.12 – to provide adult education and training on skills for employability, especially first steps and skills for life i.e. literacy, numeracy, English for speaker of other languages (ESOL) and ICT.

Delegation to be transferred from the Cabinet Member for Leisure and Communities to Cabinet Member for Schools, Skills and Learning.

3.3 **Inclusion of the Protocol for dealing with Petitions at Council Meetings**

- 3.3.1 To include the Protocol for dealing with petitions at Council Meetings, in the Constitution, it is recommended to add (vii) below to Paragraph 3 – Ordinary meeting of the Council of the Council Procedure Rules.

“(vii) deal with any petition containing over 2500 signatures received by the Council, in accordance with the Protocol for Dealing with Petitions at Council meetings”

The Protocol for dealing with Petitions at Council meetings, at Appendix 2 of this report will be added to part 5 of the Constitution.

3.4 **Recommended Changes to the Human Resources Delegations**

Following the implementation of Leading for a Stronger City it has been necessary to update the HR delegations in the Constitution in order to reflect the new responsibilities of the Strategic Directors, Assistant Directors, Head of Human Resources & Organisation Development Strategy and Head of Human Resources Operations.

The recommended changes to update the Human Resources delegations are set out in Appendix 3.

It should be noted that these changes are solely to update the Constitution to reflect the recent senior management restructure changes. The delegations are likely to be subject to further review and revision as a consequence of the planned review of HR policies and procedures as part of the HR Improvement Programme that is now underway.

3.5 **Formalising the Role of the Constitution Review Group (CRG)**

- 3.5.1 The officer CRG meets regularly to identify “housekeeping” changes to the Constitution and recommend these changes to Members. It is recommended to include formal recognition of the role of the Constitution Review Group in Article 15 – Review and Revision of the Constitution as the mechanism for the Monitoring Officer to monitor and review the Constitution under Article 15.1 and recommend changes under Article 15.2.

It is recommended to add the following paragraph to Article 15,

15.3 Constitution Review Group

The Constitution Review Group comprising the Monitoring Officer and other relevant officers as necessary from time to time will assist the Monitoring Officer to monitor and review the Constitution under 15.1(c) and propose changes to the Constitution under 15.2

4. FINANCIAL IMPLICATIONS

- 4.1 There are no direct financial implications arising from this report, although the amendments to the Constitution will strengthen the Council's governance arrangements. The ultimate aim of this is to improve the Council's ability to secure the best possible outcomes from available resources, and to be able to demonstrate that it has done so.

[PM/08122011/Y]

5. LEGAL IMPLICATIONS

- 5.1 The Council is required by Section 37 of the Local Government Act 2000 to have a Constitution which is kept up to date and which contains a copy of the Authority's standing orders relating to meetings and contracts, a copy of the Authority's Member's Code of Conduct and any other such information as the Secretary of State may direct.

[FD/09122011/H]

6. ENVIRONMENTAL IMPLICATIONS

- 6.1 There are no direct environmental implications arising from this report.

Schedule of Background Papers

File GP 30/21 held in Legal Services.

Reports to Council Standards Committee and Special Advisory Group relating to the Constitution 2000 -2011

