

CITY OF
WOLVERHAMPTON
COUNCIL

Governance and Ethics Committee Meeting

Thursday, 26 October 2023

Dear Councillor

GOVERNANCE AND ETHICS COMMITTEE - THURSDAY, 26TH OCTOBER, 2023

I am now able to enclose, for consideration at next Thursday, 26th October, 2023 meeting of the Governance and Ethics Committee, the following reports that were unavailable when the agenda was printed.

Agenda No Item

5 **Changes to the Constitution (Pages 3 - 158)**

[To consider the amendments to the Constitution].

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

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| CITY OF WOLVERHAMPTON COUNCIL | Governance and Ethics Committee 26 October 2023 |
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| Report title | Changes to the Constitution | |
| Cabinet member with lead responsibility | Councillor Paula Brookfield, Cabinet Member for Governance and Equalities | |
| Accountable director | David Pattison, Chief Operating Officer. | |
| Originating service | Various | |
| Accountable employee | Michelle Rowe Email | Solicitor and Deputy Monitoring Officer Michelle.Rowe@wolverhampton.gov.uk |
| Report to be considered by | Council, on 8 November 2023. | |

Recommendations or action or decision:

The Governance and Ethics Committee recommends that Council:

1. Approves the amendments to the Constitution as detailed in this report.
2. Authorises the Monitoring Officer to implement the changes.

1.0 Purpose

- 1.1 This report provides an update in relation to the changes proposed to the Constitution and discussed at the special meeting of Governance and Ethics Committee on 5 October 2023, for approval by the Council.
- 1.2 It is recommended that Council agrees to the proposals to ensure continuing lawfulness and effectiveness.

2.0 Background

- 2.1 Changes to the Constitution are brought in accordance with Part 2, Article 14 of the Constitution which places a duty on the Monitoring Officer *“to be aware of the strengths and weaknesses of the Constitution... and to make recommendations for ways in which it could be amended in order to better achieve the purpose [set out in Article 1]”* and to *“review the operation of the Constitution to ensure that its aims and principles are given full effect.”*
- 2.2 It is important that changes take place as and when needed, and the Governance and Ethics Committee regularly receives reports seeking to update the Constitution where it is necessary. The last such report was on 5 October 2023.
- 2.3 At a special meeting of Governance and Ethics Committee that day, proposed changes were put forward to ensure the Constitution remains up to date and reflects current laws, rules and preferred or best practice. The rationale and details of the changes is repeated at **Appendices 1-7a**. in discussion, members asked a number of supplemental questions and for further information to be obtained in relation to the proposals. This report provides responses to those questions as explained below and set out in **Appendices 8-10**.
- 2.4 Members are asked to consider this report, and the original proposals.
- 2.5 Members are also asked to note that these changes are part of a series of updates, and it is anticipated that there will be additional reports brought forward in 2023 or early 2024 to review other parts of the Constitution which reflect forthcoming changes in legislation, such as in relation to Contract Procedure Rules.

3.0 Changes to the Constitution

- 3.1 The changes proposed at the 5 October 2023 meeting related to the following areas:
 - a. Scrutiny Board and Call-in (including new form)
 - b. Electronic sealing and signing
 - c. Health and Wellbeing Together Board Terms of Reference
 - d. Full Council meeting procedure rules (including draft informal protocol for member behaviour)

- e. IEDNs (including draft guidance for members and officers) and Call-in.
- f. Miscellaneous – Disclosure and Barring Scheme (including new policy), Councillor Allowance Service, Planning Committee decisions
- g. Officer delegations.

3.2 At that meeting, members raised the following supplemental questions:

a. Call-in – Substitutions

Proposals were put forward to ensure the clerk received notification of substitutes in good time in order to make arrangements for the meeting. Concerns were raised by members about the need for substitutions generally at Scrutiny Board/Scrutiny Panel or Select Committee and the Monitoring Officer agreed to provide information on the position at other local and national Councils. This is shown in the benchmarking spreadsheet at **Appendix 8** in column C.

The recommendation is that we retain the current position on substitutes, this is very similar to that in other authorities and has been working well. Where the specific Committee requires training the substitute must also have had that training to be eligible to be a substitute.

b. Call-in – Who can call-in a decision

Proposals were put forward to change the persons who have the power to call-in a decision, to include at least three members who are not members of the Council.

Members questioned this number and had differing views about whether three was appropriate and practical. The Monitoring Officer explained that his professional opinion three was an appropriate and usual number. He agreed to provide information on the position at other local and national Councils. This is shown in the benchmarking spreadsheet at **Appendix 8** in column B.

The recommendation is that we retain the proposed number on call-ins and that if this proves to cause problems then a further report is brought back to vary that number or provide other checks and balances but that the presumption should be in favour of a wider call-in ability, as proposed in the suggested change.

c. Full Council Meeting Procedure Rules – Questions from members of the public

Minor updates were proposed in relation to questions from members of the public which were not in issue. Members did however raise questions about the process generally, including how arrangements would be communicated to members of the public. The Monitoring Officer explained that there was a protocol which can be updated and shared with members. This is attached as **Appendix 9**.

The recommendation is that we adopt this process from the next Council meeting (namely that in December).

d. Full Council Meeting Procedure Rules – Public questions

Members also enquired whether the definition of those persons entitled to raise questions at Council meetings could be expanded to include persons who own businesses in the City, or who invest in the City, but who are not residents. Members also asked to see the protocol of

The Monitoring Officer was of the view that it would be unusual to have such a wide definition and agreed to provide information on the position at other local and national Councils before the matter is discussed further. This information is shown in the benchmarking spreadsheet at **Appendix 8** in column E.

The recommendation is that we focus questions on members of the public who are residents, as the time allowed for questions is limited to 15 minutes under the constitution and to broaden the scope to more than just residents would potentially restrict the number of residents of the City able to ask questions.

e. Full Council Meeting Procedure Rules – Right of Reply

No changes were proposed in relation to the right of reply, but the Monitoring Officer was asked to consider the position at other Councils on this point for further consideration. Relevant information is attached at **Appendix 8** in column D. It was suggested that a having a right of reply on questions (as there are on motions, reports, and the Leader's report) could help bring good order to meetings.

The recommendation is that we retain the current position, as no other authority currently has the ability to challenge the answer to a question given by another councillor other than the process already in our rules of asking a supplementary question. Questions are intended to be restricted to questions and answers and introducing a further right of reply from the person posing the question would lead to a debate (with the Councillor giving the answer no doubt wishing to reply back to the right of reply).

f. Disclosure and Barring Service

Proposals were put forward to remove from the Code of Conduct for Members all reference to DBS and criminal records checks, and to replace it with a separate document. There was concern that the new document did not require an Enhanced check to be carried out on all members, as this was considered necessary in light of the work undertaken within the community. The Monitoring Officer explained that this

arrangement was in accordance with the law and guidance and he was asked by members to write to the Secretary of State to ask for the position to be changed. A briefing note for members which outlines the rules, as well as proposed letter, are attached as **Appendix 10**.

The recommendation is that we note the current legal position as set out in appendix 10 and therefore adopt the current proposed policy but at the same time ask the Cabinet Member to write the proposed letter on behalf of the Council seeking a change to the law.

g. Planning Committee decisions

Members were asked to consider a change to the functions delegated to Planning Committee, to remove the requirement for then to consider a Certificate of Lawfulness that relate to land in (or proposed to be in) the ownership of the Council. Instead, it is proposed that such decisions are considered instead by the Monitoring Officer in consultation with the Chair of the Planning Committee.

Members asked for information to help them understand the number of cases that would be dealt with under this new procedure, and the Head of City Planning Stephen has confirmed that he knows of only one such application over a period of many years that would fall within this category.

It was further asked that there be reporting through to Planning Committee on the numbers and broad locations of Lawful Development Certificates made, and the types of applications.

The recommendation is that we proceed with the proposed change and also ensure that regular reports are taken to the Planning Committee on issuing of Lawful Development Certificates.

3.3 Minor drafting recommendations were made by members (relating to terminology used) a which have been incorporated into **Appendix 7a**.

4.0 Financial implications

4.1 There are no direct financial implications arising from this report.

[CN/18102023/A]

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. As noted above, Part 2, Article 14 of the Constitution authorises the Monitoring Officer to make amendments which more accurately reflect legislative and other changes. The proposed changes ensures that the Council meets its duties.

[DP/27092023/A]

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.

7.0 All other Implications

- 7.1 There are no other implications arising from the recommendations in this report.

8.0 Appendices

- 8.1 The Appendices attached show the proposed amendments and/or the final proposed version of relevant parts of the revised Constitution.

Relating to original proposals at the meeting on 5 October 2023

- Appendix 1:** Scrutiny Board and Call-in (including new form)
- Appendix 2:** Electronic sealing and signing
- Appendix 3:** Health and Wellbeing Together Board Terms of Reference
Appendix 3a: Proposed amended version of Health and Wellbeing Together Board Terms of Reference
- Appendix 4:** Full Council meeting Procedure Rules
Appendix 4a: DRAFT informal protocol – member behaviour at meetings
- Appendix 5:** Individual Executive Decision Notices (IEDNs) and call-in
Appendix 5a: DRAFT guidance for members and officers - IEDNs

- Appendix 6:** Miscellaneous (Disclosure and Barring Service (DBS) for members, Councillors' Allowance Scheme, Planning Committee decisions.)
- Appendix 6a:** Councillor DBS policy
- Appendix 7:** Officer delegations
- Appendix 7a:** Part 3 delegations – proposed amended version

Relating to additional information in response to members' questions

- Appendix 8:** Spreadsheet showing relevant arrangements in other Councils
- Appendix 9:** Protocol for Full Council Meeting public questions
- Appendix 10:** Briefing Note – Councillor DBS checks

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Appendix 1**Scrutiny Board including Call-in (and new form)**

| Section | Proposed changes (Additional wording is shown <u>underlined</u> , deleted wording is shown in strikethrough) | Rationale |
|--|---|---|
| Article 7 – Overview and Scrutiny Arrangements – Diagram | Replace the diagram with the version at the end of this table below. | To ensure the group’s remit is fully covered, and to correct errors in the current version. |
| Article 7 – Overview and Scrutiny Arrangements - 7.4 Specific Responsibilities of Scrutiny Board | <p>Add the following parts underlined to the Board’s remit:</p> <p>“</p> <ul style="list-style-type: none"> • <u>Co-ordinate the Scrutiny Work Programme</u> • <u>Major infrastructure projects that crosscut Scrutiny Panels</u> • <u>West Midlands Combined Authority interface and the work of their Scrutiny Committee. Interface for the purposes of Scrutiny Board is defined, as including the relationship and interactions the Council has with the Combined Authority, particularly strategy and policy impacting on Wolverhampton.</u> <ul style="list-style-type: none"> ○ <u>MTFS</u> ○ <u>Overall performance</u> ○ <u>Our City, Our Plan, the council’s strategic framework for levelling up</u> ○ <u>Pre-Decision – If an item needs to come for pre-decision, which cannot go to the relevant Scrutiny Panel for logistical reasons such as timing or the agenda already being at capacity, then Scrutiny Board can instead consider the item. Some pre-decision items may always need to come to Scrutiny Board such as the MTFS.</u> ○ <u>Call In</u> ○ <u>Petitions</u> ○ <u>Wolverhampton Pound</u> ○ <u>Oversight of Select Committee Work – reporting on outcomes. Scrutiny Review Groups and Select Committees should clearly state in their terms of reference if</u> <p>”</p> | <p>To better reflect the group’s remit of co-ordinating the work of all Scrutiny Panels, having an overarching oversight and ensuring there is no duplication.</p> <p>To add major infrastructure projects that crosscut a number of Scrutiny Panels which helps to avoid duplication of work.</p> <p>Further explanation to provide further clarity.</p> |

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| | <u><i>they should report to the parent Scrutiny Panel or Scrutiny Board. To avoid duplication, it should not be both.</i></u> | |
| Article 7 | Add the following bullet point to the specific responsibilities of Economy and Growth Scrutiny panel: “ <ul style="list-style-type: none"> <i>To measure progress against the Strategic Economic Plan.</i>” | On the recommendation of Deputy Chief Executive |
| Article 7 – Overview and Scrutiny Arrangements - 7.10 Substitutes | Add the following: <i>“The leaders of the political groups may notify the Monitoring Officer <u>and the Clerk to the meeting</u> of substitutes of Councillors from their party, to attend Scrutiny Board/Scrutiny Panel/ Select Committee in place of members of their party where the relevant member is unable to attend.”</i> | To ensure that the clerk receives the notification in good time and can make arrangements for the meeting. |
| Article 7 – Overview and Scrutiny Arrangements - 7.8 Designation of Scrutiny Officer | The Electoral Services and Scrutiny Manager is designated as the Council’s Statutory Scrutiny Officer. | Updated to reflect change in line manager for the service |
| Part 4 – Overview and Scrutiny Procedure Rules - 7.1 Agenda items | To make the following amendments: <i>“Any scrutiny member is entitled to give notice to the <u>Scrutiny Team Head of Paid Service</u> that they wish an item relevant to the functions of the Panel to be included on the agenda for the next available meeting of the Board or Panel. <u>To be considered for inclusion on an agenda for a meeting of the Board or Panel</u> On receipt of such a request the Head of Paid Service will ensure that it is included on the next available agenda. <u>A discussion will then take place between the Lead Officer for the Panel or Board, the Scrutiny Officer and the Chair / Vice-Chair of the Panel or Board to determine if the request</u> </i> | Based on the Statutory Scrutiny Guidance on prioritisation because It is not always practical to consider every requested agenda item within the scrutiny work programme. This will also help to ensure agenda items are not duplicated across the panels and board. |

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| | <p><u>for an additional item is a priority for scrutiny and to give time to consider the value scrutiny can bring to the item. This would ideally take place at an informal preparation meeting. If agreement cannot be reached, it will go to the Scrutiny Panel/Board for decision. The Chair will have due regard for all the points raised in making the decision. Where it is not considered appropriate for the Board or Panel to deal with the item(s), at the next meeting, the Chair will give the reasons for this decision to the member requesting the item.”</u></p> | |
| Part 4 – Overview and Scrutiny Procedure Rules - 10. Councillors and employees giving account | <p>Insert at the end of paragraph 10. Councillors and employees giving account</p> <p><i>Cabinet Members should only attend Board/Panel meetings at the request of the Chair of the Scrutiny Board/Relevant Panel</i></p> | Cabinet Members should attend only at the request of the Chair of the Scrutiny Board/Relevant Panel – the Board/Panels have the ability to require the relevant Cabinet Member to attend, but they should not attend at other times unless requested to do so by the relevant Chair |
| Part 4 – Overview and Scrutiny Procedure Rules - 13.3 Call-in | <p>Currently the decision to call-in can be made by any of the following:</p> <ol style="list-style-type: none"> the Chair of the Scrutiny Board the Vice-Chair of the Scrutiny Board the Leader or Deputy Leader of the main opposition group <p>This should be changed to:</p> <ol style="list-style-type: none"> The Leader or Deputy Leader of the main opposition At least three members who are not members of the Cabinet. | For consistency of approach across the region - the majority of councils require at least 3 members to call-in a decision. |
| Part 4 – Overview and Scrutiny | To add a new section 13.4: | To assist members with preparing all of the necessary |

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| <p>Procedure Rules - 13.4 Call-in</p> | <p><u><i>“Every call-in request should be made on the relevant online form.”</i></u></p> <p>See proposed call in form at the end of this table.</p> | <p>information for call in, and to assist with preparation for the call-in meeting. The call in form will be available to access on the Councillor portal.</p> |
| <p>Whole Constitution</p> | <p>To make such other minor amendments which are incidental to the changes above.</p> | <p>Necessary for consistency and ease of reading.</p> |

Table 1.1 - Article 7 – Overview and Scrutiny Arrangements – Proposed replacement diagram

| Scrutiny Board | | | | | |
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| Strategic oversight <ul style="list-style-type: none"> • WMCA interface • MTFS (overall oversight on Revenue/Capital/Assets) • Overall performance (including Our City: Our Plan) • Levelling Up • Pre-Decision • Call in. • Petitions • Oversight of Select Committee work – reporting on outcomes. | | | | | |
| Scrutiny Panels | | | | | |
| Adults | Children and Young People | Economy and Growth | Climate Change, Housing and Communities | Resources and Equalities | Health |
| <ul style="list-style-type: none"> • Support the Health and Social Care system to respond to and recover from Covid-19 • Maximise independence for people with care and support needs • Work as a system to make sure that people get the right support at the right time | <ul style="list-style-type: none"> • Ensuring that children have the best start in life and good early development • Ensuring high quality education that closes the attainment gap • Ensuring that children and young people grow up | <ul style="list-style-type: none"> • Help create good quality local jobs • Working in partnership to support local people into work and better jobs • Ensuring flexible skills systems which support local businesses to grow and | <ul style="list-style-type: none"> • Work together to deliver more new homes • Ensuring safe and healthy homes for all • Ensuring access to a secure home • Ensuring clean, green neighbourhoods and public space | <ul style="list-style-type: none"> • Measuring Success • Our City Our Plan – Our Council Programme • Our Assets • Our Data • Our Digital • Our Money • Our People | <ul style="list-style-type: none"> • Keep residents safe by containing and reducing the spread of Covid-19 • Close the gap on healthy life expectancy • Help people live happier more active lives |

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| <ul style="list-style-type: none"> • % of older people (aged 65 and older) who were still at home 91 days after discharge from hospital into reablement/rehabilitation services • % of adults with learning disabilities in paid employment • % of social care users supported to remain in their own homes • % of adults who use services who say social care services help them to feel safe and secure • % of adults in receipt of long-term services who are in control of their own lives | <p>happy with good physical, social and mental health, and wellbeing</p> <ul style="list-style-type: none"> • Ensuring that every young person in the city is equipped for adulthood with life skills and ready for work • Ensuring that families are strengthened where children are vulnerable or at risk • % of Early Years and Childcare settings rated Good or Outstanding • % of take up of 2-year-olds benefitting from early education • % of schools in the city that are rated Good or Outstanding • Average Attainment 8 score per pupil • % gap in Attainment 8 score gap between advantaged and disadvantaged children • % of 16 and 17 year-olds with SEND in education, employment, or training | <p>residents to access good jobs</p> <ul style="list-style-type: none"> • Supporting local businesses to start up, scale up and thrive • Attracting new investment which brings social and economic benefit to all • Creating vibrant high streets with quality culture and leisure offers • Growing the low carbon and circular economy • Number of working age adults (16-64) claiming unemployment benefits • Number of young adults (18-24) claiming unemployment benefits • Level of 16 & 17 year old NEETS • Number of jobs created / safeguarded in the city through the Investment Team • % Local Authority spend on | <ul style="list-style-type: none"> • Well-connected businesses and residents • Number of new builds completed in the city • Net additional dwellings in the city • % of dwelling stock that is vacant in the city • Housing affordability ratio • Total crime recorded per 1000 population • % of planning application decisions made with 13 weeks or agreed timescales • Number of homeless families moved into secure housing • Energy efficiency of housing stock • % fly tipping incidents resolved in 5 working days • % of trees on public land serviced every two years | <ul style="list-style-type: none"> • Our City: Our Plan – PRIDE values • Wolverhampton Pound • Gender pay gap of council employees • Ethnicity pay gap of council employees • Customer Service call wait times • Sickness absence rates • Employee turnover rate • Spend with local businesses • Overall, how well informed do you think your council keeps residents about the services and benefits it provides? (LGA Resident Satisfaction Survey) | <ul style="list-style-type: none"> • Protect vulnerable people at risk of harm and exploitation • Inclusive, welcoming communities where people feel safe and look out for each other • Alcohol specific mortality per 100,000 • % of physically inactive adults (Public Health Outcomes Framework) • % of less active children (Active Lives Survey) • Suicide rate (all persons) per 100,000 • % of 40-74 year olds attending offered health checks • Number of individuals in treatment for alcohol (increase) • Number of successful completions of alcohol treatment (no |
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| | <ul style="list-style-type: none"> • % of care leavers in education, employment, or training • First time entrants into the Youth Justice System per 10,000 population • Rate of children open to social care per 10,000 population under 18 • % of repeat referrals into Childrens Social Care with 12 months • % of children and young people in care who have had 3 or more placements in the year • % of EHC plans issued within 20 weeks | <p>apprenticeship levy</p> <ul style="list-style-type: none"> • Number of apprentices and graduate placements within the council • Empty properties in the city centre • Business that survive one year in city • Businesses that survive five years in the city • % of premises in the city with full fibre coverage • Number of rapid charging electric car points in the city • Wolverhampton based businesses supported by the Council • New investment opportunities generated by the Council | <ul style="list-style-type: none"> • % of carriageways in city assessed as high quality • Number of people receiving specialist domestic abuse support in the community to prevent further harm • Number of domestic abuse cases referred to Multi Agency Risk Assessment Conference (MARAC) • WV Active membership numbers with breakdown by-long term health conditions, disabilities, low socioeconomic groups, minority ethnic groups • % Domestic Abuse related incidents and crimes | | <p>representation - increase)</p> <ul style="list-style-type: none"> • Number of alcohol detoxes (increase in referred, initiated, and completed) • Narrowing the gap in % of adult residents in the city who have received their Covid-19 vaccination • Number of 'free' activities for CYP in the city and uptake by-long term health conditions, disabilities, low socioeconomic groups, minority ethnic groups • Number of referrals to physical activity opportunities by a health professional |
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Table 1.2 - Article 7 – Overview and Scrutiny Arrangements – Proposed call-in form**City of Wolverhampton Council – Call-in Form**

Please submit this form to the Monitoring Officer and the Democratic Services Manager

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| Name | |
| Date of Decision | |
| Who took the Decision (i.e. Cabinet, Cabinet Resources Panel or Individual Member of the Cabinet) | |
| Decision you request to be Called-in | |
| Reasons for your Call-in request (Please state in as much detail as possible the reasons why you wish to Call-in the Decision) | |
| Date of Submission | |

Appendix 2**Electronic sealing and signing**

| Section | Proposed changes (Additional wording is shown <u>underlined</u> , deleted wording is shown in strikethrough) | Rationale |
|---|--|--|
| References to “sealing” | | |
| Article 13 - Finance, Contracts and Legal Matters | <p>To make the following amendments:</p> <p><i>“13.5 <u>Common Seal of the Council</u></i></p> <p><i>The <u>Common seal of the council (which includes its electronic equivalent)</u> will be kept in a safe place in the custody of the <u>monitoring officer</u>. a decision of the council, or of any properly constituted body of the council, will be sufficient authority for sealing any document necessary to give effect to the decision. the common seal will be affixed to those documents which in the opinion of the <u>monitoring officer</u> should be sealed. the affixing of the common seal will be attested by the <u>monitoring officer</u>, or some other person authorised by them.</i></p> <p><i>13.6 <u>Record of sealing of documents</u></i></p> <p><i>Any entry of the sealing of every deed or document to which the common seal has been affixed shall be made by the <u>monitoring officer</u> or some other person authorised by them and consecutively numbered in a book <u>or electronic register</u> to be provided for the purpose.”</i></p> | To make clear that references to sealing include sealing electronically. |
| Glossary | <p>To make the following amendments:</p> <p><i>“<u>Common seal</u></i></p> <p><i>The common seal is the council’s mark of authentication and is attached <u>by hand or electronic means</u> to documents which are decisions of the council or any properly constituted body of the council or to documents which in the opinion of the monitoring officer should be sealed or as required by the contract procedure rules. the common seal is kept in the safe custody of the monitoring officer.”</i></p> | As above. |
| References to “signatory/signatory/sign” | | |
| Overview and Scrutiny | <p>To make the following amendments:</p> <p><i>“22.3 <u>Issues excluded from referral as a CCfA.</u></i></p> | To correct an error in the |

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| Procedure Rules | <i>(vi) ccfa which do not follow these guidelines will be considered inadmissible, in which case <u>the councillor who referred the matter</u> will be informed in writing of the reasons why.”</i> | original wording. |
| Responsibility for Functions | To make the following amendments: <i>“Health and Wellbeing Together governance and reporting relationships: The primary focus of the executive group is to <u>approve</u> statutory documents <u>relating to health and wellbeing</u> and provide a strategic forum for the Council and health partners to drive health and social care integration.”</i> | To correct an error in the original wording. |
| Full Council Meetings Procedure Rules | No change to words but numbering needs correcting. | To correct an error in the original wording. |
| Overview and Scrutiny Procedure Rules | To make the following amendments: <i>“2. Who may serve on the Scrutiny Board and Scrutiny Panels. 2.2 It is a requirement of accepting a position as a Co-opted Member that those persons should <u>hand sign</u> and abide by the Councillors’ Code of Conduct.”</i> | To make clear this is one of the few times that hand signing is necessary. |
| As above | To make the following amendments: <i>“21. Arrangements for the appointment of parent governor representatives... g. <u>hand sign</u> and abide by the Councillor Code of Conduct.”</i> | As above. |
| Code of Conduct Councillors | To make the following amendments: <i>“Application of the Code of Conduct This Code of Conduct applies to you as soon as you <u>hand sign</u> your declaration of acceptance of the office of councillor.”</i> | As above. |
| Code of Conduct for Employees | To make the following amendments: <i>“7.4 Spouses, partners and close personal friends.</i> | To correct an error in the |

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| | <p><i>Employees who are in, or embark on, a close personal relationship within the same service or department must declare the relationship to their manager and may voluntarily sign the protocol at Appendix 1 to help ensure probity and appropriate behaviours. Dependent on the working arrangements, the nature of the post(s) held and an assessment of the potential risk to the organisation, the relevant Director or senior officer may require employees to sign the relationship protocol.”</i></p> | original wording. |
| Glossary | <p>To make the following amendments:</p> <p><u>“Signature (or any reference to signing) – The authorisation of a relevant officer which may be made by hand, or electronic means in a form approved by the Monitoring Officer.”</u></p> | Adding this widens the meaning of signature to include electronic signature. |
| Whole Constitution | <p>To make such other minor amendments which are incidental to the changes above.</p> | Necessary for consistency and ease of reading. |

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Appendix 3**Health & Wellbeing Together Board**

Changes to Part 3: Responsibility for Functions – Health & Wellbeing Together are necessary to reflect the changes to the health and care system brought about by the Health and Care Act 2022 and bring arrangements in line with Guidance on Health and Wellbeing Boards issued by the Department of Health & Social Care.

The individual changes proposed to are too numerous to show separately, but an overview of the main changes is outlined below. **Members are asked to consider the proposed final version of this amended Part which is shown at Appendix 4a.**

| Section | Proposed changes | Rationale |
|-------------------------------------|---|---|
| Part 3: Health & Wellbeing Together | To replace the “ <i>Health & Wellbeing Together will:...</i> ” section, with new “ <i>Working Principles</i> ”. | To include additional aims and intentions of the group. |
| Part 3: Health & Wellbeing Together | To replace the list of the group’s responsibilities. | To reword current responsibilities, for clarity. To add additional responsibilities such as in relation to collaborative working and having oversight of certain strategies. To reference the availability of a document outlining the role of individual group members including personal qualities and expectations of that member. |
| Part 3: Health & Wellbeing Together | To replace the section headed “ <i>Health and Wellbeing Together governance and Reporting relationships</i> ” with a new part, including a new diagram showing reporting lines. | To capture revised reporting lines. The accompanying wording is reduced to reflect the simplified arrangements. |

| | | |
|--|---|---|
| Part 3: Health & Wellbeing Together | To update the section headed "...membership". | To make minor changes in relation to Board make-up description. To change the list of Board Members. |
| Part 3: Health & Wellbeing Together | To update the sections headed "...decision-making". | To make minor changes about how to add items to the agenda. |
| Part 3: Scheme of Delegations to Officers – Additional Schedules | Adding the following Schedules: “ <ul style="list-style-type: none"> - <i>Schedule of Statutory and Proper Officer Roles and Functions.</i> - <i>Schedule of Licensing Delegations.</i> - <i>Schedule of Regulatory Delegations.</i> ” | To enable Officers to better identify delegations falling within particular categories, and to update, delete and clarify specific delegations. |
| Whole Constitution | To make such other minor amendments which are incidental to the changes above. | Necessary for consistency and ease of reading. |

Appendix 3a

Health & Wellbeing Together Board – proposed amended version

Health & Wellbeing Together

Terms of Reference: Health and Wellbeing Together Broad

Health and Wellbeing Together is the forum where key leaders from the health and care system come together to improve the health and wellbeing of the local community, work towards reducing health inequalities and support the development of improved and joined up health and social care services. It is the name given to the City of Wolverhampton Health and Wellbeing Board, a statutory Board established under the Health and Social Care Act 2012.

Our working principles:

- Provide strong local leadership based on evidence, focusing on those areas where the Board can make the biggest difference to health and well-being.
- Encourage integrated working, promoting an ethos of integration and partnership in the planning, commissioning, and delivery of services.
- Demonstrate transparent decision making so that local people can understand the decisions being taken and the rationale behind them.
- Involve local people in decision making by enabling residents to have their say through community engagement and co-production opportunities.
- Work in partnership to identify shared priorities and appropriately coordinate activity, informed by a commitment to a place-based approach to health.
- Take action to tackle health inequalities using a consistent approach across partners with a firm view that health inequalities are not inevitable.
- Act with courage and conviction seizing the opportunities presented by being part of the Black Country Integrated Care System to work in new and innovative ways in the long-term interests of the whole population of Wolverhampton.

Our responsibilities:

- Assess the health and wellbeing needs of the population and publish a joint strategic needs assessment (JSNA) utilising a shared approach at place to turning data into actionable intelligence.
- Publish a joint local health and wellbeing strategy (JLHWS), which sets out the priorities for improving the health and wellbeing of the local population and how identified needs in the JSNA and other needs assessments will be addressed, including reducing health inequalities.
- Promote the integration of health and social care services through the coordination of joint commissioning to meet local need in line with section 75 of the National Health Service Act 2006.
- Coordinate and lead action at place level working effectively with the OneWolverhampton place-based partnership, with OneWolverhampton acting as a delivery vehicle for driving forward shared priorities.

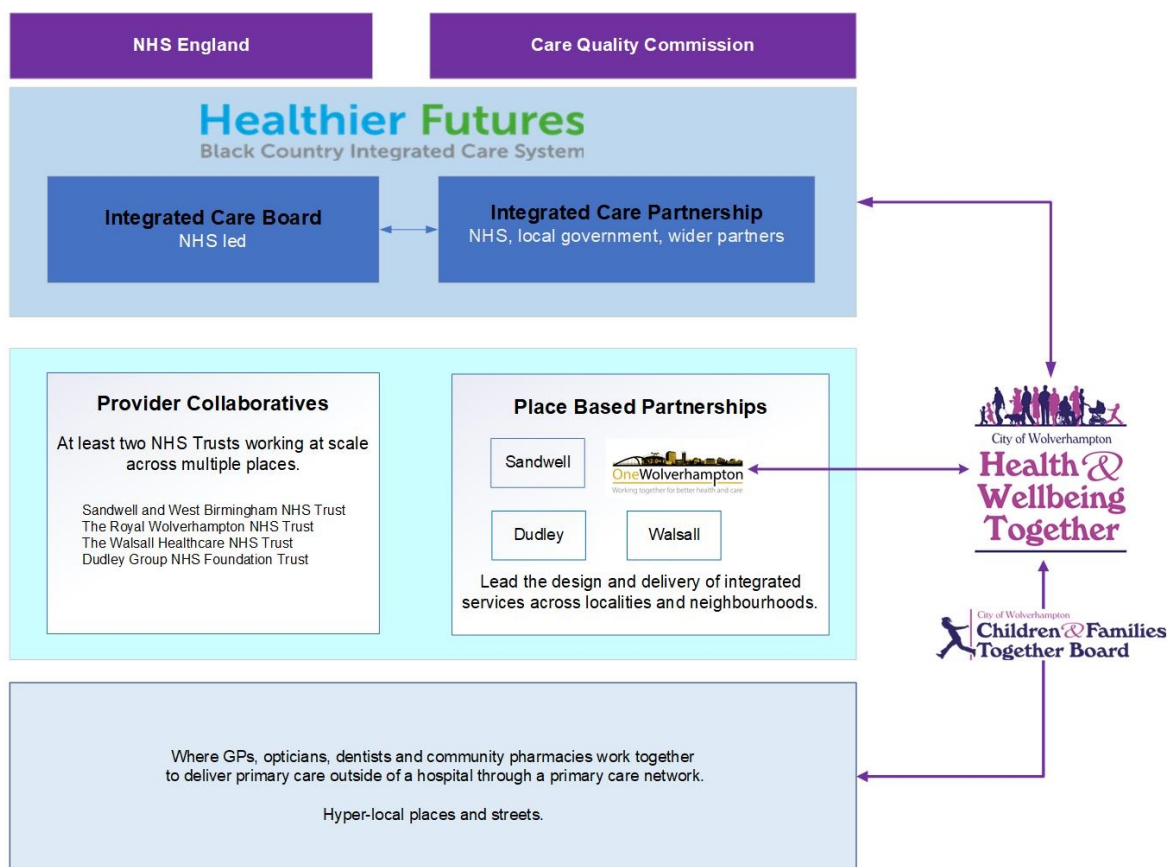
Appendix 3a

Health & Wellbeing Together Board – proposed amended version

- Work collaboratively and iteratively with the Integrated Care Partnership, including being an active participant in the development of the Black Country Integrated Care Strategy and taking this into account when preparing local health and wellbeing strategies.
- Receive and feedback on all relevant documentation from the Black Country Integrated Care Board, for example the rolling five-year joint forward plan and annual report, ensuring proper account is taken of Wolverhampton’s JLHWS.
- Receive the Black Country Integrated Care Board and partner NHS trusts joint capital resource use plan and any revisions for comment.
- Prepare a Pharmaceutical Needs Assessment (PNA) to ensure pharmaceutical services in Wolverhampton meet local needs.
- Ensure the work of Health and Wellbeing Together is aligned with policy developments and strategic aims locally, regionally and nationally, including the Black Country Integrated Care System.
- Have strategic oversight of the Public Mental Health Strategy and Suicide Prevention Strategy for Wolverhampton.

A Health and Wellbeing Together member role description is available upon request..

Health and Wellbeing Together governance and reporting relationships



Appendix 3a

Health & Wellbeing Together Board – proposed amended version

- The Black Country Integrated Care Systems is a statutory body comprised of an Integrated Care Board and an Integrated Care Partnership.
- OneWolverhampton is our local place-based partnership enabling partners to meaningfully collaborate between health care services to deliver improvements in health and care outcomes for citizens.
- The Children and Families Together Board is responsible for strategic planning of services for children and young people in the city. It reports into Health and Wellbeing Together on shared priorities and key performance indicators in relation to children, young people and families.
- Local people’s voices and lived experience should help inform priorities at every level.

In addition to the above, Health and Wellbeing Together is committed to working collaboratively with the Safer Wolverhampton Partnership and Wolverhampton Safeguarding Together, to remove duplication, ensure consistency of approach on cross cutting themes and achieve greater impact across the whole system.

Health and Wellbeing Together membership

In line with the Health and Social Care Act 2012 membership of the Health and Wellbeing Together Board will consist of:

- at least one councillor of the local authority
- the director of adult social services for the local authority,
- the director of children’s services for the local authority,
- the director of public health for the local authority,
- a representative of the Local Healthwatch organisation for the area of the local authority,
- a representative of each relevant clinical commissioning group (now replaced by the Integrated Care Board for place)
- such other persons, or representatives of such other persons, as the local authority thinks appropriate.

Health and Wellbeing Together is comprised of a Full Board and an Executive. Full Board meetings are structured to shift focus from service silos to system outcomes by adopting a thematic approach to addressing the priorities identified in the Local Joint Health and Wellbeing Strategy. Additional stakeholders may therefore be invited to attend specific meetings at the discretion of the Board.

The primary focus of the Executive group is to sign off statutory documents and provide a strategic forum for the Council and health partners to drive health and social care integration.

Members may allocate a named substitute to attend on their behalf by notifying the Chair of the Board and Democratic Services in advance of the meeting.

| Agency | Role |
|--------|------|
|--------|------|

Appendix 3a**Health & Wellbeing Together Board – proposed amended version**

| | |
|---|---|
| City of Wolverhampton Council | Leader of the Council+ |
| | Cabinet Member for Adults and Wellbeing+ |
| | Cabinet Member for Children, Young People and Education |
| | Opposition representative |
| | Executive Director of Families+ |
| | Director of Adult Services+ |
| | Director of Public Health+ |
| | Head of Communities, Public Health |
| Integrated Care Board | Wolverhampton Managing Director+ |
| OneWolverhampton | Partnership Director+ |
| Royal Wolverhampton NHS Trust | Chief Executive+ |
| Black Country Healthcare NHS Foundation Trust | Chief Executive+ |
| Wolverhampton Healthwatch | Designated representative |
| Wolverhampton University | Designated representative |
| West Midlands Police | Designated representative |
| West Midlands Fire Service | Designated representative |
| Wolverhampton VCSE Alliance | Designated representative |
| Wolverhampton Voluntary Community Action | Chief Executive |
| Wolverhampton Safeguarding Together | Chair |
| Better Homes Board | Deputy Director of City Housing |
| <i>Observer status</i> | Chair of Health Scrutiny |
| | Representative Local Pharmaceutical Committee |
| | Representative West Midlands Care Association |
| + Executive Group member | |

The Chair will be appointed by the City of Wolverhampton Council. The Vice-chair will be appointed by the Black Country Integrated Care Board.

Should neither Chair of Vice Chair be able to attend a meeting of Health and Wellbeing

Together, the Chair shall designate another statutory member of the Board as Chair for this meeting. Where this is not possible, a Chair shall be elected at the start of the meeting.

Health and Wellbeing Together voting and decision-making

Reports to Health and Wellbeing Together Board meetings should be prepared in a way that enables effective decision making. Decisions, recommendations, declarations of interest and reservations will be recorded in the minutes.

All meeting papers will be published on the Council website at least five clear working days before the meeting concerned.

Appendix 3a

Health & Wellbeing Together Board – proposed amended version

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

Decisions taken by Health and Wellbeing Together are generally done so by consensus. If a Board decision should require a vote, then all members may participate having one vote each; in the event of a tie then the Chair will have the casting vote. Observers do not have a vote.

No business will be conducted that is not on the agenda.

A thematic Forward Plan of activity will be reviewed at each full meeting of Health and Wellbeing Together to ensure agenda items are strategic and timely.

Health and Wellbeing Together frequency of meetings and quorum

A full meeting of Health and Wellbeing Together will take place four times a year. The Executive will meet approximately six weeks prior to each Full Board meeting.

Full meetings of Health and Together will be conducted in public unless confidential information is to be disclosed. There will be the opportunity for members of the public to ask questions in line with the protocol outlined in the guide to speaking at meetings.

Items that are of a confidential nature will be discussed within the Private section of the agenda (i.e., contains exempt information as defined in Schedule 12A to the Local Government Act 1972).

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

An annual informal focus day / session on specific issues of interest will take place and all members will be encouraged to attend.

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

The quorum for meetings will be a quarter of the membership, with at least one Elected Member and one external partner in attendance.

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Appendix 4**Full Council Meeting Procedure Rules**

The changes proposed in this table were discussed and requested by a special meeting of the Governance and Ethics Committee on March 2023.

| Section | Proposed changes (Additional wording is shown <u>underlined</u> , deleted wording is shown in strikethrough -) | Rationale |
|---|--|--|
| Full Council Meeting Procedure Rules | <p>To make the following changes:</p> <p><i>“1.0 Annual Meetings of the Council. The annual meeting will...</i></p> <p><i><u>o. be considerate of any informal protocol for member behaviour at meetings which may be in force from time to time</u></i></p> <p><i>3.0 Ordinary Meetings of the Council. Ordinary Meetings will...</i></p> <p><i><u>l. be considerate of any informal protocol for member behaviour at meetings which may be in force from time to time”</u></i></p> | <p>To make reference to a new informal protocol for member behaviour at council meeting (see Appendix 5a), which is intended to provide guidance and reassurance to members as well as setting out expectations on such matters as:</p> <ul style="list-style-type: none"> - Training on debate for key members. - Security at meetings. - Behaviours. - Motions. - Member-to-member engagement. - The need to give 48 hours’ notice of “substantive” amendments to motions/reports. |
| Full Council Meeting Procedure Rules – 5.0 Time and Place of Meetings | <p>The order of proceedings is currently:</p> <ol style="list-style-type: none"> 1. <i>Standard items</i> 2. <i>Minutes, Mayor’s Communications</i> 3. <i>Report of the Leader of the Council</i> 4. <i>Reports</i> 5. <i>Questions from members of the public</i> 6. <i>Questions from a Councillor</i> 7. <i>Motions</i> | <p>To ensure the public are not waiting too long to raise their questions.</p> |

| | | |
|--|--|---|
| | <p>8. Petitions</p> <p>It is proposed that questions from members of the public is moved to 4 and dealt with before reports.</p> | |
| <p>Full Council Meeting Procedure Rules – 5.0 Time and Place of Meetings</p> | <p>Add new <u>“5.4 Reports on which a decision is needed will be timetabled before other reports.”</u></p> | <p>It is necessary to prioritise reports to minimise the risk of decisions not being made in the event that a meeting overruns.</p> |
| <p>Full Council Meeting Procedure Rules – 8.0 Duration of Meetings</p> | <p>To make the following amendments:</p> <p><i>“8.1 Unless the majority of the Councillors present vote for the meeting to continue, any meeting that has lasted for 3.5 hours will adjourn immediately. A motion to continue the meeting shall be moved immediately before or immediately after the expiration of 3.5 hours and before the person presiding declares the meeting closed. <u>Only 1 extension should be permitted unless there are exceptional circumstances.</u>”</i></p> | <p>To cap the time spent in a single session.</p> |
| <p>Full Council Meeting Procedure Rules – 10.0 Report of the Leader of the Council</p> | <p>To add the following:</p> <p><i>“10.1 The Leader of the Council, or a Councillor nominated by them at each ordinary meeting of the Council, , shall, when there are matters to report on, make a statement on an issue or matter of significant importance to the City. The statement will last no more than 10 minutes.</i></p> <p><i>10.2 A Councillor from each of the other Groups represented on the Council will be entitled to respond to</i></p> | <p>To give the Leader the opportunity to provide advance notice of significant matters and to give more time for consideration prior to discussion.</p> |

| | | |
|--|--|--|
| | <p><i>the statement. The response will last no more than 5 minutes.</i></p> <p><u><i>10.3 The Leader shall be entitled to respond back to the relevant opposition leader and that response shall last no more than 2 minutes</i></u></p> <p><u><i>10.4 The subject matter of the Leader’s Report shall be published at least 24 hours before the meeting.”</i></u></p> | |
| <p>Full Council Meeting Procedure Rules – 11. Questions by Members of the Public</p> | <p>To add the following:</p> <p><i>“11.2 Any person who wishes to ask a question shall give written notice of the question to the Monitoring Officer by noon on the seventh working day prior to the meeting and shall attend the meeting to ask their question if they so choose. Each question must give the name and address of the questioner.”</i></p> | <p>To require the attendance of members of the public.</p> |
| <p>Full Council Meeting Procedure Rules – 11. Questions by Members of the Public</p> | <p>To add the following:</p> <p><i>“11.3 The Monitoring Officer has the power to reject questions for the following reasons:</i></p> <p>...</p> <p><u><i>h. if in their opinion the matter should be considered by a relevant Committee (in which case the question will be sent to that Committee and the questioner notified.”</i></u></p> | <p>To make clear the Monitoring Officer’s role in ensuring questions are dealt with by the most appropriate group.</p> |
| <p>Whole Constitution</p> | <p>To make such other minor amendments which are incidental to the changes above.</p> | <p>Necessary for consistency and ease of reading.</p> |

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Informal protocol – Conduct of members during meeting

Council meetings and committees are formal events, not social occasions. They have a clear purpose – to make decisions – and can be observed by members of the public and the press. Inappropriate or unprofessional behaviour by members, or perceived conflict between individuals or political parties, can damage the council’s reputation and all the good work it does.

Members are subject to the following relevant provisions of the Members' Code of Conduct whilst attending meetings and committees of the Council.

“1.1 I treat other councillors and members of the public with respect.”

“2.1 I do not bully any person”

“5.1 I do not bring my role or local authority into disrepute”

This informal protocol has been requested by and agreed between the political parties in 2023 and covers particular points they believe need addressing. It provides some practical guidance on how councillors engage with each other to help them observe the Code of Conduct.

1. General behaviour

- 1.1 Members should always conduct themselves in a business-like manner. They should not try and score points off fellow councillors and must never engage in personal attacks.
- 1.2 Members should not need to raise their voices in order to make their point. They should also refrain from interrupting others, making noises or gesticulating, as a way to show their disagreement with what is being said.
- 1.3 Where members of the public have taken the time and trouble to contribute to a meeting, members should be particularly respectful towards them.
- 1.4 In order to avoid disrupting a meeting the Chair will remind members that all electronic devices (such as mobile phones, laptops and ipads) must be switched to silent or vibrate during meetings, and if there are exempt agenda items that the use of social media is not permitted during those items.

2. Respecting the Chair (the Mayor)

- 2.1 The office of Chair is created by legislation, and the person in that role is in charge during council meetings. Chairs have a duty to ensure that council meetings run smoothly, that all business is properly understood and considered, and all councillors who wish to speak can do so. It is good practice for the Chair to refer to the Clerk for advice.

2.2 Where councillors, the clerk and Chair work together as a team they can combine knowledge and skills to deliver real benefits to the community they serve. Good working relationships, mutual respect and an understanding of their different roles are vital. Apparent conflict between these key roles, especially during meetings in front of the press or public, rarely goes unnoticed and is unprofessional.

3. Member contributions

3.1 Council meetings should be formal and dignified. Councillors wishing to speak should catch the Chair's eye or raise their hand.

3.2 The expectation of the public is that members will concentrate on the business in hand at meetings. It is therefore important that Members listen to debates and comments and are not distracted by other non-work-related activities, or by the task of accessing electronic papers. Members may be disrespecting others or considered to be bringing their office or authority into disrepute by their behaviour if they do not pay proper attention. This applies whether or not the meeting is being webcast.

3.3 During debate, members should ensure they:

- Are mindful of the number of motions on the agenda and the amount of time allocated to the meeting
- Ensure that their contributions are concise and to the point, and always make them via the Chair.
- Use closure motions when necessary.
- Only raise well thought out questions.

3.4 The expectation is that "Substantive" amendments to motions/reports are to be provided at least 48 hours in advance to each political party, and longer where advance time is needed to consider the potential impact of the proposed amendment eg in relation to an alternative budget. It is for the political parties to determine what they consider to be substantial, and they should keep this under review and raise any concerns with the Monitoring Officer. In any event the Mayor will have the discretion to allow amendments at shorter notice where the circumstances so require.