| FINANCIAL PROCEDURE RULES REVISED VERSION | | FINANCIAL PROCEDURE RULES CURRENT VERSION | |
|--|---|--|--|
| Additions Highlighted | | Deletions Highlighted | |
| Budget Preparation | | Budget Preparation | |
| 1 | The budget shall be prepared in accordance with the Budget and Policy Framework Procedure Rules. | 1 | The budget shall be prepared in accordance with the Budget and Policy Framework Procedure Rules. |
| 2 | Each year, the cabinet shall determine strategic guidelines for the following year's budget. | 2 | Each year, the cabinet shall determine strategic guidelines for the following year's budget. |
| 3 | The budget shall be prepared in accordance with the cabinet's strategic guidelines, and any guidance issued by or on behalf of the Section 151 Officer . | 3 | The budget shall be prepared in accordance with the cabinet's strategic guidelines, and any guidance issued by or on behalf of the Section 151 Officer . |
| 4 | The cabinet shall determine a recommended budget, which it will report to the Council in accordance with statutory timescales, and no later than March of the preceding financial year. This will include recommendations on Council tax, housing rents, and other equivalent items of income. In the case of capital budgets, recommended budgets may be put to Council by Cabinet (Resources) Panel. | 4 | The cabinet shall determine a recommended budget, which it will report to the Council in accordance with statutory timescales, and no later than March of the preceding financial year. This will include recommendations on Council tax, housing rents, and other equivalent items of income. |
| 5 | Before submitting its recommended budget to Council, the cabinet shall refer it to the appropriate scrutiny panels and to consultation, allowing sufficient time to reconsider and if appropriate revise it prior to submitting it to Council. | 5 | Before submitting its recommended budget to Council, the cabinet shall refer it to the appropriate scrutiny panels and to consultation, allowing sufficient time to reconsider and if appropriate revise it prior to submitting it to Council. |
| 6 | Following approval of the budget by the Council, the Section 151 Officer shall prepare and issue a Budget | 6 | Following approval of the budget by the Council, the Section 151 Officer shall prepare and issue a Budget |

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| <p>Book, presenting the approved budget in a suitable format.</p> <p>Virements</p> <p>1 Budget Holders shall be delegated the authority to action in-year virements of budget <u>only</u> where all of the following apply:</p> <ul style="list-style-type: none"> (a) the total value of the virement does not exceed £50,000*; (b) the virement is to an existing service or capital scheme identified in the approved budget; (c) the Budget Holders of both services or capital schemes have approved the virement; (d) the Section 151 Officer (or his/her delegate) has approved the virement; (e) the virement would not result in an overall increase in the budget of the general fund, the housing revenue account or the capital programme; (f) in the case of revenue budgets, the virement is within one of the following groups of headings: <ul style="list-style-type: none"> (i) Employees; (ii) All other controllable expenditure. (g) the virement does not relate to the payment of grants to any outside organisation or individual (h) virements to or from the budget have not been disallowed under paragraph 8 below. <p>* This limit is to be applied to the full-year equivalent budget, to the increase in gross expenditure or income (whichever is greater), and at service or capital scheme level.</p> | <p>Book, presenting the approved budget in a suitable format.</p> <p>Virements</p> <p>1 Budget Holders shall be delegated the authority to action in-year virements of budget <u>only</u> where all of the following apply:</p> <ul style="list-style-type: none"> (a) the total value of the virement does not exceed £50,000*; (b) the virement is to an existing service or capital scheme identified in the approved budget; (c) the Budget Holders of both services or capital schemes have approved the virement; (d) the Section 151 Officer (or his/her delegate) has approved the virement; (e) the virement would not result in an overall increase in the budget of the general fund, the housing revenue account or the capital programme; (f) in the case of revenue budgets, the virement is within one of the following groups of headings: <ul style="list-style-type: none"> (i) Employees; (ii) All other controllable expenditure. (g) the virement does not relate to the payment of grants to any outside organisation or individual <p>* This limit is to be applied to the full-year equivalent budget, to the increase in gross expenditure or income (whichever is greater), and at service or capital scheme level.</p> |
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| <p>2 The Section 151 Officer shall be delegated the authority to action in-year virements of budget where the virement reflects a transfer of management responsibility, with no other changes in the objective or nature of the expenditure and income in question. In these circumstances, none of the conditions set out in paragraph 1 shall apply, except (d) and (e).</p> | <p>2 The Section 151 Officer shall be delegated the authority to action in-year virements of budget where the virement reflects a transfer of management responsibility, with no other changes in the objective or nature of the expenditure and income in question. In these circumstances, none of the conditions set out in paragraph 1 shall apply, except (d) and (e).</p> |
| <p>3 The Cabinet (Resources) Panel shall have delegated authority to approve the allocation of capital budgets to individual capital schemes, only where those budgets were originally approved on a non-specific basis and have not yet been allocated. Any schemes to which budget is allocated in this way do not need to have been in the approved budget prior to the Panel granting such approval.</p> | <p>3 The Cabinet (Resources) Panel shall have delegated authority to approve the allocation of capital budgets to individual capital schemes, only where those budgets were originally approved on a non-specific basis and have not yet been allocated.</p> |
| <p>4 The Cabinet (Resources) Panel shall have delegated authority to approve the payment of grants to individual recipients, only where all of the following apply:</p> <p>(a) there is an appropriate heading in the approved budget;</p> <p>(b) such heading clearly refers to payment of grants, but not to specific recipients;</p> <p>(c) The total amount of grant payable to a recipient in any financial year does not exceed £50,000.</p> | <p>4 All virements approved under paragraph 1 or 2 shall be reported to the Cabinet (Resources) Panel on a regular basis, in a format considered suitable by the Section 151 Officer.</p> |
| <p>5 All virements approved under paragraph 1 or 2 shall be reported to the Cabinet (Resources) Panel on a regular basis, in a format considered suitable by the Section 151 Officer.</p> | <p>5 All other virements must be approved by the Cabinet (Resources) Panel. Approval must be sought by submission of a written report to the Panel, setting out the amounts requested and the reason why the virement is required.</p> |