4.0 Ongoing improvement and monitoring

4.1 The Chair and Vice-Chair will undertake mandatory training in relation to rules of debate and application of the rules, to help support them in their pivotal role. Training and support to other members will also be available on request.

4.2 Arrangements for security at meetings will be kept under review.

4.3 The behaviour of members is to be a permanent agenda item for political group meetings and any ongoing issues must be reported to the Monitoring Officer.

4.4 As respect for fellow councillors extends beyond the duration of meetings, consideration will be given by the Monitoring Officer to keep cameras on after the webcast has ended, for the purpose of local recording.

- 4.5 The need for and content of this protocol will be kept under review by the Monitoring Officer.

September 2023

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Appendix 5

IEDNs and Call-In

At the request of a special meeting of the Governance & Ethics Committee on 23 March 2023, improvements to the Constitution in respect of its explanation of IEDNs was considered necessary. In addition, a new separate guidance document for officers has been prepared (**see draft for consideration at Appendix 6a**) which aims to:

- Bring all rules and information about IEDNs into one place
- Ensure the language used to describe this type of decision is made clearer and consistent, and which reflects that commonly used by officers and members.
- To embed terminology (which may potentially lead to more or less use of the traffic light system in place of the words “Individual Executive Decision Notice” in future. At present, no changes have been made to traffic light system references).

| Individual Executive Decision Notices (IEDNs) and Call-In | | |
|--|--|---|
| Section | Proposed changes (Additional wording is shown <u>underlined</u> , deleted wording is shown in strikethrough) | Rationale |
| Part 2 - Article 12 – Decision Making | To add the following paragraph as new 12.8: <i><u>“Decision making by individual Cabinet Members Individual Executive Decision Notices (IEDNs) are Executive decisions taken by nominated individual Cabinet members (or the Leader in certain cases), within their area of responsibility/portfolio, in consultation or together with relevant officers. Member and Democratic Services can provide Guidance to Members and Officers in relation to IEDNs, as well as a note setting out the process to be followed within Mod.gov.”</u></i> | To better explain IEDNs and signpost to useful documents. |
| Part 2 - Article 12 – Decision Making | Amend the “Decision tree for Council functions” to include within the relevant grey box <i><u>“Cabinet/Cabinet Member makes individual decision (IEDN)...”</u></i> | To better identify and describe IEDNs. |

| | | |
|--|--|------------------|
| <p>Part 3 – Responsibility for functions. 1. Executive Functions</p> | <p>To add:</p> <p><i>“The Leader of the Council may determine to exercise any of the “executive” functions of the Council personally, or may arrange for the exercise of any of the Council’s “executive” functions by:</i></p> <p>...</p> <p><i>b. another member of the Executive (this type of decision is called an Individual Executive Decision Notices (IEDN).”</i></p> | <p>As above.</p> |
| <p>Part 3 – Responsibility for Functions - Functions of Cabinet</p> | <p>To add within this section the following new paragraphs:</p> <p><i>“Cabinet Portfolios and Individual Member Decisions:</i></p> <p>...</p> <p><i><u>The Cabinet Member responsible for each portfolio will take decisions on behalf of the Council which are relevant to their portfolio and within the Council this type of decision is referred to as an Individual Executive Notice, or IEDN.</u></i></p> <p><i><u>Cabinet Members cannot make decisions on matters which...</u></i></p> <p>In addition:</p> <p><i><u>“In making a decision, a Cabinet Member must take into account professional, legal and financial implications, and any advice given by the senior officer. The Cabinet Member and relevant officers involved must also have regard to separate guidance in relation to IEDNs, as well a policy document setting out how IEDNs should be processed through Mod.gov. Both documents are available via Democratic Services can provide copies of both documents”.</u></i></p> | |

| | | |
|--|--|---|
| <p>Part 3 – Responsibility for Functions - Functions of Cabinet – Cabinet Portfolios</p> | <p>To make the following amendments: <i>“Decisions of the Cabinet and Cabinet Members are subject to Call-in arrangements except where urgent.”</i></p> | <p>To make clearer the types of decision that can be called in.</p> |
| <p>Call-In</p> | <p>To delete the current definition of Call-In and replace it with: <i>“Call-in” is a statutory right for Members of the Council to call in a decision made by Cabinet or any key decision made by an officer with delegated authority from the Cabinet.”</i></p> | <p>As above.</p> |
| <p>Overview and Scrutiny Procedure - 12. Scrutiny and Call-In</p> | <p>To replace the existing wording with the following: <i><u>“Members have a statutory right to call in a decision made by Cabinet or any key decision made by an officer with delegated authority from the Cabinet. It has two principal elements:”</u></i></p> | <p>As above</p> |
| <p>Whole document</p> | <p>To make numerous minor changes which reflect the new guidance including in relation to the language used to describe IEDNs and Call-In, and to introduce a diagram in relation to the former if that is considered helpful.</p> | <p>As above.</p> |
| <p>Whole Constitution</p> | <p>To make such other minor amendments which are incidental to the changes above.</p> | <p>Necessary for consistency and ease of reading.</p> |

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DRAFT guidance for members and officers – Individual Executive Decision Notices (IEDNs)

1. Purpose

1.1. This guidance has been adopted by the Council to help it achieve the following aims:

- To protect the financial and proprietary interest of the Council.
- To ensure that decisions are based upon thorough and accurate information and advice from appropriate officers.
- To ensure that decisions are made in accordance with the Council's agreed processes and standards.

2. Scope

2.1. This guidance does not purport to be a complete guide to decision-making under Executive Arrangements and members and officers will also need to be aware of and be guided by the relevant provisions set out in:

- The Constitution – Part 3 – Responsibility for Functions
- Part 2 – Article 12 – Decision-making
- The Code of Conduct for Councillors
- The Code of Conduct for Employees
- Protocol for Councillor/Employee relations

3. Executive (Cabinet) decisions

3.1. The Council has adopted executive arrangements described in the Constitution¹.

3.2. The effect of these arrangements is that Members of the Executive (Cabinet) can set policy priorities and strategies to reflect local interest and needs, and they are responsible for allocating funding between priority areas. Directors and their staff implement these strategies and policies by delivering services and major initiatives within the Council's policy and budgetary framework.

3.3. The Leader may decide to exercise any of the "executive" functions of the Council in a number of ways, including by authorising individual Executive Members to make decisions within their areas of responsibility as set out in the Member's Portfolio². **Within the Council, this type of decision is referred to as an Individual Executive Notice or IEDN.**

3.4. Until the Leader has determined that such authority should be given to individual Executive Members, the position remains that those individuals cannot take executive decisions.

3.5. An Executive Member must not make decisions on a matter in exercise of their executive function where they have an interest in the matter as defined in the Code of Conduct for Councillors.

¹ Constitution, Part 3 – Responsibility for Functions, 1. Executive Functions

² Constitution, Part 3 – Functions of Cabinet, Cabinet Portfolios

4. What type of decision cannot be an IEDN

4.1. The Cabinet Member responsible for each portfolio will take decisions on behalf of the Council relevant to their portfolio other than those matters which:

- By law or the Council's Constitution require approval by full Council or full Cabinet (or their Committees or sub-Committees).
- Where appropriate, should be determined by the Council due to its significance or importance following consultation with the Leader.
- The Executive Member responsible for the relevant portfolio believes the matter should be considered by Cabinet because of its significant importance.
- Are reserved to Scrutiny, Planning, Licensing, Governance and Ethics Committee or to the Cabinet.
- Are delegated to other Council Committees or to Employees.
- Are significant in financial terms as specified in the Financial Procedure Rules.
- Are Key Decisions.
- Are decisions which have an impact on any other Cabinet portfolio or portfolios and should be taken by Cabinet collectively or by the relevant Cabinet Members jointly.

5. Where an IEDN may be appropriate

5.1. Subject to the exclusions noted above, a Director may request a decision from an individual Executive Member where there:

- Are significant new policy issues or changes.
- Is significant public interest.
- Is significant member interest.
- Is public interest.
- Is member interest.

6. How long does and IEDN remain valid

6.1. Officers who are acting on an IEDN, or Directors considering whether to seek a fresh decision, must be mindful of:

- the length of time that has passed since the original decision was made. On occasion, the passing of a significant amount of time may itself be reason to seek a fresh decision.
- Whether the facts on which the original decision were based, have altered.
- Whether there is additional relevant information which would be provided if a fresh decision were being requested.
- Whether the political or national policy position remains the same.
- What impact the Council's recent financial position, or change in priorities, might have on the original decision.
- If any changes of the type noted above were anticipated and specifically addressed within the decision paperwork.

6.2. The validity of an IEDN can only be determined on the facts of each case and consideration of the decision papers. The Monitoring Officer (monitoring.officer@wolverhampton.gov.uk) should be approached for advice if officers or members are in any doubt.

7. Process for decision-making for IEDNs

7.1. A request for an IEDN may be prepared by a Director on his or her own initiative or at the request of an Executive Member. The process for IEDNs shall be as follows:

- The Executive Member shall make his or her decision at a meeting with the Director. Before doing so an Executive Member must take into account professional, legal and financial implications.
- If the relevant Executive Member is unavailable the Leader can make a decision in their place.
- The law requires the Executive Member to then instruct the relevant officer to produce a written statement of the executive decision. This must be created within Mod.gov.
- Detailed instructions on how to do this can be found in the Modern.Gov IEDN User Guide (September 2022) which is available from Democratic Services.
- Mod.gov will create a template report, which must set out the following:
 - o The Executive Portfolio within which the issues fall.
 - o The issue to be decided.
 - o A record of any conflict of interest declared by any Executive Member who is consulted about the decision (and in a case where there is conflict, a record of any dispensations given).
 - o Supporting information – a summary of the facts relating to the matter under consideration. This section of the report should indicate whether or not the recommended decision is in accordance with the relevant policy framework of the Council.
 - o The comments of representatives of Legal and Finance should be included, together with an impact assessment.
 - o Alternative options considered, if any.
 - o The Director's recommendations (if any) and the reasons for that recommendations.
 - o Any consultations undertaken, the method of consultation, and a summary of responses received.
 - o If the report contains confidential or exempt information.
 - o A list of background papers considered by the decision-maker. Record of the reasons for the decision.
 - o The date on which the decision was made
 - o The date on which the decision will be implemented.
- The report will then be submitted as per the User Guide.

September 2023

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Appendix 6**Miscellaneous (Disclosure and Barring Service for members, Councillors' Allowance Scheme, Planning Committee decisions.)**

| DBS | | |
|--|---|---|
| (Additional wording is shown <u>underlined</u> , deleted wording is shown in strikethrough .) | | |
| Code of Conduct for Councillors – 11.0 Disclosure and Barring Service (DBS) Checks | To remove all information in paragraphs 11.1-11.5 relating to the Disclosure and barring Scheme including the Council's approach and members' responsibilities. To add instead " <u>11.1 Councillors must comply with the Councillor Disclosure and Barring Service (DBS) policy</u> ". | To remove detailed DBS information from the Code of Conduct and put that information instead into a more detailed separate document (attached as Appendix 6a). DBS information does not need to be part of the Code of Conduct for Councillors. |
| Code of Conduct for Councillors – 11.0 | Introduce a new section 11 (in place of DBS information noted in the row above): <u>"11. Other standards You should also be aware of the behaviours expected and described in any informal behaviour protocol, which may be in force from time to time and agreed between the political groups. Such protocols are not part of this Code of Conduct but provide practical guidance on how councillors conduct themselves and engage with each other, in order to help them observe their Code of Conduct obligations."</u> | At the request of a special meeting of the Governance & Ethics Committee on 23 March 2023, a new protocol will be agreed (draft attached as Appendix 6b) by the Governance & Ethics Committee which provides support to members in relation to specific behaviours required at meetings. The need for a protocol and its content will be kept under review. |
| Councillors' Allowance Scheme | | |

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| Part 6 – Councillors’ Allowance Scheme | To update the Scheme to reflect recent annual increase due in line with the review mechanism in the existing Allowance Scheme providing for annual increases in line with officer pay | To ensure the Constitution remains up to date. |
| Part 6 – Councillors’ Allowance Scheme | <p>To update the Scheme to reflect recent annual increase in line with the review mechanism in the existing Allowance Scheme providing for annual increases in line with officer pay:</p> <p>a. Special Responsibility Allowances</p> <p>Leader 28,634.00</p> <p>Deputy Leader of Council 21,210.00</p> <p>Opposition Leader 12,726.00</p> <p>Dep Opp Leader 5,833.00</p> <p>Cabinet Member 15,908.00</p> <p>Chair Scrutiny Board 10,605.00</p> <p>Chair Scrutiny Panel 9,014.00</p> <p>Chair Planning 11,666.00</p> <p>Chair Licensing 13,256.00</p> <p>Chair - Pensions Committee 10,605.00</p> <p>Chair - Audit Committee 10,605.00</p> <p>Chair - Governance and Ethics Committee 10,605.00</p> <p>Vice Chair - Planning Committee 5,303.00</p> <p>Vice Chair - Licensing Committee 5,303.00</p> <p>Vice Chair - Pension Committee 2,651.00</p> <p>Vice Chair - Licensing Committee 4,475.00</p> <p>Vice Chair-Pensions Committee 4,475.00</p> <p>Vice Chair Audit Committee 2,651.00</p> <p>Vice Chair - Governance and Ethics Committee 2,651.00</p> <p>Vice Chair - Scrutiny Board 4,242.00</p> <p>Ceremonial Mayor 21,210.00</p> <p>Ceremonial Deputy Mayor 5,303.00</p> | To ensure the Constitution remains up to date. |
| Planning Committee decisions | | |
| (Additional wording is shown <u>underlined</u> , deleted wording is shown in strikethrough -) | | |
| Responsibility for Functions – Part 3 – Responsibility | To add the following: <i><u>“The Planning Committee will have responsibility for the following delegated</u></i> | To remove the requirement for Planning Committee to consider Certificate of |

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|---|---|---|
| <p>for Functions - 1. Functions Delegated to the Planning Committee</p> | <p><i>functions except where specific functions have been delegated to an employee:</i></p> <p>a. <i>To exercise the functions of the Council as Local Planning Authority for the purposes of the control of development including the determination of applications for planning permission and other applications (<u>excluding applications for a Certificate of Lawfulness*</u>) under the Town & Country planning Acts...</i></p> <p>* Decisions in relation to Certificates of Lawfulness that relate to land in (or proposed to be in) the ownership of the Council shall be reserved to the Council’s Monitoring Officer in consultation with the Chair of the Planning Committee</p> | <p>Lawfulness Planning Applications.</p> |
| <p>Whole Constitution</p> | <p>To make such other minor amendments which are incidental to the changes above.</p> | <p>Necessary for consistency and ease of reading.</p> |

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Councillor Disclosure and Barring Service (DBS) Policy

June 2023

Created: June 2023
Revised: TBC

1.0. Policy Statement

- 1.1** This policy covers the City of Wolverhampton Council's practice on Disclosure and Barring Service (DBS) checks for elected members.
- 1.2** The Council is responsible for ensuring that vulnerable adults and children are provided with a quality service in a safe environment. In order to ensure that the Council meets its obligations, DBS checks are made on all councillors undertaking regulated activities.
- 1.3** The Council takes seriously its responsibilities in safeguarding the welfare of children and vulnerable adults. We will ensure that all those who are appointed by the Council or its contractors, have the necessary and appropriate checks.
- 1.4** Elected Members are advised to familiarise themselves with the policy to ensure that they are aware of the expected standards relating to DBS checks.

2.0. Scope

- 2.1** This policy and procedure applies to all elected members of the council. It is designed to ensure prompt, reasonable and consistent treatment for all elected members.

3.0. Principles

- 3.1** The Council uses the DBS to obtain information about elected members to assess their suitability for being an elected member of the Council. The Council complies fully with the DBS Code of Practice and does not discriminate unfairly against any individual on the basis of a conviction, or any other information revealed as a result of a DBS disclosure.
- 3.2** The Council uses the DBS checking service to help to assess the suitability of elected members for positions of trust, the Council complies fully with the DBS Code of Practice. It also complies fully with its obligations under the General Data Protection Regulation (GDPR), Data Protection Act 2018 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information and has a written policy on these matters, which is available to those wishing to see it on request.

4.0 Disclosure and Barring Service

4.1. The DBS was established to provide a standardised delivery of information on criminal records and provides a carefully regulated service which enables organisations to gain access to important criminal and other information for selection purposes. This information helps organisations to identify elected members who may be unsuitable for certain kinds of work, thus providing protection for children and vulnerable people.

5.0 DBS Overseas

5.1 The DBS cannot access criminal records held overseas; therefore, a DBS check may not provide a complete overview of an elected members criminal record if they have lived outside of the UK for any period of time.

6.0 Handling of DBS Certificate Information

6.1 In accordance with section 124 of the Police Act 1997, certificate information is only passed to those who are authorised to receive it in the course of their duties. The Council maintains a record of all those to whom certificates, or certificate information has been revealed, and it is a criminal offence to pass this information to anyone who is not entitled to receive it.

7.0 Usage

7.1 Certificate information will only be used for the specific purpose for which it was requested and for which the elected members full consent has been given.

8.0 Retention

8.1 Certificate information is not kept for any longer than is necessary. This retention will allow for the consideration and resolution of any disputes or complaints or be for the purpose of completing safeguarding audits. Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail in line with GDPR.

9.0 Disposal

9.1 Once the retention period has elapsed, any DBS certificate information will be immediately destroyed by secure means, for example by shredding, pulping or burning. While awaiting destruction, certificate information will not be kept in any insecure receptacle (e.g., waste bin or confidential waste sack).

9.2 No photocopy or other image of the certificate or any copy or representation of the contents of a certificate will be kept. However, notwithstanding the above, we may keep a record of the date of issue of a certificate, the name of the subject, the type of certificate requested, the position for which the

certificate was requested, the unique reference number of the certificates.

10.0 Duration of DBS check validity

10.1 The Council policy for those listed below applies, and a valid DBS must be in place.

| Role | Standard DBS | Enhanced DBS |
|---|--------------|--------------|
| Leader | N/A | Yes |
| Deputy Leader | N/A | Yes |
| Cabinet Member for Children, Young People & Education | N/A | Yes |
| Cabinet Member for Jobs and Skills | Yes | N/A |
| Cabinet Member for Adults and Wellbeing | N/A | Yes |
| Cabinet Member for Governance and Equalities | Yes | N/A |
| Cabinet Member for Climate Change and Highways | Yes | N/A |
| Cabinet Member for City Housing | Yes | N/A |
| Cabinet Member for Visitor City | Yes | N/A |
| Cabinet Member for Digital & Resources | Yes | N/A |
| Opposition Leader | Yes | N/A |
| Deputy Opposition Leader | Yes | N/A |
| Mayor | N/A | Yes |
| Deputy Mayor | N/A | Yes |
| Chair of Children and Young People Scrutiny Panel | N/A | Yes |
| Members of Corporate Parenting Board | N/A | Yes |
| All other elected members | Yes | N/A |

10.2 Where an elected member has a DBS standard or enhanced in date already the Council will not seek to do a new check – if the DBS is from a credible organisation (School or place of work etc.). Proof will need to be shared with the team to validate this.

11.0 Non-Compliance of DBS Renewal

11.1 For elected members DBS renewal check to take place **every three years**. The check needs to be completed well before the expiry date of the current DBS.

11.2 An elected members whose DBS check has lapsed will be reported to the Monitoring Officer for non-compliance.

12.0 Legal Framework

- Rehabilitation of Offenders Act 1974
- Childcare Act 2006
- General Data Protection Regulation (GDPR), Data Protection Act 2018
- Revised Code of Practice for DBS Registered Persons

13.0 Role of the Elected Member

- To provide a prompt and timely response to requests for a new, renewals or evidence of a current of DBS.
- To be able to produce documentation when requested by Councillor Support.

14.0 Roles and responsibilities of Civic Support Manager and Councillor Support

- To ensure all elected members comply with new and renewal DBS checks and will flag will non-compliance to the Monitoring Officer
- Maintain a log to review and keep track of renewal dates.

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Appendix 7**Officer delegations**

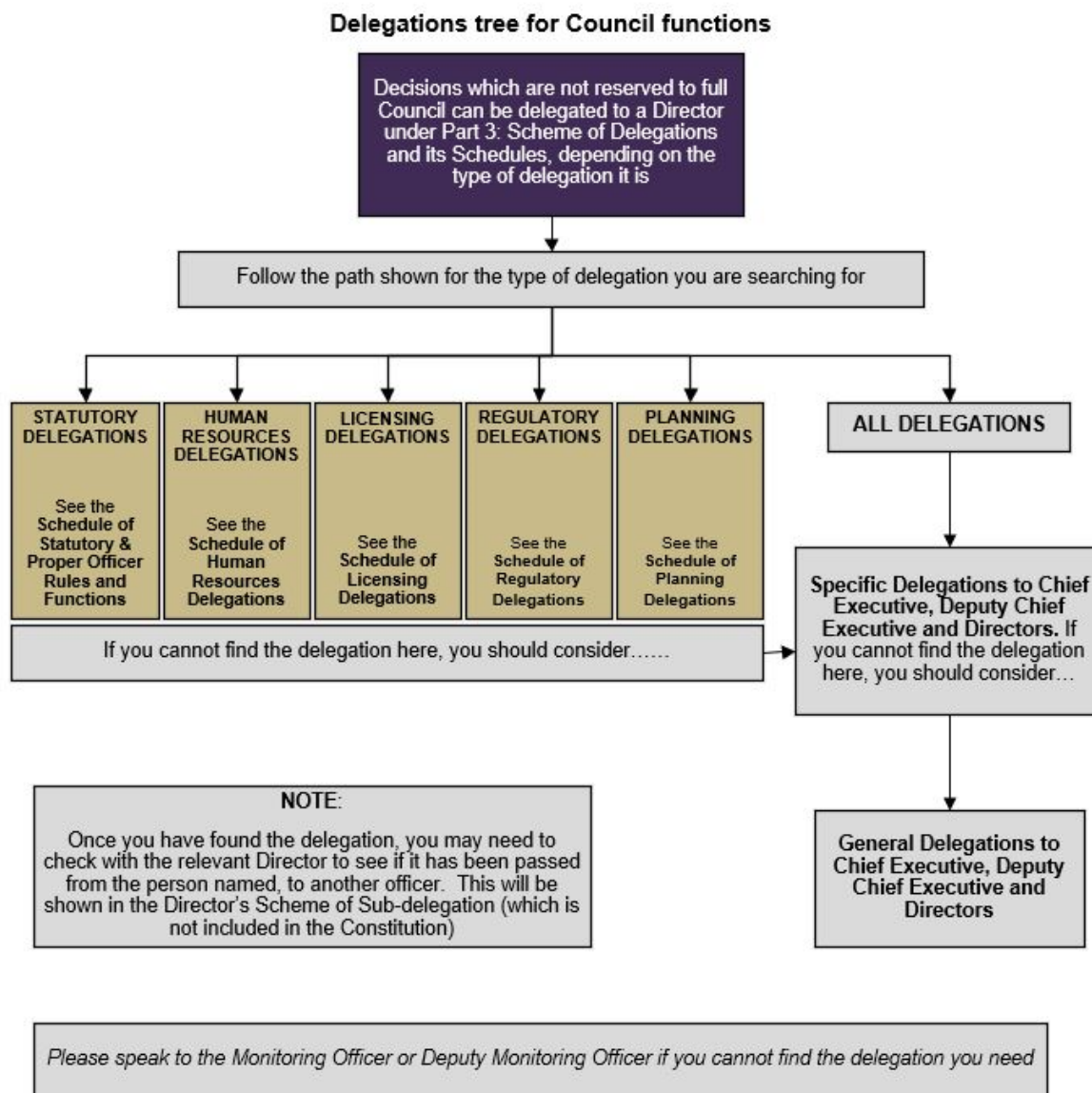
The individual changes proposed to Part 3: Officer Delegations are too numerous to show separately, but an overview of the main changes and reasons for them are outlined below. **Members are asked to consider the proposed final version of this amended Part which is shown at Appendix 2a.**

| Section | Proposed changes | Rationale |
|---|---|--|
| Part 3: Scheme of Delegations to Officers | Add a new diagram. | To provide an overview of the decision-making process. |
| Part 3: Scheme of Delegations to Officers – A. Delegations to Employees | Deleting current wording and adding an Introduction and Principles. | To aid understanding of the rules which underpin specific delegations. |
| Part 3: Scheme of Delegations to Officers – B. Delegations to employees | Deleting current wording and adding expanded delegations list. | To capture in one place delegations that apply to all, to avoid repetition. |
| Part 3: Scheme of Delegations to Officers – C. to J. Delegations to Chief Executive, Deputy Chief Executive and each Director. | Individual delegations tables are amended to: <ul style="list-style-type: none"> - Include more detail about each senior officer's area of responsibility. - Better describe what matters can or cannot be delegated. - Update, delete or amalgamate references to delegated matters. - Ensure delegations reflect current practice. - Update or delete references to legislation where it is considered not necessary to include. - Make update any limits or restrictions on delegations. | To ensure accuracy and clarity so that decisions are less likely to be challenged, and to better guide Members and Officers in relation to decision-making responsibilities. |

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| Part 3: Scheme of Delegations to Officers – Schedule of Human Resources Delegations. | Updating the Schedule of Human Resources Delegations: <ul style="list-style-type: none"> - in relation to matters covered. - to add in rules relating to Special Severance Payments. | To ensure accuracy and clarity, and to reflect the requirements of Statutory Guidance on the Making and Disclosure of Special Severance Payments by Local Authorities in England (published May 2022). |
| Part 3: Scheme of Delegations to Officers – Additional Schedules | Adding the following Schedules: <ul style="list-style-type: none"> - Schedule of Statutory and Proper Officer Roles and Functions. - Schedule of Licensing Delegations. - Schedule of Regulatory Delegations. | To enable Officers to better identify delegations falling within particular categories, and to update, delete and clarify specific delegations. |
| Whole Constitution | To make such other minor amendments which are incidental to the changes above. | Necessary for consistency and ease of reading. |

Appendix 7a

Part 3 Officer delegations - Proposed amended version



Introduction

1. All officers must, in the exercise of their delegated powers and in compliance with anything in this Part, act within the law and comply with the Council's rules and policies.
2. Where any statutory provision is described, referred to, or implied, in this Part it shall be deemed to include any legislative replacements or amendments, as well as any orders, directions, regulations, codes of practice, byelaws or government guidance currently in force.

3. Where a Director is referred to it shall be deemed to include any type of Council Director.
4. Delegations are to be construed in a broad and inclusive fashion and include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions.
5. This Part comprises the following which should be read together:
 - 5.1 Principles
 - 5.2 General Delegations to Chief Executive, Deputy Chief Executive and Directors
 - 5.3 Specific Delegations to Chief Executive, Deputy Chief Executive and Directors
 - 5.4 Schedule of Statutory and Proper Officer Roles and Functions
 - 5.5 Schedule of Human Resources Delegations
 - 5.6 Schedule of Regulatory Licensing Delegations
 - 5.7 Schedule of Other Regulatory Delegations
 - 5.8 Schedule of Planning Delegations

Principles

6. All matters which have not been reserved to Council, the Cabinet, Committees or Panels as described elsewhere within this Constitution, may be delegated to officers. The following functions are not delegated to any officer:
 - 6.1 Any matters which the Council or an elected Councillor body to which functions have been delegated has resolved shall be determined by itself.
 - 6.2 Any function which by law may not be delegated to an officer.
 - 6.3 Any matter which the relevant officer considers inappropriate to be dealt with under delegated powers.
 - 6.4 Any matter which constitutes a Key Decision under the Constitution.
7. All delegations must be exercised in accordance with this Constitution, Schemes of Sub-delegation, policies, procedures, plans, any statute or secondary law from which they derive (whether referred to or implied), Codes of Practice and similar which are adopted from time to time by the Council, as well as any specified limitations or restrictions.
8. Delegations made under this Part may be added to, amended or revoked by the Council body that has responsibility for the function that is the subject of the additional delegation, amendment or revocation.
9. Where an officer has delegated powers, the Council or relevant Committee can still exercise that power in a particular case if it considers it appropriate to do so. Equally it is always open to an Officer not to exercise delegated powers but to refer the matter up as appropriate.
10. Schemes of Sub-delegation for officers are to be prepared and maintained by the Chief Executive, their Deputy and each Director in consultation with relevant

Committees as required. Each Scheme will show the person to whom matters have been delegated and any relevant operational and financial restrictions.

11. An officer who has delegated powers may, subject to the Scheme of Sub-delegation, authorise another employee to exercise those powers on their behalf but will remain responsible for any action and decision taken.
12. Where an employee with delegated authority deems it appropriate on any matter, a report can be presented to the appropriate decision-making body.
13. Officers who are entitled to exercise delegated powers according to this Part or a Scheme of Sub-delegation should always refer a complex or sensitive matter for a decision by Cabinet, a committee of Cabinet, Individual Decision by the relevant Cabinet member, or the relevant Committee. Complex and sensitive matters are those which in the opinion of the officer:
 - 13.1 raise significant financial or legal risk;
 - 13.2 are of a significant political nature;
 - 13.3 affect the Council's reputation; or
 - 13.4 constitute a change to explicit policies.
14. In the event that an officer is unclear about what constitutes a complex or sensitive matter, whether a function has been properly delegated, or anything within this Part, advice should be sought from the Monitoring Officer or their Deputy.
15. Directors may arrange for work which falls within their responsibility to be carried out by people who are not officers of the authority and may authorise them to take delegated decisions. All such authorisations must be recorded in the relevant Scheme of Sub-delegation. This power does not permit the relevant Director to delegate power to make a decision to another authority or body.
16. Where any new power or duty is given to the Council through legislation, the exercise of that power or duty will automatically be undertaken by the relevant officer with responsibility for that area of business save that the Chief Executive may make such changes as are necessary with such changes being reported to the next full Council meeting for approval.
17. In the event that a Director, or another officer specified in this Part or in a Scheme of Sub-delegation, ceases to exist or their responsibilities are transferred to another officer (temporarily or permanently), their powers shall be exercisable by the officer whose area of responsibility includes such powers.
18. In the event of any designated officer being unable to fulfil their duties as Proper Officer as identified in the Schedule of Statutory and Proper Officer Roles and Functions, their Deputy is authorised to undertake such duties instead. A Proper Officer may also at any time delegate or authorise other officers to perform the designated duties on their behalf.

19. In the absence of the Chief Executive their functions delivered in the capacity of Head of Paid Service may be exercised by the Deputy Chief Executive if available, and if not available, by any other Director.

General Delegations to Chief Executive, Deputy Chief Executive and Directors

20. The Chief Executive, their Deputy and each Director shall be responsible for the efficient and effective management of matters falling within their own service area (subject to the limitations above and as shown in the tables below), which includes (where applicable) the power:

| | Function | Limits or restrictions on delegation |
|----------------|--|--------------------------------------|
| General | | |
| 20.1 | To produce, amend, review & delete all plans, policies, procedures strategies and other similar documents except those that form part of the policy framework. | |
| 20.2 | To do anything necessary, incidental or ancillary to or in consequence of the exercise of their functions and for the carrying into effect of any decision of the Council, Cabinet, Council member or Committee. | |
| 20.3 | To ensure appropriate strategic and operational policies consistent with the Council's Health and Safety policy document are adopted and followed for their service area, and to comply with their individual responsibilities. | |
| 20.4 | To be responsible for, and take any action necessary for their service area in connection with the Council's functions relating to: <ul style="list-style-type: none"> (a) customer relations; (b) statutory social care complaints; public health complaints; (d) complaints other than those in (b) & (c). | Subject to Specific Delegations. |
| 20.5 | To provide services to other local authorities and organisations. | |

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| 20.6 | To respond to consultations from Government departments and other public bodies. | |
| 20.7 | To take necessary action to implement decisions taken by Committees of the Council. | <p>Subject to: Keeping Members properly informed of action.</p> <p>liaising with the relevant Chair and Vice-Chair when the matter falls within the remit of that Committee.</p> <p>Consulting an appropriate Director or head of service where there are significant financial, legal, property or HR implications.</p> <p>Inform Ward Councillors when delegated powers affect their area and when the matter is likely to be politically sensitive or contentious unless legal reasons prevent this.</p> |
| 20.8 | To identify and manage strategic and operational risks associated with their service area. | |
| 20.9 | To take urgent action in respect of matters otherwise reserved to the Council or some other Council body, where that is necessary in the interests of the Council. | Only where it is impracticable to obtain authorisation from the relevant Council body with responsibility for the function, and subject to the action being reported (for information) to the next convenient meeting of that body. |
| 20.10 | To ensure officers within their service area consider and address the financial, personnel and legal implications when making operational decisions and when proposing new policy developments. | |
| Finance, Procurement and Contracts | | |
| 20.11 | To ensure compliance with the Council's rules and to report to the Section 151 Officer when they become aware of a failure to comply with the rules. | Financial Procedure Rules. |

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| 20.12 | To incur, vary, and withdraw expenditure, and deal with the administration of payments, fees, charges, penalties, allowances and grants. | Contract Procedure Rules. Financial Procedure Rules. Agreed budgets. |
| 20.13 | To make ex-gratia payments up to £500. | In consultation with the Director of Finance. |
| 20.14 | To set and vary as necessary: (a) fees and charges for the delivery of services or for the issue of any licence, registration, permit, consent, or approval. (b) costs in relation to Council Tax and National Non-domestic Rates Liability Orders, and other court action. | In consultation, where appropriate, with the relevant Cabinet Portfolio Member. Financial Procedure Rules. Agreed budgets. |
| 20.15 | To procure and sign contracts for works, goods and services, including to invite, open and accept tenders. | Contract Procedure Rules. Financial Procedure Rules. |
| Human Resources | | |
| 20.16 | To deal with employment matters. | Schedule of Human Resources Delegations. |
| 20.17 | To designate employees under their management as “authorised officers” for the purposes of carrying out any of the Council’s functions relevant to that employee. | Schedule of Human Resources Delegations. Schedule of Statutory and Proper Officer Roles and Functions. |
| 20.18 | To deploy other resources within their control. | Schedule of Human Resources Delegations. Contract Procedure Rules. Financial Procedure Rules. Agreed budgets. |
| Legal matters and notices etc. | | |
| 20.19 | To prepare, issue, serve, receive, sign and act upon notices, warrants, determinations, cautions, statutory notices, or other documents. Give or refuse consents, apply for permissions, make orders, undertake investigations | |

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| | and assessments, grant licences in the exercise of any discretionary power, or in complying with (or doing anything incidental to) a duty of the Council. | |
| 20.20 | To request the Chief Operating Officer to enforce any bye-laws relevant to their service area. | |
| 20.21 | To institute, defend, participate in, settle, withdraw, or otherwise act as appropriate in legal proceedings in any court or tribunal including serving notices or order and doing anything incidental to or leading to the same, where they consider it necessary to protect the Council's or other interests, or where it is considered necessary to give effect to a decision of the Council. | In consultation with the Chief Operating Officer. |
| Land and Property | | |
| 20.22 | To manage (including the acquisition and sale) of land and premises used for service delivery. | Financial Procedure Rules. Contract Procedure Rules. |
| Communications | | |
| 20.23 | To promote the working of the Council, within the Code of Recommended Practice on Local Authority Publicity. | |
| 20.24 | To promote the Council's views as agreed by members in the relevant decision-making forum. | |

Specific Delegations to Chief Executive, Deputy Chief Executive and Directors

Chief Executive/Deputy Chief Executive

21. In addition to the Principles and General Delegations the Chief Executive and Deputy Chief Executive shall have the following responsibilities.

| | Function | Limits or restrictions on delegation |
|------|--|---|
| 21.1 | To be responsible for the: (a) service delivery, (b) strategic management, | Schedule of Human Resources Delegations. |

| | | |
|------|--|---|
| | <p>(c) day-to-day administration and operations, and (d) discharge of functions, of matters falling within their remit as shown at Part 2, Article 11 of this Constitution, namely:</p> <p>Chief Executive: Vision 2030 Council Plan Our Council programme Financial strategy Corporate governance Representing the Council on partnerships and other bodies Assurance framework Positioning the City Inward investment Regional and sub-regional work including work with the West Midlands Combined Authority and other local authorities/public bodies Stakeholder engagement framework Black Country transport West Midlands Pension Fund Performance management Organisational and tactical planning ICT Strategy and Resourcing</p> <p>Deputy Chief Executive: Voluntary and community sector Officer Champion Place Based strategy Resettlement programme Wolverhampton for Everyone Corporate parenting Safer Wolverhampton Partnership WV Living Limited Housing growth & development W2W housing growth City assets & facilities One Public Estate Our Assets programme Sports and recreation services</p> | <p>Contract Procedure Rules.</p> <p>Financial Procedure Rules.</p> <p>Agreed budgets.</p> |
| 21.2 | <p>To fulfil the roles shown in the Schedule of Statutory and Proper Officer Roles and Functions below, and to undertake the functions delegated in the other Schedules to this Part.</p> | |

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| 21.3 | To undertake, or delegate to any person, any function delegated to the Deputy Chief Executive or any other officer including Directors. | |
| 21.4 | To make donations and/or grants of up to £10,000 to local community groups. | In consultation with the Director of Finance. |
| 21.5 | To make amendments and corrections to this Constitution where in their opinion, such amendment is to correct any anomaly or ambiguity, is purely technical, to correct a clear typographical or other error, to reflect any change in law or following a review (to include changes of officer or directorate descriptions), and such amendment does not materially alter the terms or practical operation of the Constitution. | Where an amendment follows a change in legislation or will alter delegations to Members or employees, the Group Leaders should be notified in advance of any change being effected. |
| 21.6 | To deal with any matters requiring the consent of the Council as a shareholder in Birmingham Airport, or in relation to matters falling under the Shareholders' Agreement, which have been recommended by the West Midlands Joint Committee, or the financial and legal advisors to the Joint Committee, and which have no adverse financial impact on the Council or do not prejudice the value of its shareholding in the Airport. | <p>In consultation with the Section 151 Officer.</p> <p>Reports on any action taken are to be submitted to Cabinet.</p> <p>The leader, relevant portfolio holder and the shadow leader shall be consulted where necessary.</p> <p>Decisions will be guided by advice from the Airport Advisors which generally accompany such requests.</p> |

Chief Operating Officer

22. In addition to the Principles and General Delegations the Chief Operating Officer shall have the following responsibilities.

| | Function | Limits or restrictions on delegation |
|------|---|--|
| 22.1 | <p>To be responsible for the:</p> <p>(a) service delivery, (b) strategic management, (c) day-to-day administration and operations, and (d) discharge of functions, of matters falling within their remit as shown at Part 2, Article 11 of this Constitution, namely:</p> <p>Democracy Legal Services Equality and diversity Democratic and Member Services Electoral registration Elections and referenda Information governance Councillor support Mayoral support Business support programme Projects & programmes Business improvement Executive support Health and Safety, and Wellbeing strategic lead Human Resources Maladministration, including liaison with the Local Government and Social Care Ombudsman.</p> | <p>Schedule of Human Resources Delegations.</p> <p>Contract Procedure Rules.</p> <p>Financial Procedure Rules.</p> |
| 22.2 | To fulfil the roles shown in the Schedule of Statutory and Proper Officer Roles and Functions below, and to undertake the functions delegated in the other Schedules to this Part. | |
| 22.3 | To keep the Roll of Freemen and Honorary Aldermen. | |
| 22.4 | To certificate byelaws. | |
| 22.5 | To make any minor or technical changes to the Code of Corporate Governance to ensure that it is kept up to date. | |
| 22.6 | To oversee the selection process by which Independent Persons are recommended to the Council for appointment. | |

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| 22.7 | To affix the Common Seal of the Council and to execute by any other means any deed or document on behalf of the Council. | Contract Procedure Rules. |
| 22.8 | To instruct Counsel and external lawyers and engage professional experts and witnesses. | |
| 22.9 | To authorise arrangements for the appointment of Education Appeals Panel Members and Chairs and make arrangements for appeal hearings. | In consultation with the relevant Director. |
| 22.10 | To deal with breaches of the Code of Conduct for Councillors. | Arrangements for Dealing with Code of Conduct Complaints. |
| 22.11 | To serve requisitions for information in connection with any of the functions of the Council. | |
| 22.12 | To monitor use of the general power of competence and compliance with the Localism Act 2011. | |
| 22.13 | To make amendments and corrections to this Constitution where in their opinion, such amendment is to correct any anomaly or ambiguity, is purely technical, to correct a clear typographical or other error, to reflect any change in law or following a review (to include changes of officer or directorate descriptions), and such amendment does not materially alter the terms or practical operation of the Constitution. | Where an amendment follows a change in legislation or will alter delegations to Members or employees, the Group Leaders should be notified in advance of any change being effected. |
| 22.14 | To maintain and operate the Local Land Charges Register. | |
| 22.15 | To maintain the Schedule of Statutory and Proper Officer Roles and Functions. | |

Director of Finance (“Section 151 Officer”)

23. In addition to the Principles and General Delegations the Director of Finance shall have the following responsibilities.

| | Function | Limits or restrictions on delegation |
|------|---|--|
| 23.1 | <p>To be responsible for the:</p> <ul style="list-style-type: none"> (a) service delivery, (b) strategic management, (c) day-to-day administration and operations, and (d) discharge of functions, <p>of matters falling within their remit as shown at Part 2, Article 11 of this Constitution, namely:</p> <p>Audit services Strategic financial advice and support Revenues and benefits Taxation The Hub – payment and payroll systems Financial and Investment Strategy Procurement services Commercial (traded) services Banking arrangements</p> | <p>Schedule of Human Resources Delegations.</p> <p>Contract Procedure Rules.</p> <p>Financial Procedure Rules.</p> |
| 23.2 | To fulfil the roles shown in the Schedule of Statutory and Proper Officer Roles and Functions below, and to undertake the functions delegated in the other Schedules to this Part. | |
| 23.3 | <p>To ensure that the financial management of the Council is adequate and effective and that it has a sound system of internal control which is regularly reviewed and in particular to:</p> <ul style="list-style-type: none"> (a) determine accounting records and control systems; (b) undertake an adequate internal audit of the Council's accounting records and system of internal control; and (c) prepare, sign and arrange public inspection of the Council's Statement of Accounts. | |
| 23.4 | To opt to tax land and property transactions not affected by policy considerations. | |
| 23.5 | To take such steps in relation to non-domestic rates and Council Tax as the Billing Authority are authorised or required to take and in particular, to collect, reduce or remit liability and protect the Council's interests in connection with bankruptcies, receiverships and liquidations. | |

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| 23.6 | To review annually the Council's Local Council Tax Support Scheme subject to the proviso that if such a review results in proposals to revise or amend the Scheme, these must be approved by the Council. | |
| 23.7 | To approve exceptional hardship payments. | |
| 23.8 | To create Local Authority companies, designate employees as directors of the company for trading purposes and provide a Council indemnity to employees for the director role. | |
| 23.9 | To create trust companies, designate employees as trustees and provide a Council indemnity to employees for the trustee role. | |
| 23.10 | To set interest rates for mortgage advances for house purchases, improvements and conversions. | |
| 23.11 | To manage, administer, monitor and report on day-to-day borrowing, investment or financing, in accordance with the CIPFA Code of Practice for Treasury Management in Local Authorities and to review and report on the Treasury Management Policy. | |
| 23.12 | To deal with all risk management and insurance matters and settle all insurance claims in accordance with terms agreed from time to time with the Council's insurers. | |
| 23.13 | To make loans for vehicle purchase and to arrange leasing or contract hire as appropriate. | |
| 23.14 | To provide or approve the arrangements for financial advice and services on all matters relating to: - (a) the financial affairs of joint ventures, partnerships, companies and other arrangements in which the Council has an interest; (b) delegations of a financial nature to other bodies e.g., School Governors. | |
| 23.15 | To agree to the application of monies recovered under the Proceeds of Crime Act 2002 to a maximum of £30,000. | In consultation with the relevant Director. |
| 23.16 | To maintain a counter fraud service in order to promote raising fraud awareness and to investigate suspected cases of fraudulent activity, in partnership with the West Midland Police. | |

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| 23.17 | To deliver a full risk based internal audit service, based on the CIPFA Code of Practice for internal Audit in Local Government. | |
| 23.18 | To undertake functions that support the financial management of the West Midlands Metropolitan Authorities Pension Fund. | |
| 23.19 | To delegate budgets to Schools. | |

Executive Director of Families

24. In addition to the Principles and General Delegations the Executive Director of Families shall have the following responsibilities.

| | Function | Limits or restrictions on delegation |
|------|---|--|
| 24.1 | <p>To be responsible for the:</p> <ul style="list-style-type: none"> (a) service delivery, (b) strategic management, (c) day-to-day administration and operations, and (d) discharge of functions, <p>of matters falling within their remit as shown at Part 2, Article 11 of this Constitution, namely:</p> <p>Children in Need & Child Protection Disabled Children & Young People Multi Agency Safeguarding Hub and Duty Team Children & Young People looked after Child protection Childcare Adoption services Disabled Children and Young People Youth Offending Early Intervention Education Psychology Specialist Support Safeguarding Children's services commissioning Child Transformation Children's Partnership Boards School Improvement School organisation and admissions School attendance and exclusions Special educational needs and disabilities Home to school transport</p> | <p>Schedule of Human Resources Delegations.</p> <p>Contract Procedure Rules.</p> <p>Financial Procedure Rules.</p> |

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| | <p>Free school meals Early Years Inclusion Support Post 16 Education Better Care/integrated working with health Carer support Care services including registration Child employment Cemeteries and crematoria Youth Offending</p> | |
| 24.2 | To fulfil the roles shown in the Schedule of Statutory and Proper Officer Roles and Functions below, and to undertake the functions delegated in the other Schedules to this Part. | |
| 24.3 | To place and keep a child in secure accommodation. | |
| 24.4 | To write the annual report of the Principal Social Worker. | |
| 24.5 | To provide support and facilities in relation to education and inclusion from Early Years to post-16 stages, and to maintain oversight (and secure the availability of and access to) suitable provision within the Council's area. | |
| 24.6 | To exercise powers of intervention or instruction to those schools which are subject to a formal warning, which have serious weaknesses, require special measures or for any other reason would benefit from support. | |
| 24.7 | To undertake functions under the Crime and Disorder Act 1998 in relation to youth offending, Youth Offending Service management and the prevention of crime and disorder. | |
| 24.8 | To pay appropriate fees, grants, allowances, or charges in respect of children Looked After by the Council. | Financial Procedure Rules. |
| 24.9 | The provision of financial assistance under the Children Act 1989. | Financial Procedure Rules. |
| 24.10 | To determine awards to pupils, students and parents. | |