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| <p>6 All other virements must be approved by the Cabinet (Resources) Panel. Approval must be sought by submission of a written report to the Panel, setting out the amounts requested and the reason why the virement is required.</p> <p>7 Virements made under paras 1, 2, 3 or 5 shall be regarded as having changed the approved budget accordingly.</p> <p>8 Full Council, Cabinet or Cabinet (Resources) Panel may disallow virements to or from a budget heading for the purposes of paragraph 1 above.</p> <p>Supplementary Budgets</p> <p>1 An overall increase or decrease in the Council's total budget, or the budget of the general fund, housing revenue account, or capital programme when considered separately, must be approved by full Council (subject to paragraph 2 below).</p> <p>2 Where all of the following apply, an overall increase or decrease in the Council's total budget may be approved by Cabinet (Resources) Panel, and not require the approval of full Council:</p> <p>(a) There is no increase or decrease in the net budget;</p> <p>(b) New or additional external income has been identified which was not included in the approved budget;</p> | <p>6 Virements made under paras 1, 2, 3 or 5 shall be regarded as having changed the approved budget accordingly.</p> <p>Supplementary Budgets</p> <p>1 An overall increase or decrease in the Council's total budget, or the budget of the general fund, housing revenue account, or capital programme when considered separately, must be approved by full Council.</p> |
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- (c) Such income has conditions attached by the person providing the income that severely constrain its possible range of uses;
- (d) The Section 151 Officer agrees that approval may be granted by Cabinet (Resources) Panel.

Accounting

- 1 The Section 151 Officer shall determine the Council's accounting policies, and, where appropriate, estimation techniques.
- 2 The Section 151 Officer shall prepare the Council's financial statements in accordance with statutory requirements and other proper practice.
- 3 The Audit Committee shall approve the Council's financial statements.
- 4 The Section 151 Officer shall ensure that the Council complies with relevant tax legislation, and that the Council maintains adequate accounting records in respect of its tax affairs.
- 5 No officer shall undertake accounting duties unless that officer falls within the span of control of the Section 151 Officer, according to the organisational structure in place at the time. For the purposes of this paragraph, 'officer' includes individuals acting as if they were an officer of the council.