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| 24.11 | To approve grants to voluntary bodies relating to Education and Skills. | In consultation with the Director of Finance |
| 24.12 | To manage the arrangements for the payment of grants, loans and allowances to or in respect of pupils and students. | Financial Procedure Rules |
| 24.13 | To give any necessary consent, including consent to medical treatment, holidays abroad etc. in respect of children looked after by the Council. | |
| 24.14 | To instruct lawyers to act on behalf of children Looked After by the Council. | In consultation with the Chief Operating Officer. |
| 24.15 | To maintain a register of childcare providers. | |
| 24.16 | To grant licences for the employment of children and children taking part in public performances. | |
| 24.17 | To manage the delegation arrangements for Schools' Budgets. | In consultation with the Section 151 Officer. |
| 24.18 | To approve and make school instruments of Government and any subsequent changes prepared by governing bodies. | |
| 24.19 | To determine statutory proposals for schools where no objections have been received to the proposals contained in the publicised Statutory Notice. | |
| 24.20 | To approve placements in and out of city schools and colleges. | |
| 24.21 | To provide and pay for transport, board and lodging, tuition fees and expenses and other assistance if it is necessary for special education provision in accordance with Council policy | |
| 24.22 | To represent the Authority at statutory appeal tribunals in connection with the assessment of special educational needs. | |
| 24.23 | To prepare disability statements relating to further education. | |
| 24.24 | To co-ordinate community development support and partnerships. | In accordance with inter-agency plans and priorities. |

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| 24.25 | To arrange improvements and adaptations under the Chronically Sick and Disabled Persons Act 1970. | Financial Procedure Rules. |
| 24.26 | To take action and operate all legislative and administrative procedures in relation to the regulation of cemeteries and crematoria including: (a) to extinguish rights of interment; and (b) to approve and sign grave grants and extinguish rights in respect of graves | |
| 24.27 | To make arrangements for the burial or cremation of any person found dead in their area where no suitable arrangements have been made under Part III of Public Health (Control of Diseases) Act 1984. | |
| 24.28 | To discharge any functions exercisable by the council under Section 75 of the National Health Service Act 2006 and have the responsibility for any functions integrated with an NHS body. | |

Director of Adult Services

25. In addition to the Principles and General Delegations the Director of Adult Services shall have the following responsibilities.

| | Function | Limits or restrictions on delegation |
|------|---|--|
| 25.1 | To be responsible for the: (a) service delivery, (b) strategic management, (c) day-to-day administration and operations, and (d) discharge of functions, of matters falling within their remit as shown at Part 2, Article 11 of this Constitution, namely: Adult services and health partnerships Adult services and communities Adult Mental Health Adult safeguarding Adult improvement including education Community financial support Strategic commissioning for Adult Social Care Deputyships and Appointeeships Deprivation of Liberty Safeguards Approved Mental Health Practitioners and assessments | Schedule of Human Resources Delegations. Contract Procedure Rules. Financial Procedure Rules. Agreed budgets. |

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| | <p>Support planning Safeguarding/Multi-Agency Safeguarding Hub Better Care/Integrated Working with Health Community Financial Support Adult services commissioning Independent Living Services Carers Support Adults Improvement</p> | |
| 25.2 | To fulfil the roles shown in the Schedule of Statutory and Proper Officer Roles and Functions below, and to undertake the functions delegated in the other Schedules to this Part. | |
| 25.3 | To undertake assessments, provide services and approve expenditure relating to the Council's functions, powers and duties under adult social care, mental capacity and mental health legislation and to take such action to recover appropriate charges from those with a duty to pay. | |
| 25.4 | To exercise the statutory functions powers and duties of the Council in relation to vulnerable adults and adults at risk. | |
| 25.5 | To exercise the functions and duties of nearest relative in respect of persons with mental health problems where the nearest relative has been displaced. | |
| 25.6 | To exercise the Council's functions, powers and duties, except those in relation to the discharge of guardianship, in connection with guardianship under mental health legislation. | |
| 25.7 | To make applications for the admission to hospital of persons with mental health problems for the purposes of assessment, detention and treatment and to make decisions in connection with deprivation of liberty safeguards. Council's functions, powers and duties under adult social care and mental capacity and mental health legislation | |
| 25.8 | To provide after-care services, in conjunction with the NHS, to persons with mental health problems who have ceased to be detained and have left hospital. | |
| 25.9 | To appoint approved mental health professionals. | |

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| 25.10 | To maintain the appropriate registration for internally provided care services. | |
| 25.11 | To arrange improvements and adaptations under the Chronically Sick and Disabled Persons Act 1970. | Financial Procedure Rules. |
| 25.12 | To make arrangements for the temporary protection of the property of persons admitted to hospital or other accommodation. | |
| 25.13 | To be the responsible person for statutory and other complaints in relation to adult social services and to ensure compliance with relevant statutory procedures where applicable. | |

Director for Public Health

26. In addition to the Principles and General Delegations the Director for Public Health shall have the following responsibilities.

| | Function | Limits or restrictions on delegation |
|------|---|---|
| 26.1 | <p>To be responsible for the:</p> <ul style="list-style-type: none"> (a) service delivery, (b) strategic management, (c) day-to-day administration and operations, and (d) discharge of functions, <p>of matters falling within their remit as shown at Part 2, Article 11 of this Constitution, namely:</p> <p>Community safety & cohesion Health improvement Health protection Intelligence & evidence WV Active & sports health partnerships Emergency planning and preparedness Workforce wellbeing Public health commissioning Personal, social, health & economic education Outdoor education Wolverhampton for everyone Homelessness prevention strategy Housing and Homelessness Outbreaks of Diseases Libraries Service Asylum Seekers and refugees</p> | <p>Schedule of Human Resources Delegations.</p> <p>Contract Procedure Rules.</p> <p>Financial Procedure Rules.</p> <p>Agreed budgets.</p> |

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| | Anti-social behaviour Unauthorised encampments Adventure Playgrounds and Developmental Play | |
| 26.2 | To exercise the Council's functions in planning for, and responding to, emergencies that present a risk to public health. | |
| 26.3 | To ensure the reinstatement of services as a result of a major disaster and to be responsible for emergency planning and business continuity generally. | |
| 26.4 | To support and assist the network of adopted Wolverhampton sport specific development groups. | |
| 26.5 | To represent the Council on partnership, external bodies such as the Health and Wellbeing Together and the Child Death Overview Panel. | |
| 26.6 | To contribute to and influence the work of NHS Commissioners, ensuring a whole system approach across the public sector and ensuring NHS Commissioners receive the public health advice they need. | |
| 26.7 | To exercise any of the Secretary of State's public health protection or health improvement functions that may be delegated to local authorities by arrangement or under regulations. | |
| 26.8 | To write the annual report on the health of the local population. | |
| 26.9 | To be responsible for tackling health inequalities, improving health care quality and for strengthening the capacity across the whole public sector to improve the health of the population. | |
| 26.10 | To oversee the NHS screening programmes, both cancer and non-cancer, ante-natal and children's screening programmes, ensuring the health of the population is adequately protected and raising issues and concerns appropriately at the Health and Wellbeing Together committee. | |
| 26.11 | To oversee the National Health Service immunisation programmes including children 0-5 years, HPV and seasonal flu and any other issues that the Secretary of State instructs, including catch up programmes, raising issues and concerns appropriately. | |

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| 26.12 | To work with local Criminal Justice Partners and the Police and Crime Commissioner to promote safer communities, including cooperating with the police, the probation service, and the prison service to assess the risk posed by violent or sexual offenders. | |
| 26.13 | To implement and determine, subject to any rights of review or appeal which may apply, all matters concerning the Statutory Public Health Complaints Procedure. | |
| 26.14 | To exercise the Council's powers as landowner or landlord in relation to taking action for Summary Possession against unauthorised encampments and other unlawful occupiers of Council-owned land. | |
| 26.15 | To prepare, revise, monitor and implement a Homelessness Prevention Strategy. | |
| 26.16 | To act as Caldicott Guardian for the Council. | |
| 26.17 | To manage the Anti-Social Behaviour Unit. | In consultation with the Director of Education. |

Director of Regeneration

27. In addition to the Principles and General Delegations the Director of Regeneration shall have the following responsibilities.

| | Function | Limits or restrictions on delegation |
|------|--|---|
| 27.1 | <p>To be responsible for the:</p> <ul style="list-style-type: none"> (a) service delivery, (b) strategic management, (c) day-to-day administration and operations, and (d) discharge of functions, <p>of matters falling within their remit as shown at Part 2, Article 11 of this Constitution, namely:</p> <p>City Development Planning City regeneration projects Management of non-operational investment property City Skills and Employability Enterprise</p> | <p>Schedule of Human Resources Delegations.</p> <p>Contract Procedure Rules.</p> <p>Financial Procedure Rules.</p> <p>Agreed budgets.</p> |

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| | Black Country Impact Wolves at Work Connexions Service Adult Education Civic Halls Youth Service War memorials | |
| 27.2 | To fulfil the roles shown in the Schedule of Statutory and Proper Officer Roles and Functions below, and to undertake the functions delegated in the other Schedules to this Part. | |
| 27.3 | Authorise appropriately qualified and experienced employees to act as Inspectors, and other duly authorised employees to undertake inspections, investigations, interviews, sampling, prohibitions, seizures, detentions, recording service of notices (including suspension and compliance notices), notifications, waivers, transfer, authorisations, licensing functions and registration, legal proceedings, cautions under applicable legislation, and to exercise all other relevant powers including powers of entry and authorisation of work in default. | On matters falling within the general remit of the role or work of their Directorate. |
| 27.4 | To carry out minor development on Council owned land, for which a specific planning permission is not required and provided the specific expenditure is authorized. | |

Director of Resident Services

28. In addition to the Principles and General Delegations the Director of Resident Services shall have the following responsibilities.

| | Function | Limits or restrictions on delegation |
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| 28.1 | To be responsible for the: (a) service delivery, (b) strategic management, (c) day-to-day administration and operations, and (d) discharge of functions, of matters falling within their remit as shown at Part 2, Article 11 of this Constitution, namely: City Transport Strategic Housing and Neighbourhood Renewal | Schedule of Human Resources Delegations. Contract Procedure Rules. Financial Procedure Rules. |

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| | <p>Private Sector Housing Environmental services Environmental crime Environmental health Vehicle Operating Centres Trading Standards Street Trading Waste & recycling Refuse Collection and Litter Control Corporate Transport Service Markets Service Roads, paths and street works Road and Traffic Management Highways Licensing Taxi licensing Climate change Sustainability & energy Coroner</p> | Agreed budgets. |
| 28.2 | To fulfil the roles shown in the Schedule of Statutory and Proper Officer Roles and Functions below, and to undertake the functions delegated in the other Schedules to this Part. | |
| 28.3 | <p>In respect of the Construction (Design and Management) Regulations 1994 (made under the Health and Safety at Work Act 1974):</p> <p>(a) to act as Agent for in-house clients in respect of duties defined for clients and undertaking highways and civil engineering projects; and</p> <p>(b) to carry out Planning Supervision in respect of duties defined for clients undertaking highways and civil engineering projects.</p> | |
| 28.4 | To serve notice and subsequent action to make trees safe and to recover costs from owners/occupiers. | |
| 28.5 | <p>To take action and operate all legislative, enforcement and administrative procedures in relation to (but not limited to) air quality, contaminated land and private water supplies, environmental health and protection. Specifically, but not exclusively to:</p> <p>(a) maintain a register of remediation notices in relation to contaminated land;</p> <p>(b) authorise specified burning processes;</p> | |

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| | <p>carry out Part IIA contaminated land investigations and identify remedial requirements;</p> <p>(c) environmental permitting;</p> <p>(d) review and monitor air quality; and</p> <p>(e) environmental management of construction sites.</p> | |
| 28.6 | <p>To take action and operate all legislative, enforcement and administrative procedures in relation to:</p> <p>(a) environmental amenity and crime;</p> <p>(b) parks;</p> <p>(c) open spaces and sports;</p> <p>(d) recreational and cultural facilities;</p> <p>(e) regulation of waste management and cleansing of streets;</p> <p>(f) fair-trading, trading standards, weights & measures and consumer protection.</p> | |
| 28.7 | <p>To issue or amend certificates and carry out all associated functions and to authorise emergency action in connection with sports grounds and places of sport.</p> | |
| 28.8 | <p>To make, and where unopposed (or where objections have been withdrawn), to confirm any order in relation to the Council's functions as Highways Authority including but not limited to orders in relation to:</p> <p>(a) public paths;</p> <p>(b) footpaths and gating;</p> <p>(c) trees;</p> <p>(d) traffic regulation, parking and cycle tracks;</p> <p>(e) the Definitive Map;</p> <p>(f) determination of village green / open spaces ;</p> <p>(g) conservation areas.</p> | |
| 28.9 | <p>To direct unauthorised campers to leave highway land and to apply for court order to remove vehicles off highway.</p> | |
| 28.10 | <p>To take action and operate all legislative, enforcement and administrative procedures in relation to environmental amenity and crime. Specifically, but not exclusively in relation to:</p> <p>(a) enforcement of the Smoke Free legislation;</p> <p>(b) littering, street litter control notices, free distribution of material fly posting and fly tipping;</p> | |

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| | <ul style="list-style-type: none"> (c) authority to transport waste and failing to furnish waste documentation; (d) control of dogs; (e) land and property affecting amenity including graffiti, abandoned vehicles and nuisance parking; (f) waste offences in relation to commercial and domestic receptacles. | |
| 28.11 | To undertake functions of the Council as "responsible authority" under the Licensing Act 2003 in relation to: <ul style="list-style-type: none"> (a) Health and Safety; (b) Pollution Control/Environmental Health; (c) Weights and Measures; and (d) Licensing authority. | |
| 28.12 | To prepare, revise, monitor and implement a Housing and Homelessness Strategy. | In consultation with the Director of Health, as necessary. |
| 28.13 | To take action and operate all legislative and administrative procedures and to exercise all of the powers of the Council in relation to the assessment of applicant's housing need and priority for housing. | |
| 28.14 | To arrange statutory returns to government departments in connection with the Council's functions relating to housing including homelessness. | In consultation with the Director of Health, as necessary. |
| 28.15 | To exercise all of the powers and duties of the Council in relation to housing and private land, including, but not limited to: <ul style="list-style-type: none"> (a) enforcing housing legislation, but excluding demolition and closing orders; (b) overcrowded premises and houses in multiple occupation. | |
| 28.16 | To provide housing advice and information including nominations to registered social landlords. | |
| 28.17 | To recover costs incurred in putting Neighbourhood Development Plans or orders in place. | |
| 28.18 | To take action and operate all legislative, enforcement and administrative procedures in relation to noise and other nuisances. | |

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| 28.19 | To take action and operate all legislative, enforcement and administrative procedures in pursuit of food safety and food hygiene and in relation to food export certificates and training fees for food hygiene, food safety courses and health and safety courses (discharged in the authority's capacity as an employer). | |
| 28.20 | To support and assist the Wolverhampton Leisure Gardens Association and comply with duties under the Smallholdings & Allotments Act 1908. | |
| 28.21 | To implement the Council's functions in relation to the West Midlands Metro. | |
| 28.22 | To monitor the performance and effective delivery of housing management services by Wolverhampton Homes and any Tenant Management Organisations and Estate Management Boards. | |
| 28.23 | To agree capital expenditure and operational decisions regarding investment in the Council's housing stock. | In consultation with the Asset Management Group. |
| 28.24 | To implement the Approved Development Programme for Housing Association newbuild. | In accordance with the Programme. |
| 28.25 | To enter into an agreement regulating development or use of land and approve the negotiation, completion and subsequent variation of legal agreements in accordance with the development plan and adopted guidelines. | |
| 28.26 | To implement the annual investment programme identified for housing under the Implement Stock Investment as approved in the Housing Revenue Account business plan (as per Social Housing (Regulation) Act 2023). | In accordance with the Programme. |
| 28.27 | The provision of markets. | |
| 28.28 | Authorise appropriately qualified and experienced employees to act as Inspectors or market officers, and other duly authorised employees to undertake inspections, investigations, interviews, sampling, prohibitions, seizures, detentions, recording service of notices (including suspension and compliance notices), notifications, waivers, transfer, authorisations, licensing functions and registration, legal proceedings, cautions under applicable | On matters falling within the general remit of the role or work of their Directorate. |

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| | legislation, and to exercise all other relevant powers including powers of entry and authorisation of work in default. | |
| 28.29 | To exercise the Council's powers and carry out the operational management of the licensing and regulatory functions detailed in the Schedules to this part. | |
| 28.30 | To administer a 24-Hour Control Centre and the Carelink alarm system. | |
| 28.31 | To manage the Council's functions relating to Strategic Housing and Neighbourhood Renewal, housing stock and Housing Support Services. | |
| 28.32 | To provide an effective Coroner Service. | |

Director of Communications and Visitor Experience

29. In addition to the Principles and General Delegations the Director of Communications and Visitor Experience shall have the following responsibilities.

| | Function | Limits or restrictions on delegation |
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| 29.1 | <p>To be responsible for the:</p> <ul style="list-style-type: none"> (a) service delivery, (b) strategic management, (c) day-to-day administration and operations, and (d) discharge of functions, <p>of matters falling within their remit as shown at Part 2, Article 11 of this Constitution, namely:</p> <ul style="list-style-type: none"> Corporate Relationship Management Media enquiries Promoting the City City and outdoor events Digital engagement & Social Media Internal communication & engagement Corporate campaign planning Events strategy & delivery City marketing Web services Arts and Museums Service Archives Service Tourism | <p>Schedule of Human Resources Delegations.</p> <p>Contract Procedure Rules.</p> <p>Financial Procedure Rules.</p> |

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| 29.2 | To fulfil the roles shown in the Schedule of Statutory and Proper Officer Roles and Functions below, and to undertake the functions delegated in the other Schedules to this Part. | |
| 29.3 | To issue statements to the press on behalf of the Council if the public standing of the Council could be affected. | Agreed with the Cabinet Member or committee chairman concerned, where possible. |
| 29.4 | To collect and commission works of art for the Arts and Museums Service. | Wolverhampton Arts and Museums Service Acquisition and Disposal Policy (1999). |
| 29.5 | To accept items on deposit and provide for the safekeeping of the City Council's documentary heritage and make it available for public consultation in accordance with the Local Government (Records) Act 1962. | Wolverhampton Archives and Local Studies Acquisition and Disposal Policy (2000). |
| 29.6 | To grant aid to a number of projects, companies and individuals in the furtherance and provision of cultural development in the City. | Wolverhampton Archives and Local Studies Acquisition and Disposal Policy (2000). Financial Procedure Rules. |
| 29.7 | To provide information and services with regard to local places of interest, events, accommodation and travel in accordance with the Development of Tourism Act, 1969. | |
| 29.8 | To administer heritage grants, including the making of grant offers and authorisation of grant payments made pursuant to such offers, in accordance with codes of practice and terms and conditions for grants as determined by the Cabinet (Resources) Panel. | |
| 29.9 | To be responsible for the strategic and operational management of sporting or outdoor events being held within, or affecting, the City. | |
| 29.10 | To undertake the management of bars and licensed premises attached to Aldersley Leisure Village, in compliance with licensing and food safety legislation. | |

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Director of Strategy

30. In addition to the Principles and General Delegations the Director of Strategy shall have the following responsibilities.

| | Function | Limits or restrictions on delegation |
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| 30.1 | <p>To be responsible for the:</p> <ul style="list-style-type: none"> (a) service delivery, (b) strategic management, (c) day-to-day administration and operations, and (d) discharge of functions, <p>of matters falling within their remit as shown at Part 2, Article 11 of this Constitution, namely:</p> <p>Strategy and policy development Regional and sub-regional partnerships Relighting Our Council Data driven Decision making, insight, performance and analytics Customer Services and engagement Organisational Development Digital Champion Digital Infrastructure and transformation</p> | <p>Schedule of Human Resources Delegations.</p> <p>Contract Procedure Rules.</p> <p>Financial Procedure Rules.</p> |
| 30.2 | <p>To fulfil the roles shown in the Schedule of Statutory and Proper Officer Roles and Functions below, and to undertake the functions delegated in the other Schedules to this Part.</p> | |

Executive Director of Pensions

31. In addition to the Principles and General Delegations the Executive Director of Pensions shall have the following responsibilities.

| | Function – general | Limits or restrictions on delegation |
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| 31.1 | <p>To be responsible for the administration and management of matters in connection with the Council's role as administering authority for the West Midlands Pension Fund (WMPF) (as required by the Public Service Pensions Act 2013, the Local</p> | As per below. |

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| | Government Pension Scheme Regulations 2013 and associated legislation). | |
| 31.2 | To fulfil the roles shown in the Schedule of Statutory and Proper Officer Roles and Functions below. | |
| 31.3 | To operate and manage the operating budget of WMPF in accordance with the requirements of The Local Government Pension Scheme (Management and Investment of Funds) Regulations 2009 (Separation of accounts). | Pensions Committee (annual decision). WMPF Financial Procedure Rules. WMPF Contract Management Rules. |
| 31.5 | To authorise the affixing of the Common Seal of the Council and to execute by any other means any deed or document on behalf of the Council where such relates to the management and administration of WMPF. | |
| 31.6 | To provide services to other local authorities and organisations in connection with their role as an administering authority or service provider for the Local Government Pension Scheme. | |
| 31.7 | The creation of separate entity companies together with the designation of employees as directors of those companies in line with their designated roles as officers of the council. | |
| 31.8 | To respond to consultations from Government departments and other public bodies, as relevant to the role of administering authority for the Local Government Pension Scheme. | |
| 31.9 | To manage premises used for WMPF service delivery and ensure appropriate strategic operational health and safety policies consistent with the Councils H&S policy document are adopted and followed. | |
| | Function – management of pension fund assets | Limits or restrictions on delegation |
| 31.10 | The investment and general management of WMPF assets in line with the Local Government Pension Scheme Investment Regulations 2016. | In accordance with WMPF's approved Investment |

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| | | Strategy Statement. |
| 31.11 | The creation of trust companies/structures and/or partnerships relevant and required for the purpose of general management of pension fund assets | |
| 31.12 | To hold the role of Shareholder in WMPF's Investment Pooling Company. | |
| 31.13 | To agree and determine the tax status of fund assets, including the application of tax on rents and investment income. | |
| | Function – human resources | Limits or restrictions on delegation |
| 31.14 | To manage and employ officers/employees and to authorise restructures and reviews, ensuring appropriate knowledge, skill and competency to meet statutory and regulatory requirements (including MIFID II). | In accordance with WMPF policies. |
| 31.15 | To deal with employment matters including those relating to dismissals, disciplinary, and grievance actions. | Appeals against dismissals to be heard by an officer panel from City of Wolverhampton Council. |
| 31.16 | To designate employees under their management as "authorised officers" for the purposes of carrying out any of the WMPF functions relevant to that employee. | |
| 31.17 | To deploy other resources within their control. | WMPF Financial procedure Rules WMPF Contract management rules. |
| 31.18 | To appoint and dismiss JNC (Senior Management) Officers within the officer structure of WMPF, including the approval of settlement agreements and payment of severance payments. | Payments below £20,000 – Chief Executive, Deputy Chief Executive or Director in consultation with the Deputy Director of People and Change and |