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| <p>6 For the purposes of paragraph 5 above, accounting duties shall be taken to include, but not be limited to: providing financial advice to members and officers; preparing budgets; preparing financial information to be used in budget monitoring; preparing financial forecasts (except where that officer is a budget holder and is acting in that role). It shall not be taken to include making entries in the accounts.</p> | |
| <p>Provisions and Reserves</p> <p>1 The Section 151 Officer shall be responsible for advising Members on the Council's policy on provisions and reserves.</p> <p>2 No provisions or reserves shall be established or dissolved without the prior agreement of the Section 151 Officer and approval by Cabinet (Resources) Panel.</p> <p>3 No money shall be transferred to or from provisions or reserves without the prior agreement of the Section 151 Officer and approval by Cabinet (Resources) Panel.</p> <p>4 Chief Officers, in conjunction with the Section 151 Officer (or his/her delegate) shall review all provisions and reserves relating to their services for adequacy and relevance, both at the financial year end and as part of the budget preparation process.</p> <p>5 The Section 151 Officer shall determine, in conjunction with the Cabinet, an appropriate level of general reserves as part of the budget preparation process, and shall</p> | <p>Provisions and Reserves</p> <p>1 The Section 151 Officer shall be responsible for advising Members on the Council's policy on provisions and reserves.</p> <p>2 No provisions or reserves shall be established or dissolved without the prior agreement of the Section 151 Officer and approval by Cabinet.</p> <p>3 No money shall be transferred to or from provisions or reserves without the prior agreement of the Section 151 Officer and approval by Cabinet.</p> <p>4 Chief Officers, in conjunction with the Section 151 Officer (or his/her delegate) shall review all provisions and reserves relating to their services for adequacy and relevance, both at the financial year end and as part of the budget preparation process.</p> <p>5 The Section 151 Officer shall determine, in conjunction with the Cabinet, an appropriate level of general reserves as part of the budget preparation process, and shall</p> |

advise the Council on the adequacy of the proposed level of reserves (in accordance with the requirements of section 25 of the Local Government Act 2003).

O SCHEDULE OF RESPONSIBILITIES

Full Council

The full Council shall:

- 1 Determine the Budget and Policy Framework Procedure Rules
- 2 Approve the following year's budget (both revenue and capital).
- 3 Approve the following year's levels of Council tax and housing rents.
- 4 Approve expenditure over and above the total provided for in the current year's budget (supplementary budgets).
- 5 Receive a Treasury Management strategy and plan for the coming year, a mid-year review of these, regular monitoring reports on current Treasury Management activity, and a retrospective report on Treasury Management activity for a financial year.
- 6 Approve the Council's prudential indicators.
- 7 Have the authority to disallow virements to or from a budget heading.

advise the Council on the adequacy of the proposed level of reserves (in accordance with the requirements of section 25 of the Local Government Act 2003).

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Full Council

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- 4 Approve expenditure over and above the total provided for in the current year's budget (supplementary budgets).
- 5 Receive a Treasury Management strategy and plan for the coming year, a mid-year review of these, regular monitoring reports on current Treasury Management activity, and a retrospective report on Treasury Management activity for a financial year.
- 6 Approve the Council's prudential indicators.

| <u>Cabinet</u> | <u>Cabinet</u> |
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| <p>The Cabinet shall:</p> <p>1 Recommend an overall following year budget (both revenue and capital) to Council (see also 15 under Cabinet (Resources) Panel).</p> <p>2 Recommend the levels of Council tax and housing rents to the Council.</p> <p>3 Determine strategic guidelines for the following year's budget.</p> <p>4 Receive reports where there is a forecast over spend that is judged by the Section 151 Officer to be material to the finances of the Council.</p> <p>5 Determine the Council's policy on provisions and reserves</p> <p>6 Approve the establishment or disestablishment of provisions and reserves shall be established or dissolved</p> <p>7 Receive reports setting out the medium term forecast.</p> <p>8 Have the authority to disallow virements to or from a budget heading.</p> | <p>The Cabinet shall:</p> <p>1 Recommend an overall following year budget (both revenue and capital) to Council.</p> <p>2 Recommend the levels of Council tax and housing rents to the Council.</p> <p>3 Determine strategic guidelines for the following year's budget.</p> <p>4 Receive reports where there is a forecast over spend that is judged by the Section 151 Officer to be material to the finances of the Council.</p> <p>5 Determine the Council's policy on provisions and reserves</p> <p>6 Approve the establishment or disestablishment of provisions and reserves shall be established or dissolved</p> <p>7 Approve the transfer to or from provisions or reserves</p> <p>8 Receive reports setting out the medium term forecast.</p> |

| <u>Cabinet (Resources) Panel</u> | <u>Cabinet (Resources) Panel</u> |
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| <p>The Cabinet (Resources) Panel shall:</p> <ol style="list-style-type: none"> 1 Be responsible for overseeing the execution of financial policy, financial administration and control in the Council, and for supervising the provision of financial services, all subject to direction from the Council and Cabinet. 2 Receive budget monitoring reports. 3 Receive outturn reports. 4 Receive notification of budget carry forwards approved by the Section 151 Officer. 5 Receive notification of virements approved by officers. 6 Approve virements exceeding the limit set by the Section 151 Officer. 7 Approve fees and charges. 8 Approve deviations from the Council's standard approach to calculating fees and charges. 9 Approve the list of names in which funds under the Council's control may be invested. 10 Receive a Treasury Management strategy and plan for the coming year, a mid-year review of these, regular monitoring reports on current Treasury Management activity including treasury management and prudential indicators, and a retrospective report on Treasury Management activity for a financial year. | <p>The Cabinet (Resources) Panel shall:</p> <ol style="list-style-type: none"> 1 Be responsible for overseeing the execution of financial policy, financial administration and control in the Council, and for supervising the provision of financial services, all subject to direction from the Council and Cabinet. 2 Receive budget monitoring reports. 3 Receive outturn reports. 4 Receive notification of budget carry forwards approved by the Section 151 Officer. 5 Receive notification of virements approved by officers. 6 Approve virements exceeding the limit set by the Section 151 Officer. 7 Approve fees and charges. 8 Approve deviations from the Council's standard approach to calculating fees and charges. 9 Approve the list of names in which funds under the Council's control may be invested. 10 Receive a Treasury Management strategy and plan for the coming year, a mid-year review of these, regular monitoring reports on current Treasury Management activity including treasury management and prudential indicators, and a retrospective report on Treasury Management activity for a financial year. |

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| 11 | Receive notification of write offs of sums due to the Council approved by the Section 151 Officer. | 11 | Receive notification of write offs of sums due to the Council approved by the Section 151 Officer. |
| 12 | Approve the write off of sums due to the Council that the Section 151 Officer is not authorised to approve. | 12 | Approve the write off of sums due to the Council that the Section 151 Officer is not authorised to approve. |
| 13 | Approve the holding of stocks in excess of normal operational requirements. | 13 | Approve the holding of stocks in excess of normal operational requirements. |
| 14 | Receive reports on significant differences between physical and book stock discovered in the course of a stock take or otherwise. | 14 | Receive reports on significant differences between physical and book stock discovered in the course of a stock take or otherwise. |
| 15 | Make recommendations to Full Council concerning the approval of capital budgets. | | |
| 16 | Have the authority to disallow virements to or from a budget heading. | | |
| 17 | Have the authority to approve the payment of grants to individual recipients, where certain conditions apply. | | |
| 18 | Approve an overall increase or decrease in the Council's total budget, where certain conditions apply. | | |
| 19 | Approve the transfer to or from provisions or reserves. | | |

Protocol for Dealing with Petitions at Council Meetings

Background

Where a petition contains more than 2,500 signatures, the Council's Constitution provides for the matter to be debated by the full Council.

This means that the issue raised in the petition will be discussed at a meeting which all Councillors can attend.

The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting.