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| | | <p>Section 151 Officer, Monitoring Officer.</p> <p>Payments of £20,000 and above but below £100,000 – personally approved by the Head of Paid Service with a clear record of the Leaders approval and that of any others who have signed off the payment through an Individual Executive Decision Notice.</p> <p>Payments of £100,000 and above – recommendation from the Special Appointments Committee for vote at full council.</p> |
| 31.19 | To determine the grade for posts below JNC for Senior Management grading levels. | In consultation with WMPF Head of Finance/Deputy S151 officer. |
| 31.20 | To approve redundancies (compulsory and voluntary) including retirements on grounds of business efficiency. | In consultation with WMPF Head of Finance/Deputy s151 and WMPF Head of People and Corporate Services. |
| 31.21 | To approve accelerated salary increments. | |
| 31.22 | To approve applications for discretionary added years for pension purposes with a maximum financial impact of £20,000 together with Flexible retirement approvals (less or greater than 2 years). | In consultation with WMPF Head of Finance/Deputy s151. |

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| 31.23 | To develop and maintain an employee training and development policy, including the payment and time support for employee study. | In line with WMPF People Strategy. |
| 31.24 | To approval overseas trips by employees. | |
| 31.25 | To approve "continuous service in the public sector" to be recognised for the purposes of annual leave entitlement. | |

Schedule of Statutory and Proper Officer Roles and Functions

32. The following officers are appointed Statutory chief officers and Proper Officers and shall carry out functions in relation to the statutory provisions specified. The list is not exhaustive, and any omission shall not affect the validity of any action or decision taken by the Proper Officer.

| | Function and enabling power | Enabling power | Delegations and controls |
|-----------------|---|--|---------------------------------|
| Officers | | | |
| 32.1 | Statutory Chief Officer - Head of Paid Service. | Local Government & Housing Act 1989, s4. | Chief Executive. |
| 32.2 | Statutory Chief Officer responsible for Financial Administration. | Local Government Act 1972, s151. | Director of Finance. |
| 32.3 | Statutory Chief Officer - Monitoring Officer. | Local Government & Housing Act 1989, s5(1). | Chief Operating Officer. |
| 32.3 | Act in the absence of the Monitoring Officer. | Local Government and Housing Act 1989, s5(7). | Deputy Monitoring Officer. |
| 32.4 | Statutory Chief Officer - Director of Children's Services. | Children Act 2004, s18. | Executive Director of Families. |
| 32.5 | Statutory Chief Officer - Director of Adult Social Services. | Local Authority Social Services and Adults' Services Act 1970. | Executive Director of Families. |
| 32.5 | Statutory Chief Officer - Director of Public Health. | National Health Service Act 2006, s73A. | Director of Public Health. |

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| 32.6 | Statutory Chief Officer – Electoral Registration Officer and Returning Officer. | Representation of the People Act 1983, ss 8, 28, 35. | Chief Executive. |
| 32.7 | Designation of Statutory Scrutiny Officer. | Local Democracy, Economic Development and Construction Act 2009, s31. | Chief Operating Officer. |
| 32.8 | Appointment to Chief Education Officer. | Education Act 1996, s532. | Executive Director of Families. |
| 32.9 | Appoint Proper Officers for environmental health functions. | In accordance with the Green Decision notice dated 8 April 2003 and reported to the Developing and Supporting the Organisation Cabinet Team 25 April 2003. | Director of Resident Services. |
| 32.10 | Appoint Proper Officers for public health functions. | Public Health (Control of Diseases) Act 1984, legislation relating to Food Safety and Hygiene. | Director of Public Health |
| 32.11 | Qualified person to confirm or deny whether disclosure of information is likely to prejudice the effective conduct of public affairs. | Freedom of Information Act 2000, s36. | Chief Operating Officer. |
| 32.12 | Designation as Data Protection Officer, to discharge the associated functions. | Data Protections Act 2018 s69, 70 and 71. | Chief Operating Officer. |
| 32.13 | Appointment as Chief inspector of Weights and Measures. | Weights and Measures Act 1985, s72(1). | Director of Resident Services. |
| 32.14 | Identify “employees responsible for the management of investigations”. | Regulation of Investigatory Powers Act. | All Directors. |

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| 32.15 | Appoint Proper Officers not mentioned in this Part. | Any. | Chief Executive, Deputy Chief Executive. |
| Procedures and documents | | | |
| 32.16 | Meetings, documents and notices. | Local Government Act 1972, ss100B(2), 100C(2), 100D(1), 100F(2), 225(1), 229(5), 232, 233, 234(1), 238, Sch. 12 Pt. 1 Para 4(2)(b) & Para 4(3). Local Government (Miscellaneous Provisions) Act 1976, s41. Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012/2089, r7(2), 7(7)(c), 20. | Chief Operating Officer. |
| 32.17 | Accept service on behalf of the local authority of notices, orders and other documents. | Public Health Control of Disease Act 1984. Health Protection (Notification) Regulations 2010, r2, 3, 6. | Director of Public Health. |
| 32.18 | Give public notice of Local Governments Ombudsman reports. | Local Government Act 1974, s30(5). | Chief Executive, Deputy Chief Executive, Chief Operating Officer. |
| 32.19 | Chief Financial Officer Reports and notifications. | Local Government Finance Act 1988, ss114, 114A, 115, 115B. | Director of Finance. |
| 32.20 | Notify external auditor of meeting to consider reports from Chief Finance Officer. | Local Government Finance Act 1988, s116(1). | Chief Executive, Deputy Chief Executive. |
| Members and elections | | | |

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| 32.21 | Acceptance and resignation of Members. | Local Government Act 1972, ss83, 84. | Chief Operating Officer. |
| 32.22 | Declarations, notices and incidental election matters. | Representation of the People Act 1983 ss 67(7)(b), 82(4), 131(1). Local Government Act 1972, ss88(2), 89(1)(b). | Chief Operating Officer. |
| 32.23 | Publish the verification number of electors for the purpose of petitions. | Local Government Act 2000, s34 Local Authority (Referendums) (Petitions and Directions) Regulations 2000. | Chief Operating Officer. |
| 32.24 | Maintain of an up-to-date register of Members Interests, which is made available for inspection and published, and consideration of requests for exemptions. | Localism Act 2011, ss29, 31, 32, 33. | Chief Operating Officer. |
| Political restriction | | | |
| 32.25 | Hold the Council's list of politically restricted posts LGHA 89 s2(4). | Local Government and Housing Act 1989, s2(4). | Chief Operating Officer. |
| 32.26 | Determine applications for exemption from political restriction or for designation of posts as politically restricted. | Local Government and Housing Act 1989, s3A. | Chief Executive in consultation with the Chief Operating Officer. |
| 32.27 | Notifications regarding the formation of a political group, changes in membership, names of group leaders and deputies, and group nominations to sit on committees. | Local Government and Housing Act 1989, ss15-17. Local Government (Committees and Political Groups) Regulations 1990, r14. | Chief Operating Officer. |
| Functions | | | |

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| 32.28 | Registration of births, deaths and marriages and related functions under the relevant enactment including the setting of fees, | Registration Services Act 1953. The Local Registration Scheme. Registration of Births, Deaths and Marriages Regulations 1968 etc. Marriage Act 1949 and subordinate legislation related to Marriage on Approved premises. Civil Partnership Act 2004. | Chief Operating Officer. |
| 32.29 | Control of diseases, health protection and public health. | Public Health (Control of Diseases) Act 1984, ss 48, 60. Health Protection (Local Authority) Regulations 2010. Public Health Act 1936. Public Health Act 1961. Public Protection (Notification) Regulations 2010. | Director of Public Health. |
| 32.30 | Implement community safety strategy. | Crime and Disorder Act 1998. | Director of Public Health. |
| 32.31 | Receive from officers any money and property committed to their charge in connection with their office. | Local Government Act 1972, s115(2). | Director of Finance. |
| 32.32 | Exercise residual functions in relation to charities. | Local Government Act 1972, s210(6)(7). | Chief Operating Officer. |
| 32.33 | Prosecute and defend legal proceedings and to authorise employees to appear in court. | Local Government Act 1972, ss222, 223. | All, in consultation with the Chief Operating Officer. |

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| | | County Courts Act 1984, s60. | |
| 32.34 | Street Works and related matters. | Highways Act 1980, ss59(1), 193(3), 205(3)-(5), 210(2), 211(1), 212(4), 216(2)-(3), 295(1), 321, Sch. 9 Para. 4 | Director of Resident Services. |
| 32.35 | Take immediate action in relation to buildings. | Building Act 1984, ss16-25, 35, 36, 55, 77, 78, 80-82, 99, 102. | Director of Regeneration. |
| 32.36 | Authorise the carrying out of directed surveillance or the conduct of a covert human intelligence source. | Regulation of Investigatory Powers Act 2000, s30. The Regulation of Investigatory Powers (Prescription of Offices, Ranks and Positions) Order 2000. | Chief Executive, Deputy Chief Executive. |
| 32.37 | Produce Annual Assurance Statement. | Local Code of Corporate Governance. | Chief Executive, Deputy Chief Executive. |
| 32.38 | Incidental functions not mentioned. | Any. | All. |

Schedule of Human Resources Delegations

33. The following officers are permitted to undertake or delegate the Human Resources matters specified.

Note: Nothing in this Schedule applies to the Executive Director of Pensions.

| | HR Topic/Procedure | Delegations and Controls <i>(Please note this Schedule does not apply to the Director of Pensions)</i> |
|------|--|---|
| 33.1 | Appoint all employees below director level excluding persons appointed as assistants for political groups. | Chief Executive, Deputy Chief Executive, Director. |

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| | | In accordance with Council HR policies, procedures and processes. |
| 33.2 | Appoint and dismiss JNC (Senior Management) Officers, excluding the dismissal of the Head of Paid Service, Monitoring Officer and Section 151 Officer. | Deputy Director of People & Change. In accordance with HR policies, procedures and processes. |
| 33.3 | Dismiss all employees below director level. Excluding Head of Paid Service, Monitoring Officer and Section 151 Officer. | Chief Executive, Deputy Chief Executive, Director. In accordance with Council HR policies, procedures and processes. |
| 33.4 | Establish new posts and approve extensions to fixed term contracts. | Chief Executive, Deputy Chief Executive, Director. In accordance with Council HR policies, procedures and processes. |
| 33.5 | Authorise appropriately qualified and experienced employees to act as Inspectors or market officers, and other duly authorised employees to undertake inspections, investigations, interviews, sampling, prohibitions, seizures, detentions, recording service of notices (including suspension and compliance notices), notifications, waivers, transfer, authorisations, licensing functions and registration, legal proceedings, cautions under applicable legislation, and to exercise all other relevant powers including powers of entry and authorisation of work in default. | In relation to Inspectors: <ul style="list-style-type: none"> - Director of Resident Services (on matters falling within the general remit of the role or work of their Directorate). - Director of Regeneration (on matters falling within the general remit of the role or work of their Directorate). In relation to market officers: <ul style="list-style-type: none"> - Director of Resident Services. |
| 33.6 | Evaluation and review of job allocation and pay grade outcome for all employees. | Chief Executive, Deputy Chief Executive, in consultation with the s151 officer. In accordance with Council HR policies, procedures and processes. |

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| | | Job Allocation Reviews are endorsed by the Pay Strategy Board. |
| 33.7 | Special Severance Payments – excluding the Head of Paid Service, the Leader or Section 151 or Monitoring Officer. | <p>As prescribed within the Council's Statutory Severance Pay guidance as follows:</p> <p>Payments below £20,000 – Chief Executive, Deputy Chief Executive or Director in consultation with the Deputy Director of People and Change and Section 151 Officer, Monitoring Officer.</p> <p>Payments of £20,000 and above but below £100,000 – personally approved by the Head of Paid Service with a clear record of the Leaders approval and that of any others who have signed off the payment through an Individual Executive Decision Notice.</p> <p>Payments of £100,000 and above – recommendation from the Special Appointments Committee for vote at full council.</p> |
| 33.8 | Special Severance Payments related to the Head of Paid Service. | Two independent persons, not connected with the SSP or dismissal circumstances, usually the Chief Executive and Deputy Chief Executive. The persons must have sufficient knowledge of HR and governance issues. |
| 33.9 | Special Severance Payments related to the Leader. | Deputy Leader. |
| 33.10 | Special Severance Payments related to Section 151 or Monitoring Officer. | Chief Executive and Deputy Chief Executive. |
| 33.11 | Redundancies (compulsory and voluntary). | Deputy Chief Executive, Director. In accordance with Council HR policies, procedures and processes. |
| 33.12 | Approval of: | In relation to (1): |

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| | <p>(1) voluntary redundancies in excess of the current scheme; or (2) settlements agreements where either does not constitute a Special Severance Payment.</p> | <p>- Chief Executive, Deputy Chief Executive or Director in consultation with the Deputy Director of People & Change and Section 151 Officer.</p> <p>In relation to (2): - Chief Operating Officer.</p> |
| 33.13 | Submission of HR1 Redundancy Notifications to Secretary of State. | Deputy Director of People & Change, in consultation with Section 151 Officer. |
| 33.14 | Other dismissals and disciplinary action. | <p>Chief Executive, Deputy Chief Executive, Director.</p> <p>In accordance with Council HR policies, procedures and processes.</p> <p>Appeals against dismissal are heard by the Human Resources Panel.</p> |
| 33.15 | Grievances from employees, excluding Head of Paid Service, Monitoring Officer and Section 151 Officer. | <p>Chief Executive, Deputy Chief Executive, Director.</p> <p>In accordance with Council HR policies, procedures and processes.</p> <p>Appeals against grievances are heard by the Human Resources Panel.</p> |
| 33.16 | Restructures and reviews to services with staffing implications. | <p>Chief Executive, Deputy Chief Executive, Director.</p> <p>In accordance with Council HR policies, procedures and processes.</p> |
| 33.17 | Extension of full sick pay beyond the entitlement under the national agreement. | Deputy Director for People & Change. |
| 33.18 | Approval of accelerated salary increments. | Chief Executive, Deputy Chief Executive, Director. |

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| | | <p>In accordance with council HR policies, procedures and processes, collective agreement and senior manager's terms and conditions.</p> <p>Accelerated increments are delegated to the Pay Strategy Board.</p> |
| 33.19 | Approval of attendance on all training courses. | <p>Chief Executive, Deputy Chief Executive, Director.</p> <p>In accordance with Council HR policies, procedures and processes.</p> |
| 33.20 | Approval for overseas trips by employees. | <p>Chief Executive, Deputy Chief Executive, where there are associated costs.</p> <p>Relevant Director where there are no costs.</p> |
| 33.21 | To approve "continuous service in the public sector" to be recognised for the purposes of annual leave entitlement. | <p>Head of Service.</p> <p>In accordance with Council HR policies, procedures and processes.</p> |
| 33.22 | Lead Counter signatory for Disclosure Barring Service (DBS) checks. | HR Business Partner. |
| 33.23 | Terms and Conditions authorisations not mentioned elsewhere. | <p>Chief Executive, Deputy Chief Executive, Director.</p> <p>In accordance with Council HR policies, procedures and processes.</p> |
| 33.24 | Flexible retirement approvals where the strain on the pension fund is 2 years and under. | Chief Executive, Deputy Chief Executive, Director in consultation with the Deputy Director of People & Change and Section 151 Officer. |
| 33.25 | Flexible retirement approvals where the strain on the pension fund is in excess of 2 years. | Chief Executive, Deputy Chief Executive or Director in consultation with the Deputy |

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| | | Director of People & Change and Section 151 Officer. |
| 33.26 | Retirement on the grounds of efficient exercise. | Chief Executive, Deputy Chief Executive, Director, in consultation with the Deputy Director of People & Change and Section 151 Officer. |
| 33.27 | Approval of Human Resources Policies and Procedures. | Individual Executive Decision Notice. |
| 33.28 | Role of Proper Officer in respect of appointment and dismissal of JNC (Senior Management) Officers, excluding the dismissal of the Head of Paid Service, Monitoring Officer and Section 151 Officer. | Deputy Director of People & Change. |

Schedule of Regulatory Licensing Delegations

34. For all delegations in the table below 'X' indicates the lowest level to which decisions can be delegated.

| | Matter to be determined | Cabinet or Full Council | Licensing Committee | Licensing Sub-Committee | Director of Resident Services |
|--------------------------|--|-------------------------|--|-------------------------|-------------------------------|
| Gambling Act 2005 | | | | | |
| 34.1 | Statement of Gambling policy. | X (Full Council) | | | |
| 34.2 | Policy not to permit casinos. | X (Cabinet) | | | |
| 34.3 | Determination of fee amount | | X (up to maximum set by Secretary of State) | | |
| 34.4 | Applicability of and exemption from fees. | | | | X |
| 34.5 | Authority to inspect premises to evaluate compliance with the requirements of the Act. | | | | X |
| 34.6 | Determinations of the Licensing Authority as | | | | X |

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| | Responsible Authority (in accordance with the Gambling Act). | | | | |
| 34.7 | Act as Responsible Authority. | | | | X |
| 34.8 | Application for, review, suspension or revocation of, premises licence. | | | X | |
| 34.9 | Variation or transfer of premises licence, where representations received and not withdrawn. | | | X | |
| 34.10 | Variation or transfer of premises licence, where no representations received or representations have been withdrawn. | | | | X |
| 34.11 | Applications (new or variations) for a provisional statement, where representations received and not withdrawn. | | | X | |
| 34.12 | Applications (new or variations) for a provisional statement, where no representations received or representations withdrawn. | | | | X |
| 34.13 | Whether representations are irrelevant, frivolous, vexatious or certain not to influence the determination. | | | | X |
| 34.14 | Application for club gaming/club machine permits, where objections made and not withdrawn. | | | X | |
| 34.15 | Application for club gaming/club machine permits, where no objections made or objections withdrawn. | | | | X |
| 34.16 | Cancellation of club gaming/club machine permits. | | | X | |

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|---------------------------|---|---|--|---|---|
| 34.17 | Applications for other permits. | | | | X |
| 34.18 | Notification for Alcohol License Premises Gaming Machine permit. | | | | X |
| 34.19 | Cancellation of licensed premises gaming machine permits. | | | | X |
| 34.20 | Consideration of temporary use notice (and counter notice), where there are representations. | | | X | |
| 34.21 | Consideration of temporary use notice (and counter notice), where there are no representations. | | | | X |
| 34.22 | Consideration of Occasional Use Notice, where there are representations. | | | X | |
| 34.23 | Consideration of Occasional Use Notice, where there are no representations. | | | | X |
| 34.24 | Applications for new or renewals of Small Society Lotteries permits. | | | | X |
| Licensing Act 2003 | | | | | |
| 34.25 | Final approval of the Licensing Authority Policy. | X | | | |
| 34.26 | Determination of fee amount | | X (in accordance with current applicable Fee Regulations) | | |
| 34.27 | Applicability of and exemption from fees. | | | | X |
| 34.28 | Power to suspend Premises Licence/Club Premises Certificate for non-payment of annual fee. | | | | X |

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| 34.29 | Application for Personal Licence where no representations made. | | | | X |
| 34.30 | Application for Personal Licence where representations made. | | | X | |
| 34.31 | Application, variation, provisional statements in relation to Premises Licence/Club Premises Certificate, where representation made (whether or no resolved by conditions added to licence). | | | X | |
| 34.32 | Application, variation, provisional statements in relation to Premises Licence/Club Premises Certificate, if no relevant representation made or representation has been withdrawn. | | | | X |
| 34.33 | Application for Provisional Statement, where representation made and not withdrawn. | | | X | |
| 34.34 | Application for Provisional Statement, where no relevant representation made or representation has been withdrawn. | | | | X |
| 34.35 | Application to vary or remove designation of Premises Supervisor where no representations made. | | | | X |
| 34.36 | Variation (including removal) to designation of Premises Supervisor where representations made. | | | X | |
| 34.37 | Variation (including removal) to designation of Premises | | | | X |

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| | Supervisor where no representations made. | | | | |
| 34.38 | Application for transfer of Premises Licence/Club Premises Licence where no representations made. | | | | X |
| 34.39 | Application for transfer of Premises Licence/Club Premises Licence where representations made. | | | X | |
| 34.40 | Application for Interim Authority where no representation made. | | | | X |
| 34.41 | Application for Interim Authority where representation made. | | | X | |
| 34.42 | Application for Premises Licence/Club Premises Certificate. | | | | X |
| 34.43 | Application as Licensing Authority to initiate a review of Premises Licence/Club Premises Certificate. | | | | X |
| 34.44 | Decision to object when Licensing Authority is a consultee and not the relevant authority considering the application. | | | X | |
| 34.45 | Determination of representations/service of Counter Notice in relation to Temporary Event Notice. | | | X | |
| 34.46 | Agree Temporary Event notice is not required where modified. | | | | X (in consultation with Chair of Regulatory Committee) |
| 34.47 | Determination of late Temporary Event Notice. | | | | X |
| 34.48 | Determination of minor variation application. | | | | X |

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| 34.49 | Acknowledgement of notices, applications and other documents. | | | | X |
| 34.50 | Authority to enter and/or inspect premises in order to consider activities and compliance with the Licensing Act. | | | | X |
| 34.51 | Determine whether a complaint is irrelevant, frivolous, vexatious etc. | | | | X |
| 34.52 | Determinations of the Licensing Authority as Responsible Authority (in accordance with the Licensing Act). | | | | X |
| 34.53 | In the capacity of Responsible Authority, apply to a relevant Licensing Authority for a review of Premises License or Club Premises Certificate. | | | | X |
| 34.54 | Mediate outcome of Appeal. | | | | X |

Schedule of Other Regulatory Delegations

35. For all delegations in the table below 'X' indicates the lowest level to which decisions can be delegated.

| | Matter to be determined | Cabinet/Full Council | Regulatory Committee | Regulatory Sub-Committee | Director of Resident Services |
|--|---|----------------------|----------------------|--------------------------|-------------------------------|
| Anti-Social Behaviour Crime and Policing Act 2014 | | | | | |
| 35.4 | Power to issue closure notice for up to both 24 hours and 48 hours (as per sections 76 and 77). | | X | | |
| Animal Welfare | | | | | |
| 35.5 | Final approval of policy. | | X | | |

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| 35.6 | Determination of fee amount. | | X | | |
| 35.7 | Applicability of and exemption from fees. | | | | X |
| 35.8 | Animal Boarding Establishments/ Dog Breeding/ Performing Animals/ Pet Shops and Riding Establishments - Grant / Renewal. | | | | X |
| 35.9 | Animal Boarding Establishments/ Dog Breeding/ Performing Animals/ Pet Shops and Riding Establishments - Variation with consent of licence holder. | | | | X |
| 35.10 | Animal Boarding Establishments/ Dog Breeding/ Performing Animals/ Pet Shops and Riding Establishments - Variation without consent of licence holder. | | | | X |
| 35.11 | Animal Boarding Establishments/ Dog Breeding/ Performing Animals/ Pet Shops and Riding Establishments - Variation - where written representations are received. | | | | X |
| 35.12 | Animal Boarding Establishments/ Dog Breeding/ Performing Animals/ Pet Shops and Riding Establishments - Suspension without consent. | | | | X |
| 35.13 | Animal Boarding Establishments/ Dog Breeding/ Performing Animals/Pet Shops and Riding Establishments – Suspension where written representations are received. | | | | X |

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| 35.14 | Animal Boarding Establishments/ Dog Breeding/ Performing Animals/ Pet Shops and Riding Establishments - Revocation of licence. | | | | X |
| Caravans | | | | | |
| 35.15 | Final approval of Policy. | | X | | |
| 35.16 | Determination of fee amount. | | X | | |
| 35.17 | Applicability of and exemption from fees. | | | | X |
| 35.18 | Caravan Sites Grant – Attachment of Model Conditions. | | | | X |
| 35.19 | Caravan Sites Grant – Attachment of Conditions other than all Model Conditions. | | | X | |
| 35.20 | Caravan Sites Grant - On Transfer of Benefit for use of land - model conditions. | | | | X |
| 35.21 | Caravan Sites Grant - On Transfer of Benefit for use of land - other than model conditions. | | | X | |
| 35.22 | Caravan Sites Refusal. | | | X | |
| 35.23 | Caravan Sites Alteration of Conditions - No representations. | | | | X |
| 35.24 | Caravan Sites Alteration of Conditions – Representations. | | | X | |
| 35.25 | Caravan Sites Fit and Proper Person Applications, granted without condition. | | | | X |