The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by councillors for a maximum of 15 minutes.

The Council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee.

Where the issue is one on which the Council executive are required to make the final decision, the Council will decide whether to make recommendations to inform that decision.

The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

"Process for Handling Petitions at Full Council"

- (i) Democratic Support will have already invited representatives of the petitioners to attend the meeting and to give oral evidence to the full Council meeting. Petitioners may also provide written evidence in support of their petition. The role of full Council is to ensure that appropriate action is taken in respect of each admissible petition.*
- (ii) The relevant Cabinet Member, or nominated substitute, will be in attendance at the meeting.*
- (iii) If Petitioners do not wish to attend the meeting, they may ask someone else including a Councillor to speak and present the petition on their behalf. Alternatively, full Council can deal with the petition in the absence of the petitioners.*
- (viii) Petitioners will be informed by Democratic Services of decisions taken at the full Council meeting.*

Protocol for Consideration of Petitions at Full Council

- (i) Petitioners or their representatives will be seated near to the public gallery. At the appropriate juncture, their principal spokesperson will be shown to a seat at the front of the Council Chamber near to the dais.*
- (ii) 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.*
- (iii) The Mayor will then announce that the Petition will be considered as the next item of business upon which a time limit of 15 minutes shall apply.*
- (iv) A report on the details of the Petition including background details and comments from the appropriate Service Group will have already been circulated to Full Council together with copies of the petition; a copy will also have been provided to the petitioners.*
- (v) The Mayor will invite the Principal petitioner to address the full Council for a period of up to five minutes explaining what the petition is requesting full Council to do.*
- (vi) The Mayor will then invite Members of the Council to ask any questions of the principal petitioner.*
- (vii) The Mayor will then invite the relevant Cabinet Member to respond to the petition and ask questions of the principal petitioner*
- (viii) The Mayor will then ask the petitioners to ask any questions of the Cabinet Member*
- (ix) The Mayor will then ask Members of the Council to ask any questions of the Cabinet Member*
- (x) At the conclusion of consideration of the item, the Mayor will then ask full Council to decide how they wish to respond to the petition. The Mayor will announce that full Council may:*
 - (a) decide to take the action the petition requests;*
 - (b) decide not to take the action requested for reasons put forward in the debate;*
 - (c) decide to commission further investigation into the matter, for example by a relevant committee or*

(d) *where the issue is one on which the Cabinet is required to make the final decision, the Council must decide whether to make recommendations to Cabinet to inform that decision.*

(xi) *The Mayor will then ask for a motion to that effect to be moved and seconded and the usual Council procedure rules of debate will be applied*

(xii) *Following the vote, the Mayor will explain the outcome of the debate to, and thank, the petitioners for their attendance at the meeting.*

At this point the petitioners will be asked if they wish to either leave the meeting or if not return to their seats in the public gallery”

APPENDIX 3

SCHEDULE OF HUMAN RESOURCES DELEGATIONS

| REVISED VERSION | | | | CURRENT VERSION | | | |
|---|--------------------------------------|--|---|---|---|--|---|
| HR Topic / Procedure | Delegation | Controls | Reports to Members | HR Topic / Procedure | Delegation | Controls | Reports to Members |
| 1. Appointment of all staff below JNC (Chief Officer) level, excluding persons appointed as assistants for political groups | Strategic Directors or their nominee | In consultation with Head of HR Operations and Section 151 Officer or their nominees | Summary of establishment changes to be reported for information in the regular Staffing Issues reports to Cabinet Panel (Resources) | 1. Appointment of all staff below JNC level, excluding persons appointed as assistants for political groups | Delegated to Head of Paid Service, Directors or their nominees | Approval to advertise posts subject to annual approval of Service Cluster Workforce Plan(s) | Summary of changes is included in the regular Staffing Issues reports to Cabinet (Resources) Panel |
| 2. Dismissal of post holders below JNC (Chief Officer) level | Strategic Directors or their nominee | In consultation with Head of HR Operations or their nominee | Numbers to be reported for information in the regular Staffing Issues reports to Cabinet Panel (Resources) on a six monthly basis | 2. Dismissals | | | |
| a) Retirement on the grounds of efficient exercise | Strategic Directors or their nominee | In consultation with Head of HR Operations and | Numbers to be reported for information in | a) Retirement on the ground of efficient exercise | Head of Paid Service or Director in consultation with Section 151 Officer | Decision requires agreement of Chief Executive and Director or 2 Directors and Chief Human Resources Officer in order to proceed | Numbers are reported for information to Cabinet Panel (Resources) on at least a six monthly basis by Strategic Director for Delivery. |