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| 35.26 | Caravan Sites Fit and Proper Person Applications, granted with constitution, or refused. | | | X | |
| General Licensing | | | | | |
| 35.27 | Final approval of Policy. | | X | | |
| 35.28 | Determination of fee amount. | | X | | |
| 35.29 | Applicability of and exemption from fees. | | | | X |
| 35.30 | House to House. | | | | X |
| 35.31 | Free Printed Matter – Grant. | | | | X |
| 35.32 | Free Printed Matter – Suspension, Revocation. | | | | X |
| 35.33 | Free Printed Matter – Review of Decision. | | | | X |
| 35.34 | Free Printed Matter – Mediate outcome of Appeal. | | X | | X (in consultation with Chair of Regulatory Committee) |
| 35.35 | Street Collections. | | | | X |
| 35.36 | Registrations - Acupuncture/Tattooing/ Electrolysis/Cosmetic Piercing and Permanent Skin Colouring. | | | | X |
| 35.37 | Hypnotism. | | | | X |
| 35.38 | Hypnotism – review of decisions. | | | | X |
| 35.39 | Marriage Venues. | | | | X |
| 35.40 | Marriage Venues – Appeals. | | | X | |
| 35.41 | “A” Boards, where no representations. | | | | X |

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| 35.42 | "A" Boards, where representations made or where non-compliant policy. | | | X | |
| 35.43 | "A" Boards, appeal. | | | | X |
| 35.44 | Table and Chairs, where no representations. | | | | X |
| 35.45 | Table and Chairs, where representations or where non-complaint with policy. | | | | X |
| 35.46 | Table and Chairs, appeal. | | | | X |
| 35.47 | Goods on the Highway, where no representations. | | | | X |
| 35.48 | Goods on the Highway, where representations made, or where non-complaint with policy. | | | | X |
| 35.49 | Goods on the Highway, appeal. | | | | X |
| 35.50 | Mini Bus Permits. | | | | X |
| 35.51 | Dangerous Wild Animals. | | | | X |
| 35.52 | Dangerous Wild Animals - Grounds for Refusal under the Act - Revocation of Licence. | | | X | |
| 35.53 | Zoos - No representations. | | | | X |
| 35.54 | Zoos - Representations/Review of Licence. | | | X | |
| 35.55 | Pavement Licences - No representations. | | | | X |
| 35.56 | Pavement Licences - Representations/Noncompliant with policy. | | | | X |
| 35.57 | Review of Decision – Refusal | | | | X |

| | to Grant/Revoke Licence | | | | |
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| Hackney Carriage & Private Hire Functions | | | | | |
| 35.58 | Final approval of Policy. | | X | | |
| 35.59 | Determination of fee amount. | | X | | |
| 35.60 | Applicability of and exemption from fees. | | | | X |
| 35.61 | Hackney Carriage/Private Hire Vehicle Driver's Licence - New applications. | | | | X |
| 35.62 | Private Hire Vehicle Operators Licence – New applications. | | | | X |
| 35.63 | Determination of Renewal-Applications Hackney Carriage/Private Hire Vehicle Drivers Licences/Operators Licence. | | | | X |
| 35.64 | Determination of Reviews/Reviews Prior to Renewal – Hackney Carriage/Private Hire Vehicle Drivers/Operators Licence. | | | | X |
| 35.65 | Additional Conditions - Private Hire Vehicle Operators Licence. | | | | X (in consultation with Chair of Regulatory Committee) |
| 35.66 | Additional Hackney Carriage/Private Hire Vehicle Driver's Licence Conditions. | | | | X (in consultation with Chair of Regulatory Committee) |
| 35.67 | New/Renewal Hackney Carriage/Private Hire Vehicle Applications where applicant clear of guidelines. | | | | X |
| 35.68 | New/Renewal Hackney Carriage/Private Hire Vehicle | | | | X |

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| | Applications where applicant not clear of guidelines. | | | | |
| 35.69 | Reviews – Hackney Carriage/Private Hire Vehicle Licence. | | | | X |
| 35.70 | Hackney Carriage Exceptional Condition Criteria. | | | | X |
| 35.71 | Hackney Carriage/Private Hire Fees and Charges. | | X | | |
| | Advertising on/in Hackney Carriages: a. All over b. Tip up seats c. Doors d. Rear Window | | | | X |
| 35.72 | Advertising on/in Private Hire Vehicles: a. Rear Window b. Rear Doors c. Rear Wings | | | | X |
| 35.73 | Private Hire Vehicle Identification Plate – Exemption Policy. | | | | X |
| 35.74 | Limousines/Applications for Private Hire Vehicles. | | | | X |
| 35.75 | Novelty Vehicles Applications for Private Hire Vehicles, Fire Engines etc. | | | | X |
| 35.76 | Approval of Hackney Carriage – Types. | | | | X |
| 35.77 | Approval of Hackney Carriage Fares. | | X | | |
| 35.78 | Digital advertising in Hackney Carriage/Private Hire Vehicles. | | | | X |

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| 35.79 | Hackney Carriage/Private Hire Vehicles – section 68 Notices. | | | | X |
| 35.80 | Suspension/Removal of Suspension for Non-mechanical tests. | | | | X |
| 35.81 | VOSA MOT Testing facilities for Hackney Carriage/Private Hire vehicles – Mechanical Safety checks – Approval. | | | | X |
| 35.83 | VOSA MOT Testing Facilities for Hackney Carriage/Private Hire Vehicles Mechanical Safety checks - Revocation/Attachment of Conditions/Refusal. | | | | X |
| 35.84 | VOSA MOT Testing Facilities for Hackney Carriage/Private Hire Vehicles Mechanical Safety checks - Review of decision. | | | | X |
| 35.85 | Non-Mechanical compliance check of Hackney Carriage and Private Hire Vehicles – Approval. | | | | X |
| 35.86 | Non-Mechanical compliance check of Hackney Carriage and Private Hire Vehicles - Review of Decision. | | | | X |
| 35.87 | Private Hire Vehicle Exceptional Condition Criteria – Approval. | | | | X |
| 35.88 | Private Hire Vehicle Exceptional Condition Criteria - Review of Decision. | | | | X |
| 35.89 | Hackney Carriage Replacement Vehicles – outside existing criteria. | | | | X |

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| 35.90 | Hackney Carriage replacement vehicles – review of Decision | | | | X |
| 35.91 | Investigations into complaints. | | | | X |
| 35.92 | Authorisations of Cautions. | | | | X |
| 35.93 | Authorise prosecutions. | | | | X |
| 35.94 | Investigation of offences under the Town and Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976. | | | | X |
| 35.95 | Authorisation to conduct interviews under Police and Criminal Evidence Act 1984 (PACE). | | | | X |
| Safety of Sport Grounds Act 1975 and Safety of Places of Sports Act 1987 | | | | | |
| 35.96 | Final approval of Policy. | | X | | |
| 35.97 | Determination of fee amount. | | X | | |
| 35.98 | Applicability of and exemption from fees. | | | | X |
| 35.99 | Variation of capacity via prohibition or restriction of all, or part of the stadium amending the safety certificate and replacement of the safety certificate. | | | | X |
| 35.100 | Power of entry to facilitate 'periodic inspection' of the stadium. | | | | X |
| 35.101 | Vice Chair of Safety Advisory Group. | | | | X |
| Scrap Metal | | | | | |
| 35.102 | Final approval of Policy. | X | | | |

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| 35.103 | Determination of fee amount. | | | | X |
| 35.104 | Applicability of and exemption from fees. | | | | X |
| 35.105 | Scrap metal licence, site/collectors applications, where no representations. | | | | X |
| 35.106 | Scrap metal licence, site/collectors applications, where representations. | | | | X |
| 35.107 | Scrap Metal Licence Site/Collectors Refusal. | | | | X |
| 35.108 | Scrap Metal Licence Site/Collectors Review/Revocation. | | | | X |
| 35.109 | Scrap Metal Licence Site/Collectors Variation where no representations. | | | | X |
| 35.110 | Scrap Metal Licence Site/Collectors Variation where representations. | | | | X |
| 35.111 | Scrap Metal Site Issue of Closure Notice - Application to Magistrates for Closure Order / Termination of Order. | | | | X |
| 35.112 | Delegation of decision making functions under the Act. | | | | X |
| Sex Establishments | | | | | |
| 35.113 | Final approval of the Licensing Authority Policy. | | X | | |
| 35.114 | Determination of fee amount. | | X | | |
| 35.115 | Applicability of and exemption from fees. | | | | X |
| 35.116 | Sex Establishment Licence | | | X | |

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| | Shops/Cinema/Sexual Entertainment Venues New Applications. | | | | |
| 35.117 | Sex Establishment Licence Shops/Cinema/ Sexual Entertainment Venues Renewal Applications - No Representations. | | | | X |
| 35.118 | Sex Establishment Licence Shops/Cinema/ Sexual Entertainment Venues Renewal Applications – Representations. | | | X | |
| 35.119 | Sex Establishment Shop/Cinema/ Sexual Entertainment Venues Variation Applications - No representations. | | | | X |
| 35.120 | Sex Establishment Shop/Cinema/ Sexual Entertainment Venues Variation Applications - Representations. | | | X | |
| 35.121 | Sex Establishment Shop/Cinema/ Sexual Entertainment Venues Variation Applications - No representations. | | | | X |
| 35.122 | Sex Establishment Shop/Cinema/ Sexual Entertainment Venues Variation Applications – Representations. | | | X | |
| 35.123 | Sex Establishment Licence Shop/Cinema/Sexual Entertainment Venues Transfer Applications – No representations. | | | | X |
| 35.124 | Sex Establishment Licence Shops/Cinema/ Sexual Entertainment Venues Renewal Applications – | | | X | |

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| | Representations. | | | | |
| 35.125 | Sex Establishment Licence Shops/Cinema/ Sexual Entertainment Venues Renewal Applications – Representations. | | | X | |
| 35.126 | Sex Establishment Shop/Cinema/ Sexual Entertainment Venues Variation Applications - No representations. | | | X | |
| 35.127 | Sex Establishment Shop/Cinema/ Sexual Entertainment Venues Variation Applications – Representations. | | | X | |
| 35.128 | Sex Establishment Licence Shop/Cinema/Sexual Entertainment Venues Transfer Applications – No representations. | | | | X |
| 35.129 | Sex Establishment Shop/Cinema/ Sexual Entertainment Venues Variation Applications - No representations. | | | | X |
| 35.130 | Sex Establishment Licence Shops/Cinema/ Sexual Entertainment Venues Renewal Applications – Representations. | | | X | |
| 35.131 | Sex Establishment Shop/Cinema/ Sexual Entertainment Venues Variation Applications - No representations. | | | | X |
| 35.132 | Sex Establishment Shop/Cinema/ Sexual Entertainment Venues Variation Applications – Representations. | | | X | |

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| 35.133 | Sex Establishment Licence Shop/Cinema/Sexual Entertainment Venues Transfer Applications – No representations. | | | | X |
| 35.134 | Sex Establishment Shop/Cinema/ Sexual Entertainment Venues Variation Applications – Representations. | | | X | |
| 35.134 | Sex Establishment Licence Shops/Cinema/ Sexual Entertainment Venues Renewal Applications – Representations. | | | X | |
| 35.134 | Sex Establishment Shop/Cinema/ Sexual Entertainment Venues Variation Applications - No representations. | | | X | |
| 35.135 | Sex Establishment Shop/Cinema/ Sexual Entertainment Venues Variation Applications – Representations. | | | X | |
| 35.136 | Sex Establishment Licence Shop/Cinema/Sexual Entertainment Venues Transfer Applications – No representations. | | | X | |
| 35.137 | Sex Establishment Licence Shop/Cinema/Sexual Entertainment Venues Transfer Applications – No representations. | | | | X |
| 35.138 | Sex Establishment Licence Shops/Cinema/ Sexual Entertainment Venues Renewal Applications – Representations. | | | X | |
| 35.140 | Sex Establishment Shop/Cinema/ Sexual | | | | X |

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| | Entertainment Venues Variation Applications - No representations. | | | | |
| 35.141 | Sex Establishment Shop/Cinema/ Sexual Entertainment Venues Variation Applications – Representations. | | | X | |
| 35.142 | Sex Establishment Licence Shop/Cinema/Sexual Entertainment Venues Transfer Applications – No representations. | | | | X |
| 35.143 | Sex Establishment Licence Shop/Cinema/Sexual Entertainment Venues Transfer Applications – Representations. | | | X | |
| 35.144 | Revocation of Sex Establishment Licence. | | | X | |
| Street Trading | | | | | |
| 35.145 | Final approval of the Licensing Authority Policy. | | X | | |
| 35.146 | Determination of fee amount. | | X | | |
| 35.147 | Applicability of and exemption from fees. | | | | X |
| 35.148 | Pitches – Create, Relocate or Deletion. | | | | X |
| 35.149 | Pitches – create, relocate, delegation (including review of decision). | | | | X |
| 35.150 | Consents – Grant, renewal, revocation (including review of decision). | | | | X |

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| 35.151 | Private land consents – Grant (including renewal of decision). | | | | X |
| 35.152 | Private land consents – Grant and revocation of grant. | | | | X |
| 35.153 | Temporary/street trading occasional consents. | | | | X |
| 35.154 | Change of Tradeline. | | | | X |
| 35.155 | Transfer of street trading consent subject to consent conditions, and review of decision. | | | | X |
| 35.156 | Street Trading Fees and charges. | | X | | |
| 35.157 | Change of unit design approval, and review of decision. | | | | X |
| Regulation of Investigatory Powers Act 2000 | | | | | |
| 35.161 | Regulation of Investigatory Powers Act (RIPA) 2000 - authorisation to the Magistrates Court under Section 223 Local Government Act 1972. | | | | X |

Schedule of Planning Delegations

36. For all delegations in the table below 'X' indicates the lowest level to which decisions can be delegated.

| | Function | Officer with delegation |
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| 36.1 | Make decisions on any planning application falling within the remit of the Planning Committee except those in respect of applications for planning permission/ listed building consent/works to a protected tree or advertisement consent where: (i) a Councillor requests that an application be referred to Planning Committee | Director of Regeneration |

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| | <p>(ii) the application is submitted by or on behalf of the Council, or includes Council-owned land,</p> <p>(iii) the application relates to a Councillor or Officer of the Council and the application:</p> <p>(a) has been submitted by them or on their behalf; or</p> <p>(b) affects land that they own or occupy; or is one where they have made representations of support or objection and where (in respect of Councillors only) that representation would constitute a personal and prejudicial interest.</p> | |
| <p>36.2</p> | <p>All other functions within the remit of the Planning Committee, (subject to any exceptions or conditions stated below):</p> <p>(a) issue, vary, modify or revoke Tree Preservation Orders;</p> <p>(b) make decisions on the confirmation of Tree Preservation Orders (with or without modifications) except where objections have been received and have not been withdrawn, which are reserved for decision by the Development Management Committee;</p> <p>(c) In consultation with the Chair of the Planning Committee (or in his or her absence, the Vice-Chair of the Committee) to determine any application cases where it would not be reasonably practicable for the matter to be dealt with by the Planning Committee within any period prescribed for Decision</p> <p>(d) The authority to make screening and scoping opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 in connection with prospective or current applications;</p> <p>(e) Authority to exercise the functions of the Council under the Conservation of Habitats and Species Regulations 2010 and 2017, including in relation to appropriate assessments</p> <p>(f) Authority to make decisions on Lawful Development Certificates under Section 191 and Section 192 of the Town and Country Planning Act 1990 (see also powers delegated to the Head of Legal);</p> <p>(g) Authority to respond to consultations and notifications from other local planning authorities;</p> <p>(h) Authority to make immediate Article 4 Directions removing permitted development rights under the Town and Country Planning (General Permitted Development) (England) Order 2015, in cases of urgency</p> <p>(i) Authority to make determinations as to whether prior approval is required under the Town and Country</p> | <p>Director of Regeneration</p> |

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| | <p>Planning (General Permitted Development) (England) Order 2015</p> <p>(j) Authority to stop up or divert a public footpath under Section 257 of the Town and Country Planning Act 1990 or under Sections 118 or 119 of the Highways Act 1980.</p> <p>(k) To reduce the charge for making a public path order by 20% or 40% where it is considered that the charge would otherwise be unreasonably in excess of the actual costs of the City Council.</p> | |
| 36.3 | <p>To submit or determine planning applications:</p> <p>(a) for the development or redevelopment of surplus properties (where Development Briefs or Planning Briefs are not required?) in order to maximise sales potential prior to offering the properties for disposal on the open market.</p> <p>(b) for deemed applications for building works where funding is contained in approved Capital or Revenue budgets.</p> | |
| 36.4 | <p>Generally to issue, serve, vary or withdraw any notice in relation to the Council's functions as a Local Planning Authority including but not limited to :</p> <p>(a) planning contravention notices;</p> <p>(b) breach of condition notices (including extending time for compliance);</p> <p>(c) stop notices and temporary stop notices;</p> <p>(d) enforcement notices in respect of security shutters and grilles, and Article 4 notices prevention of demolition without planning consent.</p> | |
| 36.5 | <p>To prosecute on behalf of the Council as Local Planning Authority offences in connection with:</p> <p>(a) planning contravention notices;</p> <p>(b) breach of condition notices;</p> <p>(c) stop notices and temporary stop notices;</p> <p>(d) enforcement notices;</p> <p>(e) listed buildings and conservation areas;</p> <p>(f) trees and high hedges;</p> <p>(g) advertisements; and</p> <p>(h) proper maintenance of land.</p> | Chief Operating Officer. |
| 36.6 | <p>To prosecute on behalf of the Council as Local Planning Authority offences in connection with:</p> <p>(a) planning contravention notices;</p> <p>(b) breach of condition notices;</p> <p>(c) stop notices and temporary stop notices;</p> <p>(d) enforcement notices;</p> | Chief Operating Officer. |

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| | <p>(e) listed buildings and conservation areas; (f) trees and high hedges; (g) advertisements; and (h) proper maintenance of land.</p> | |
| 36.7 | To appear at Local Inquiries arising under the Town and Country Planning Acts and legislation relating to compulsory purchase. | |
| 36.8 | To determine applications for the disposal of land and in the case of disposals of “open space” land to advertise the intention to do so where the disposal is (a) in compliance with all appropriate City Council policies or guidance; and (b) not the subject of any unresolved public objection or of any unresolved conflicts of advice from other Council Directorates or Committees? | |

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| Appendix 8 | | | | |
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| Name of Authority and Controlling Group | Call-in - who can make the decision to call-in a decision? | Scrutiny - Are substitutions allowed in place of members who are unable to attend? | Council meeting procedure rules - is there a right to reply on questions (as there are on motions, reports and leaders report) | Council meeting procedure rules - questions from members of the public - does the definition include investors who are not residents? Business owners, residents? |
| Birmingham (Labour) | At least two Councillors who are not members of the Executive. The request for call-in should state the reason for the call-in. | Only the Chair can be substituted by the Deputy Chair. No other substitutions are allowed. | Right to reply permitted: - to the mover of a motion. | Referred to as "Citizens" and "Members of the Public", but not defined within Constitution or on website. |
| Coventry (Labour) | Decisions of the Cabinet or Cabinet Member on which information has been issued can be called in by no fewer than three persons comprising | Substitutions allowed for whole or part of a meeting, on 1 hours' notice of the nomination. | Right to reply permitted: - to the Leader on their statement - to a Cabinet member on their | Referred to as "Citizens" and "Members of the Public", but not defined within Constitution or on website. |

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| | <p>Members (or, in respect of Education matters only, Co-opted Members) who are not Cabinet Members. To call-in an item, Members must complete the appropriate form which may be submitted in person, by fax or electronically, or a combination of these, which must include the specific decision being called in, a written reason for the call-in and an indication of whether or not they wish the relevant Cabinet Member(s) to attend Scrutiny Co-ordination Committee when the matter is considered, and submit it to the City Solicitor by</p> | | <p>statements - the mover of a motion - the mover of an amendment</p> | |
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| | no later than 9.00 a.m. on the specified date. | | | |
| Walsall (Conservative) | The Chief Executive shall call-in a decision for scrutiny by the Committee if so requested by the Chairman of a Scrutiny Committee or any 5 Members of the Committee; or Five Members of the Council (not all being Members of the relevant Overview and Scrutiny Committee) may, within the first 4 working days of the period, give notice to the Chief Executive, requesting that he/she invite the Chairman of the Overview and Scrutiny Committee to | Substitutes allowed on for whole of meeting, notice given prior to the meeting. | Right of reply permitted: - to the mover of a motion (unless an amendment has been approved and has become the substantive motion). - to a member on an amendment which has been moved and seconded, if they have spoken on a motion, and the amendment has | Referred to as "Citizens" and "Members of the Public", but not defined within Constitution or on website. |

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| | <p>exercise the powers of call-in for the reasons set out in the request in respect of the decision specified though not yet implemented. If a Chairman declines the request of the Chief Executive to call-in a decision, he/she shall give reasons for that decision to the Members who made the request. In the absence of the Chairman, the Chief Executive shall refer the request to the Vice-Chairman for determination in place of the Chairman.</p> | | <p>been moved and seconded</p> | |
| <p>Dudley (Conservative)</p> | <p>Decisions will come into force, and may be implemented, on the expiry of 5 working days after the publication of the</p> | <p>Substitutes allowed on for whole of meeting, notice given prior to the meeting.</p> | <p>Right of reply permitted: - to the mover of a motion - to the mover of the original</p> | <p>Referred to as "Citizens" and "Members of the Public", but not defined within</p> |

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| | <p>decision, unless a Scrutiny Committee objects and calls it in. During that period, a decision will be called in for scrutiny if a written request is made to the Monitoring Officer by the Chair of any Scrutiny Committee or the required number of voting Members of a Scrutiny Committee. The required number shall be equal to the total number of opposition group Councillors appointed to the Scrutiny Committee concerned</p> | | <p>motion if an amendment is moved</p> | <p>Constitution or on website.</p> |
| <p>Sandwell (Labour)</p> | <p>Any three members of a scrutiny board (including coopted members with voting rights relevant to the subject matter), or six</p> | <p>Substitutes allowed for the whole meeting only in cases where any political group has only one</p> | <p>Right of reply permitted: - to the mover of a motion - to the mover of the original</p> | <p>Referred to as "Citizens" and "Members of the Public", but not defined within</p> |

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| | members of the Council, may refer for scrutiny any key decision made under Part 4 of the Executive Procedure Rules. | representative on a committee. Notice must be given before the meeting. | motion, during debate on an amendment | Constitution or on website. |
| Warwickshire County (Conservative) | The chair of the relevant overview and scrutiny committee or any four members of the council. | Not permitted. | Right of reply permitted: - to the mover of a motion - to the mover of an amendment | "Any member of the public who is resident or working in Warwickshire or whom is in receipt of services from the council may speak at meetings of the council, cabinet or an overview and scrutiny committee... A member of the public for the purposes of this standing order does not include: |