| REVISED VERSION | | | | CURRENT VERSION | | | |
|---|--------------------------------------|---|--|---|---|----------|---|
| HR Topic / Procedure | Delegation | Controls | Reports to Members | HR Topic / Procedure | Delegation | Controls | Reports to Members |
| b) Redundancies (Compulsory and Voluntary Redundancies) | Strategic Directors or their nominee | Section 151 Officer or their nominees In consultation with Head of HR Operations and Section 151 Officer or their nominees | the regular Staffing Issues reports to Cabinet Panel (Resources) on a six monthly basis Numbers to be reported for information in the regular Staffing Issues reports to Cabinet Panel (Resources) on a six monthly basis | b) Redundancies | Delegated to Head of Paid Service, Directors or their nominees NB Failure to renew a contract of employment for a fixed term unless the authority has undertaken to renew such a contract is not included within "dismissal" | | |
| c) Other dismissals and disciplinary action | Strategic Directors or their nominee | In consultation with Head of HR Operations or their nominee Appeals against dismissal are heard by Members. | Summary of Employment Tribunal case numbers to be reported for information in the regular Staffing Issues reports to Cabinet Panel | d) Other dismissals and disciplinary action | | | Appeals dealt with by Elected Members Details of Employment Tribunal cases are reported to |

| REVISED VERSION | | | | CURRENT VERSION | | | |
|----------------------|------------|----------|--------------------|----------------------|--|---|--------------------|
| HR Topic / Procedure | Delegation | Controls | Reports to Members | HR Topic / Procedure | Delegation | Controls | Reports to Members |
| N/A | N/A | N/A | N/A | | <p>2) Regrading request, with Chief executive or Directors recommendation, is considered by Chief Human Resources Officer.</p> <p>Financial implications are discussed with Section 151 Officer.</p> <p>3) Chief Human Resources Officer determines outcome of regrating application</p> | <p>Section 151 Officer must confirm availability of funding for regrating or it will not be approved.</p> <p>Employee can appeal to Elected Members if dissatisfied with decision</p> | |

| REVISED VERSION | | | | CURRENT VERSION | | | |
|--|--------------------------------------|--|--|---|---|----------|--------------------|
| HR Topic / Procedure | Delegation | Controls | Reports to Members | HR Topic / Procedure | Delegation | Controls | Reports to Members |
| 4. Establishment of new posts below JNC (Chief Officer) level | Strategic Directors or their nominee | In consultation with Head of HR Operations and Section 151 Officer or their nominees | To be reported for information in the regular Staffing Issues reports to Cabinet Panel (Resources) | 4. Establishment of new posts below Chief Officer level | In accordance with the procedural arrangements approved by the Special Advisory Group on 7 June 2004 and Council 23 June 2004. These arrangements have been circulated to the Chief Executive and Directors and will be included in the Personnel Manual | | |
| 5. Minor restructures below JNC (Chief Officer) level | Strategic Directors or their nominee | In consultation with Head of HR Operations and Section 151 Officer or their nominees | To be reported for information in the regular Staffing Issues reports to Cabinet Panel (Resources) | 5. Minor restructures below Chief Officer level | | | |
| 6. Establishment/renewal of fixed term temporary posts below JNC (Chief Officer) level | Strategic Directors or their nominee | In consultation with Head of HR Operations and Section 151 Officer or their nominees | To be reported for information in the regular Staffing Issues reports to Cabinet Panel (Resources) | 6. Establishment/renewal of fixed term temporary posts | | | |
| 7. Extension of full sick pay beyond entitlement under the national agreement | Strategic Directors or their nominee | In consultation with Head of HR Operations and Section 151 Officer or their | N/A | 7. Extension of full sick pay beyond entitlement under the national agreement | Head of Paid Service or Director | | |