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| | | | | <ul style="list-style-type: none">• any employee of the council in relation to any matter connected with their employment;• any representative of an employee of the council or group of such employees;• any person in a contractual relationship with the council in relation to any matter connected with that contract;• any member of any local authority on a matter concerning that authority;• any person who is an applicant for a consent, |
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| | | | | <p>approval, permission, licence or similar decision given by the council;</p> <ul style="list-style-type: none"> • any person intending to refer to any confidential or exempt matter on the agenda; or <p>Page 144</p> <ul style="list-style-type: none"> • a person who is engaged professionally to speak on behalf of another." |
| <p>Shropshire (Conservative)</p> | <p>Any 12 members, or group leaders (or persons authorised by them), or the Chair of the relevant Scrutiny Committee.</p> | <p>Substitutes allowed for the whole meeting. Notice must be given prior to the meeting starting.</p> | <p>Right of reply permitted:</p> <ul style="list-style-type: none"> - to the mover of a motion - to the mover of the original motion, if an amendment is moved, at the | <p>Referred to as "Citizens" and "Members of the Public". Neither is specifically defined, but in the section on questions by the public there is a</p> |

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| | | | end of the debate on the amendment | statement "The Council has a duty to listen to the concerns of people who live, work and study in Shropshire." It |
| Worcestershire County Council (Conservative) | No fewer than 2 members of the Overview and Scrutiny Performance Board or no fewer than 8 members who are not members of the Cabinet may signify in writing to the Assistant Director for Legal and Governance their wish for a decision to be called in | Not permitted. | Right of reply permitted: - to the mover of a motion - to the mover of the original motion, if an amendment is moved, at the end of the debate on the amendment | Referred to as "Citizens" and "Members of the Public". Neither is specifically defined, but in the section on public participation at meetings, it states "A member of the public for the purposes of this standing order shall not include: · any employee of the Council in relation to any matter connected with his/her employment; |

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| | | | | <ul style="list-style-type: none">· any representative of an employee of the Council or group of such employees;· any person in a contractual relationship with the Council in relation to any matter connected with that contract;· any elected member of any local authority on a matter concerning that local authority, or (unless the Chairman determines otherwise) any person:· (without |
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| | | | | <p>prejudice to 15.5) who is an applicant for a consent, approval, permission, licence or similar decision given by the Council under statute, or · (without prejudice to 15.5) who is an applicant for a consent, approval, permission, licence or similar decision given by the Council under statute, or · who is, referring, or is intending to refer, to any confidential or exempt matter on an</p> |
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| | | | | agenda, or · who is appointed or engaged professionally to speak on behalf of another." |
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| <p>Staffordshire County Council (Conservative)</p> | <p>During the period between the publication and implementation of a decision not less than four voting members of the relevant Scrutiny Committee, eight members of the Council who are not members of the Cabinet or a Group Leader with a group of eight or more members (excluding members of the Cabinet) and who is not a Cabinet Member may call the decision in either in writing or by e-mail. The call in will then be considered at the next meeting of the Corporate Overview and Scrutiny Committee (or the relevant Committee if delegated) and the</p> | <p>Not permitted, except for the role of Chair on its Joint Health Scrutiny Committee, and on Health and Care O&S Committee District/Borough members may appoint substitutes for their co-opted members.</p> | <p>Right of reply permitted: - to the proposer of a motion - to the Leader, following debate of their statement</p> | <p>No right to ask questions by "Citizens" or "Members of the Public".</p> |
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| | <p>decision shall not be implemented until the relevant Committee have dealt with it</p> | | | |
| <p>Telford and Wrekin (Labour)</p> | <p>The request for a call-in must be signed by a minimum of 5 members (or Voting Cooptees) and detail the decision that is being called in and the reasons why it is being called in, having consideration to the Principles of Decision-Making.</p> | <p>Substitutes allowed for the whole meeting. Notice must be given prior to the meeting starting.</p> | <p>Right of reply permitted: - to the proposer of a motion - to the mover of an amendment - to the Leader, after speeches at AGM, Budget Debate and State of the Borough debates</p> | <p>Referred to as "Citizens" and "Members of the Public". Citizen means "everyone who lives and workd in the Borough of Teford & Wrekin".</p> |

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| <p>South Staffordshire District Council (Conservative)</p> | <p>The notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the proposed decision, unless any 2 members object and call it in. Where a member calls in a decision for scrutiny that member shall specify the reason or reasons for requesting consideration by the Overview and Page 54 of 154 Scrutiny Committee. A decision called-in for scrutiny will be referred to the Overview and Scrutiny Committee in the first</p> | <p>Substitutes allowed for the whole of the meeting provided notice has been given at least one hour before the meeting. To be eligible to substitute, members must have received any relevant training.</p> | <p>Right of reply permitted: - to the mover of a motion - to the mover of a motion, on the original motion, if an amendment is moved - to the Leader, once in relation to each item in their report. A further question and response is then permitted</p> | <p>No right to ask questions by "Residents" or "Members of the Public" which are not defined.</p> |
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| | <p>instance save that, in exceptional circumstances and with the approval of the Chairman of the Overview and Scrutiny Committee, the decision may be referred to the Wellbeing Select Committee for consideration. The Monitoring Officer or the Director of Finance may also call-in a matter for scrutiny on the same terms as non-Cabinet members. 19.3 During the call-in period, the Corporate Director of Governance shall call in a decision for scrutiny by the Overview and Scrutiny Committee if so requested in accordance with 19.2</p> | | | |
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| | <p>above, and shall then notify the decision-maker of the call-in. The Corporate Director of Governance shall call a meeting of the Overview and Scrutiny Committee, on such date as he/she may determine, where possible after consultation with the chairman of the committee.</p> | | | |
| <p>Stafford Borough Council (NOC)</p> | <p>During the call in period any Member of the Council may by notice in writing to Head of Law and Administration request that the matter be referred to the appropriate Scrutiny Committee. The notice must state the reason why the Member wishes the matter to be referred and must be</p> | <p>Substitutes allowed for the whole of the meeting provided notice has been given the day before the meeting.</p> | <p>Right of reply permitted: - to the mover of a motion - to the mover of a motion if an amendment is proposed, on that amendment - the mover of an amendment</p> | <p>"Members of the public who are registered electors in the Borough, may ask questions of the Leader or any member of the Cabinet at ordinary meetings of the Council".</p> |

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| | <p>received by the Head of Law and Administration by 5.00pm on the last day of the call in period.</p> <p>(d) If the Head of Law and Administration receives valid notices from three Members of the Council, at least one of whom is a Member of the appropriate Scrutiny Committee, the matter shall be referred to that Scrutiny Committee.</p> | | | |
| <p>Cannock Chase District Council (NOC)</p> | <p>To call-in a decision five Members, of whom two must be members of the relevant Scrutiny Committee and none of whom may be Cabinet Members, must complete and return a form requesting and supporting the request for a decision to be called in, within 5</p> | <p>One substitute for each political group represented on the committee. Substitutes must have relevant training beforehand.</p> | <p>Right to reply permitted:</p> <ul style="list-style-type: none"> - to mover of a motion - to the mover of an amendment, on the amendment | <p>Referred to as "Members of the Public" and "The public" but not defined in constitution or on website. The public may ask questions provided 6 working days notice is given.</p> |

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| | <p>working days after the publication of the decision. (iii) The call-in form should also present a motion which will be proposed at the Scrutiny Committee, and which will contain a request that the decision is referred back to Cabinet or on to Council to be re-considered, and a proposed recommendation to accompany the referral. (iv) The call-in form must also include clear reasons why the motion is being requested. Examples of sound reasons are listed in Section 10 (Decision Making).</p> | | | |
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| <p>Herefordshire Council (NOC)</p> | <p>Any member of the council shall be entitled to give notice to the statutory scrutiny officer if they wish an item relating to a councillor call for action to be included on the agenda for discussion at the next available meeting of the relevant scrutiny committee. 4.5.35 On receipt of such a request and subject to it falling within the statutory definition of a matter that can be the subject of a councillor call for action and it meeting the procedural and other requirements set out in the councillor call for action code (Part 5 section 7) the statutory scrutiny officer shall ensure that it is included on the next</p> | <p>Substitutes allowed for any member.</p> | <p>Right of reply permitted: - proposer of a motion - to debate on amended motion</p> | <p>"Public questions" not defined.</p> |
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Protocol for Full Council Meeting Public questions

Ask a question at a city council meeting

The City of Wolverhampton Full Council meetings includes an allocated time of 15 minutes for members of the public to ask questions to the Council (excluding the budget meeting and Annual General Meeting).

Who may ask questions at Council?

Each member of the public (residents of Wolverhampton) are allowed to ask one oral question per council meeting.

Who must my question be addressed to?

You must address your question to one of the members of the Executive. Each Executive Member holds different portfolios. You can read about the Executive Members and their roles here.

How to submit a question:

To submit a question, it must be submitted in writing in one of the following ways:

- Completing the Online Form below
- Via email to Democratic.Services@wolverhampton.gov.uk
- Or by post in writing to: Chief Operating Officer & Monitoring Officer, City of Wolverhampton Council, Civic Centre, St Peter's Square, Wolverhampton, WV1 1RG

Deadline for submitting a question

The deadline for questions to be submitted to be asked at a Full Council meeting is, no later than noon seven clear working days before the meeting (e.g. Friday for a meeting on the Wednesday – 12 days later) – **e.g Friday 3 June for a meeting on Wednesday 15 June**. If you can give us more notice than this, we can help you to prepare your question as well as offering general advice and information.

If your question has been approved, the question will be read out to the Council meeting by an officer from Democratic Services. (You are welcome to attend the meeting and observe from the public gallery, alternatively you can watch the live stream)

When submitting your question you must give your name, address, and email address. The address must be the address at which you live or your business/work address and be within the City boundary.

Before submitting a question, please note the following:

- We will process your question as set out in the Council's Constitution.
- We will publish your name along with your question.
- By submitting your question, you are indicating your consent for your personal data to be used for this purpose.

- Questions will be taken in the order received, within the time available.
- They will be asked exactly as submitted.
- It is assumed that you wish the question to be answered at the next meeting of the Council unless otherwise stated.

Questions must also fit the following criteria:

- No question must exceed 1 minute (no answer will exceed 2 minutes)
- The question must refer to an issue which affects wards in Wolverhampton or falls within the council's responsibilities.
- The question must not be substantially the same as a question which has been asked at a meeting of the council in the past 6 months
- The question must not be defamatory, frivolous, vexatious or offensive. (It must not insult anyone and must be serious in nature)
- The question must not require the disclosure of confidential or exempt information
- The question must not refer to individual planning or licensing matters, or any matter of a personal nature
- The question must not relate to complaints made under statutory provisions which have not been finally dealt with.
- The question must not be a matter subject to litigation or could place the Council at risk of litigation.

The Monitoring Officer has the power to reject a question if it fails to meet the above criteria.

Order of questions

Questions will be taken in the order received, within the time available. They must be asked exactly as submitted.

How will questions not answered at the meeting be dealt with?

Any question that cannot be dealt with during public question time (either because of lack of time or because of the councillor who is required to answer the question is unable to attend the meeting) will be dealt with by a written reply.

What should I do on the day of the meeting?

Please arrive at least 15 minutes before the start of the meeting so that you can be shown to the public gallery and where you will be invited to present the question from.

You will be sent a copy of the agenda for the meeting about a week in advance. You are welcome to stay for the remainder of the meeting that is open to the public or you may leave after your question has been dealt with.

Will the meeting be recorded or videoed when public questions are asked?

Members of the public or journalists attending any public meetings may record the meeting, including either audio or video recordings. This will include any public questions. The Council cannot prevent the recording taking place so please consider this possibility before submitting your question.

The Council also webcasts the meeting live and a copy is available on the Council's website for up to six months.

How will my question and personal information be recorded

Your name will be included in the agenda pack with your question, which will be publicly available information.

Your name will also be included in the minutes, along with the question asked and who responded.

Your address and contact details will not be given out but will be stored by the Democratic Services Team at the Council for up to one year.

Data Protection

By submitting a question for a meeting, you are giving your consent that your name, address and postal town and any other personal details will only be used by the Democratic Services Team to process a question you have asked and shall appear in the minutes of the meeting. This is under the General Data Protection Regulation (GDPR).

You are not obliged either by statute or by contract to provide your contact details, but we will be unable to process your question without them.

If you submit a question, we will email you the updates and responses relating to that question only. For more information, please refer to our [detailed privacy notice](#).

All other information you provide will only be shared with Democratic Services staff dealing with the Committee. Following the approval of the minutes, any additional information - other than your name and postal address - will be destroyed.

The Data Controller is The City of Wolverhampton Council, and its Data Protection Officer is Anna Zollino-Biscotti who can be contacted at dpo@wolverhampton.gov.uk.

Please note that if you are unhappy with the handling of your data you have the right to complain to the [Information Commissioners Office](#).

Question Submission Form

- Full Name
- Address

Appendix 9

- Place of work/study if you live outside of Wolverhampton
- Email Address
- Date of the meeting at which you wish your question to be asked
- Question
- Who is the question submitted to?
- Submit

Future Meetings

Members of the public are welcome to attend the meeting to observe proceedings online via the webcast where you will be able to watch questions submitted by the public. You can find a list of upcoming full council meetings, as well as questions and responses from previous meetings, on our [City of Wolverhampton Council meetings page](#).

Contact details for Democratic Services

You can contact the Democratic Services Team if you would like to discuss submitting questions to the Council by:

Email: Democratic.Services@wolverhampton.gov.uk

Democratic Services,

City of Wolverhampton Council,

Civic Centre,

St Peter's Square,

Wolverhampton,

WV1 1RG

Briefing Note

Title: DBS Process for Councillors

Date: 12 October 2023

Prepared by: Laura Gittos and Tim Clark

Job Title: Head of Governance and Civic Support Manager

Intended

Audience:

Internal

Partner organisation

Public

Confidential

1.0 Purpose

1.1 To provide an overview of the current Disclosure and Barring Service (DBS) process set out in law by the Government and detail if any lobbying of Government has taken place by the LGA or other Council's in England.

2.0 Background

2.1 A basic DBS check is a criminal record check that you can request for yourself. You may also be asked to request a basic check by your employer, guidance is held online here: [Basic DBS checks: guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/basic-dbs-checks)

2.2 The DBS was established to provide a standardised delivery of information on criminal records and provides a carefully regulated service which enables organisations to gain access to important criminal and other information for selection purposes. This information helps organisations to identify elected members who may be unsuitable for certain kinds of work, thus providing protection for children and vulnerable people.

2.3 The Council uses the DBS to obtain information about elected members to assess their suitability for being an elected member of the Council. The Council complies fully with the DBS Code of Practice and does not discriminate unfairly against any individual on the basis of a conviction, or any other information revealed as a result of a DBS disclosure. The DBS Code of Practice can be found here: <https://www.gov.uk/government/publications/dbs-code-of-practice>

2.4 The Council uses the DBS checking service to help to assess the suitability of elected members for positions of trust, the Council complies fully with the DBS Code of Practice. It also complies fully with its obligations under the General Data Protection Regulation (GDPR), Data Protection Act 2018 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information and has a written policy on these matters, which is available to those wishing to see it on request.

2.5 At a recent meeting of the Governance and Ethics Committee (5 October 2023), Councillors felt that the DBS check should be at the enhanced level for all and asked that Officers review and write to the Government to lobby for change. Requiring all

councillors to have an enhanced DBS check would need a change in the law as currently a councillor is not required to have any DBS check.

3.0 Eligibility to ask for an enhanced check

3.1 There are 4 types of DBS check – basic, standard and two types of enhanced checks. Standard and enhanced checks can only be carried out for certain roles, or roles that include certain activities. The Council may want to carry out enhanced checks and to help it determine whether or not it is able to, it will be necessary to consider **The Police Act 1997 (Criminal Records) Regulations 2002, regulation 5A**, which sets out the circumstances in which this is possible.

The regulations make clear that a request can be made for the purposes of these three categories only:

- (a) considering the applicants' suitability for Working with children, or
- (b) considering the applicant's suitability for working with adults, or
- (c) various miscellaneous roles.

3.2 The regulations explain in more detail the type of activity which comes under each category, but this part is very lengthy and this is where you are better to refer to the eligibility guides.

In short:

- in relation to children this can include various activities relating to childminding, social work, further education, and working in certain households. It also includes regulated activity with children which is defined here: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/550197/Regulated_activity_in_relation_to_children.pdf
- in relation to adults, a member would need to be in contact with certain adults (including within various defined settings) a number of times per month to provide treatment or activity, or to provide day to day supervision or management of a such a person. This can include undertaking regulated activity with vulnerable adult which has its own definition and which is explained here: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/216900/Regulated-Activity-Adults-Dec-2012.pdf
- in relation to the various miscellaneous roles listed, the work undertaken by members is not included.

4.0 DBS Requirements for Councillors at the Council and The Police Act 1997, Section 113B

4.1 City of Wolverhampton Council has a policy that all of its councillors require as a minimum a standard DBS check and, as per what the law currently allows, an enhanced check is required for the small number of councillors whose roles as assigned to them by the local authority put them in regular contact with children or vulnerable adults such as the Cabinet Members for Children and Young People or Adults and Wellbeing. It would currently be illegal for the council to insist that a

councillor requires an enhanced DBS check if their council role does not put them in regular contact with children or young people.

4.2 **The Police Act 1997 section 113B** states that the Secretary of State must issue an enhanced criminal records certificate to any individual who makes an application. The application “*must be accompanied by a statement by the registered person [the Council in this case] that [they are entitled to request it, as the purpose for which it is needed qualifies for an enhanced check]*”

4.3 As mentioned, those undertaking a DBS check on relevant persons can only request a check on an individual they are legally allowed to do so. The **Police Act 1997 section 123** states that:

“(2) A person commits an offence if he knowingly makes a false statement for the purpose of obtaining, or enabling another person to obtain, a certificate under this Part.

(3) A person who is guilty of an offence under this section shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale, or to both.”

4.4 So, if you made an application for a member even though their work does not qualify them for an Enhanced certificate, you would be committing an offence.

5.0 Information on Lobbying and other Councils

5.1 As part of the Government’s strategy to tackle violence against women and girls, the Home Office commissioned the National Police Chiefs’ Council lead for child protection and abuse investigation, Simon Bailey, to carry out a review of the effectiveness of the DBS regime.

5.2 The review identified several areas where the regime could be strengthened, and made nine recommendations. After consulting with officials from the Department for Levelling Up, Housing and Communities (DLUHC), Simon Bailey found that there is “no uniformity of practice” among councils in relation to obtaining criminal record checks for safeguarding purposes.

5.3 He said it appears that some councils obtain enhanced criminal record checks for all elected members, while others obtain the checks in respect of councillors prior to their appointment “to any committee involved in decisions on the provisions of children’s services or services for vulnerable adults”, to assess their suitability for involvement in those decisions.

5.4 He added: “It appears that there are some councils which do not obtain DBS checks at all”, noting that the lack of uniformity in approach is “in need of correction”.

5.5 In the report’s fifth recommendation, Mr Bailey suggested that an enhanced criminal record check is made mandatory for all councillors in Unitary and Upper Tier Authorities who are being considered for appointment to any committee involved in decisions on the provisions of children’s services or services for vulnerable adults.

5.6 In March 2023, Sandwell Council agreed on the principle that all councillors should be eligible for an enhanced DBS check, which would provide further reassurance to

the public and a motion was passed that the Leader of the Council, with cross-party support, would write to the Minister for Safeguarding to consider the role of a Local Councillor as automatic qualification for Enhanced Checks.

5.7 In April 2023, as reported by the [Manchester Evening News](#), the Leader of Wigan Council informed a meeting of the Full Council that he had requested their Chief Executive write to Government requested a change in the law to require all councillors to be subject to an enhanced DBS check to be able to hold office.

6.0 Other Legislation for Elected Officials in Public Office

6.1 There are other rules in place already to ensure the wrong people don't get into public office. The Local Government Act 1972 states that people convicted of a crime who receive a prison sentence (or a suspended sentence) of three months or more in the five years before election day are unable to stand in the election.

6.2 On top of this, candidates for local elections must sign declarations stating they aren't disqualified from standing in the election under Section 80 of the Local Government Act 1972. Relevant disqualifications are:

- *You have been sentenced to a term of imprisonment of three months or more (including a suspended sentence), without the option of a fine, during the five years before polling day.*
- *You have been disqualified under the Representation of the People Act 1983 (which covers corrupt or illegal electoral practices and offences relating to donations) or under the Audit Commission Act 1998.*

6.3 The Local Government Disqualification Act updates the disqualification criteria for local authority members (councillors, mayors of combined authorities, the mayor of London and London assembly members) to explicitly disqualify individuals who are subject to relevant notification requirements or orders due to sexual offences from standing for or remaining in office. The Act applies to certain positions in local government in England and came into force on 28 June 2022. Details can be found here on the LGA website: [Get in on the Act: The Local Government \(Disqualification\) Act 2022 | Local Government Association](#)

7.0 Letter to the Home Secretary

7.1 The last meeting of Governance and Ethics Committee asked for a draft letter to be prepared (see below). Should the committee agree to send the letter this would be sent from the Cabinet Member for Governance and Equalities.

'Dear Home Secretary,

I am astonished that there is no legal requirement for elected councillors to require a Disclosure and Barring Service (DBS) check. Local councillors are at the centre of their local communities and encounter all types of people, including vulnerable young people and adults, each and every day.

Despite this fact, the law as it stands makes no provision for councillors to require even the most basic DBS check to carry out their roles. As the Cabinet Member for Governance and Equalities at City of Wolverhampton Council, I believe that the law needs to change urgently, not only to require a DBS check for all councillors, but that this check must be at the enhanced level.

An enhanced check means that not only unspent and relevant spent convictions would be disclosed to the authority, but also any additional relevant information which the police considered may indicate that the person could be a potential risk to children or vulnerable adults.

I think the public would be rightly concerned to learn that local councillors are going about their business, which could put them in direct contact with children and vulnerable adults, without necessarily having passed any sort of DBS check. There will be assumption from the public that elected councillors are figures who they can trust and without a requirement for an enhanced DBS check how could anyone have that reassurance?

City of Wolverhampton Council has a policy that all of its councillors require as a minimum a standard DBS check and, as per what the law currently allows, an enhanced check is required for the small number of councillors whose roles as assigned to them by the local authority put them in regular contact with children or vulnerable adults such as the Cabinet Members for Children and Young People or Adults and Wellbeing.

It would currently be illegal for the council to insist that a councillor requires an enhanced DBS check if their council role does not put them in regular contact with children or young people. However, this is where our issue lies. Just because the council has not given them such a role, it is simply wrong to think that they will not come into regular contact with such people by virtue of the role that society gives them.

Councillors get invited into people's homes, we meet the public at surgeries, we are recognised and people come up to speak to us on the street, we are invited to places of worship, community events – the list is endless. It does not bear thinking about that someone whom the police had grounds to think might be a risk to vulnerable people was having direct contact with the public and nobody was aware of any danger posed by them because no enhanced DBS had ever been carried out. The public must be able to hold their local representatives in high regard and esteem. Knowing that every elected councillor has passed an enhanced DBS check would provide a greater level of assurance than currently exists. Nobody is naive enough to think that having a valid DBS check is a panacea resulting in no harm ever coming to a child or vulnerable adult, however it is surely an effective tool in vetting the type of person who can become a local representative.

I know that we are not the first local authority to raise this issue with you and I am happy to add my voice to calls to change the law to require all local politicians to undergo an enhanced DBS check. The law as it stands does not recognise or appreciate the role that councillors have in their communities and this has to change in order to protect children and vulnerable adults.

*Cllr Paula Brookfield
Cabinet Member for Governance and Equalities
City of Wolverhampton Council'*

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