| REVISED VERSION | | | | CURRENT VERSION | | | |
|--|--------------------------------------|--|--------------------|--|----------------------------------|--|--------------------|
| HR Topic / Procedure | Delegation | Controls | Reports to Members | HR Topic / Procedure | Delegation | Controls | Reports to Members |
| 8. Approval of accelerated salary increments below JNC (Chief Officer) level | Strategic Directors or their nominee | nominees In consultation with Head of HR Operations and Section 151 Officer or their nominees | N/A | 8. Approval of accelerated salary increments | Head of Paid Service or Director | For JNC Officers there needs to be approval by Director of Resources and Section 151 Officer | |
| 9. Agreement of new essential car user allowances | Strategic Directors or their nominee | In consultation with Head of HR Operations and Section 151 Officer or their nominees | N/A | 9. Agreement of essential car user allowances | Head of Paid Service or Director | | |
| 10. Extension of lodging allowances for up to 12 months in special cases | Strategic Directors or their nominee | In consultation with Head of HR Operations and Section 151 Officer or their nominees | N/A | 10. Extension of lodging allowances for up to 12 months in special cases | Head of Paid Service or Director | | |
| 11. Approval of attendance on all training courses | Strategic Directors or their nominee | N/A | N/A | 11. Approval of short training courses which cost more than £820 | Head of Paid Service or Director | | |

| REVISED VERSION | | | | CURRENT VERSION | | | |
|---|---|--|--------------------|--|------------|----------|--------------------|
| HR Topic / Procedure | Delegation | Controls | Reports to Members | HR Topic / Procedure | Delegation | Controls | Reports to Members |
| including accommodation or subsistence | | | | or £1,230 including accommodation or subsistence | | | |
| 12. Submission of HR1 Redundancy Notifications to Secretary of State | Head of Paid Service | In consultation with Head of HR Operations and Section 151 Officer or their nominees | N/A | N/A | | | |
| 13. Lead Counter - Signatory for Criminal Records Bureau (CRB) checks | Head of HR Operations | N/A | N/A | N/A | | | |
| 14. Role of Proper Officer in respect of appointment and dismissal of JNC (Chief) Officers including Chief Executive and Statutory Officers | Head of HR and OD Strategy, and Head of HR Operations | N/A | N/A | N/A | | | |
| 15. Terms and Conditions authorisations; <ul style="list-style-type: none"> Carry over of annual leave | Strategic Directors or their nominee | In consultation with Head of HR Operations and Section 151 | N/A | N/A | | | |

| REVISED VERSION | | | | CURRENT VERSION | | | |
|---|--------------------------------------|--|--------------------|----------------------|------------|----------|--------------------|
| HR Topic / Procedure | Delegation | Controls | Reports to Members | HR Topic / Procedure | Delegation | Controls | Reports to Members |
| beyond 5 days, • Recognition of previous public sector service for annual leave entitlement • Time off for dependants beyond 5 days in 1 year | | Officer or their nominees | | | | | |
| 16. Flexible retirement approvals | Strategic Directors or their nominee | In consultation with Head of HR Operations and Section 151 Officer or their nominees | N/A | N/A | | | |
| 17. Management of the Long Service Awards Scheme and voucher scheme | Head of HR Operations | N/A | N/A | N/A | | | |